
ARTICLE 55

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ARTICLE 55

TEXT OF ARTICLE 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

(a) Higher standards of living, full employment and conditions of economic and social progress and development;

(b) Solutions of international economic, social, health and related problems; and international cultural and educational cooperation;

(c) Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

INTRODUCTORY NOTE

1. The presentation and organization of the material in this study generally follow the pattern established in the previous studies of Article 55 of the *Repertory* and its *Supplements*. As in the previous *Supplements*, the material is divided into two parts: one dealing with economic and social matters and the other with human rights. Each part is divided into a general survey and an analytical summary of practice. The general survey affords a broad view of the activities of the United Nations in those fields consonant with the words "shall promote" in Article 55. However, with regard to the general survey for part I, the reader will note that the topic headings in the present *Supplement* have been changed and the overall approach amended to focus less on the individual fields of Article 55 (a) and (b) and more on the role of the principal organs in carrying out the mandate under that portion of the Article. Consonant with the approach taken in recent *Supplements*, the analytical summary for part I provides an understanding of the functional role of the General Assembly, Economic and Social Council and Secretary-General in respect of several agenda items relevant to promoting the goals of Article 55 (a) and (b). An account of the ways and means used by the United Nations to achieve the purposes of Article 55 through the exercise of specified functions and powers of the General Assembly and the Economic and Social Council is contained in the present *Supplement* in the studies on the Articles which set forth those functions and powers.

2. As in the previous studies, the question of the scope given to the objectives of the United Nations in the economic, social and human rights fields as set forth in paragraphs (a), (b) and (c) of Article 55 in the Preamble and certain other Articles of the Charter of the United Nations is dealt with in the present *Supplement* solely in the study of a single Article, namely Article 55.¹

¹ See *Repertory*, under Article 55, para. 4 and related table.

I. ECONOMIC AND SOCIAL FIELDS

A. General survey

1. PROMOTION OF THE GOALS OF ARTICLE 55 (A) AND (B)

3. During the period under review, few decisions referred directly to Article 55 (a) and (b), although the decisions of the principal organs made frequent reference to the responsibility of the Organization under that Article. During that period, there was no significant constitutional discussion regarding interpretation of the provisions contained in Article 55 (a) or (b). Nevertheless, in the Agenda for Development adopted by the General Assembly at its fifty-first session, development was identified as one of the main priorities of the Organization.² As had been the case in the past, typically the decisions of the principal organs have dealt with the terms “full employment”, “higher standards of living” and “economic and social progress” under the overall rubric of socioeconomic development and sustainable development. However, the principal organs have not attempted to define formally “economic and social progress and development”. One notable exception is the treatment of full employment within the Agenda for Development, adopted by the General Assembly in its resolution 51/240:

Creating adequately and appropriately remunerated employment for all and reducing unemployment and underemployment are essential for combating poverty and for promoting social integration.

104. Pursuing the goal of full employment should be a basic priority of economic and social policies, so as to enable all men and women to attain secure and sustainable livelihoods through freely chosen productive employment and work....

105. Economic growth as well as the expansion of productive employment should go hand in hand. The expansion of adequately and appropriately remunerated employment and the reduction of unemployment should be placed at the centre of economic and social policies with the participation of employers, workers and their respective organizations. The basic rights and interests of workers and the quality of jobs should be ensured and the relevant conventions of the International

Labour Organization should be fully respected. Also essential is ensuring equal employment opportunities for women and men. Special efforts should be made against long-term and structural unemployment and underemployment, particularly among youth and women. In employment creation, employment development strategies should take into account the role of self-employment, entrepreneurship, small and medium-sized enterprises and the informal sector.

4. In addition, the 1995 Copenhagen Declaration on Social Development and Programme of Action adopted at the World Summit for Social Development furthered the objectives of Article 55 in terms of commitment at the national and international levels towards the goals of full employment as a basic priority of economic and social policies, and of enabling all men and women to attain secure and sustainable livelihoods through freely chosen productive employment and work.³ The Programme of Action set out a number of actions to be taken at the national and international levels in pursuit of those goals.⁴ By the same token, the General Assembly continued to adopt decisions with regard to developing human resources for development, reaffirmed that people were central to all development-related activities and that human resources development was an essential means for achieving sustainable development goals.⁵

5. The meaning of the terms “higher standards of living” and “economic and social progress” can be gleaned from the decisions of the principal organs framing the scope of economic and social development. In this regard, the General Assembly and the Economic and Social Council stressed the interdependent nature of economic and social development with a number of other fields. In particular, the Assembly continued to recognize economic and social development along with environmental protection as “mutually reinforcing components of sustainable development, which is the framework for efforts to achieve a higher quality of life

² G A resolution 51/240, annex, para. 1.

³ A/CONF.166/9, annex I, sect. C, commitment 3. See also United Nations publication, Sales No. E.96.IV.8, chap. I, resolution 1, annexes I and II.

⁴ Ibid., annex II, chap. III.

⁵ G A resolution 50/105.

for all people ...”.⁶ With regard to “social development”, under the Programme of Action of the World Summit for Social Development that term was encompassed by the expression “social integration”.⁷ The aim of such integration is to create “a society for all”, in which every individual, each with rights and responsibilities, has an active role to play; it is based on respect for all human rights and fundamental freedoms, cultural and religious diversity, social justice and the special needs of vulnerable and disadvantaged groups, democratic participation and the rule of law. The Programme of Action elaborates on the process involved in a number of aspects, including continuation of the ongoing process of decolonization; elimination of apartheid; spread of democracy; wider recognition of the need to respect human dignity, all human rights and fundamental freedoms and cultural diversity; the unacceptability of discrimination; increasing recognition of the unique concerns of indigenous people in the world; an expanded notion of collective responsibility for all members of a society; expanded economic and educational opportunities and globalization of communications; and greater possibilities for social mobility, choice and autonomy of action.⁸

6. The Declaration and Programme of Action on a Culture of Peace, adopted by the General Assembly at its fifty-third session, defined such a culture as “a set of values, attitudes, traditions and modes of behaviour and ways of life based on”, inter alia, “efforts to meet the developmental and environmental needs of present and future generations”,⁹ and “respect for and promotion of the right to development”.¹⁰ The Agenda for Development reflected that dimension as follows: “Peace and development are closely interrelated and mutually supportive.... Development is indispensable to the achievement and maintenance of peace and security both within and among nations. Without development there can be neither peace nor security.” Moreover, “[d]evelopment cannot be attained in the absence of peace and security or in the absence of respect for all human rights and fundamental freedoms.

Under conditions of war, and during periods of short-term emergencies and humanitarian needs, development efforts are often neglected, diminished or abandoned. Excessive military expenditures, arms trade and investment for the production, acquisition and stockpiling of arms have a negative impact on development prospects”.¹¹ The Assembly noted the links under certain circumstances between poverty and the increase in the illicit production of and trafficking in narcotic drugs and psychotropic substances.¹² It recognized from an analytical and operational point of view the importance of identifying the existing linkages among the social, economic, political and cultural factors related to international migration and development, and of taking appropriate steps to intensify the analysis of the issues involved.¹³

7. In the light of the interdependent nature implied in sustainable development, the principal organs continued to call for an integrated approach not only to conceptualizing economic and social problems, but also to formulating and implementing solutions to those problems.

8. The Agenda for Development identified the growth and expansion of the United Nations system in the economic, social and related sectors over the previous 50 years.¹⁴ In a number of instances, the principal organs continued to reaffirm the purposes and the commitment contained in the Charter of the United Nations with respect to Article 55.¹⁵ The Assembly also reaffirmed the central role of the Organization in promoting international cooperation for development and in providing guidance on global development issues, including in the context of globalization and interdependence. Further it emphasized the key role of the United Nations system in fostering greater coherence, complementarity and coordination in economic and development issues at the global level.¹⁶

9. The roles of the respective organs in promoting the goals of Article 55 (a) and (b) remained generally the same during the period under review, although on numerous instances, such as, for example, within the context of the Agenda for Development,¹⁷ the

⁶ G A resolution 50/107. This view was reflected subsequently in the Copenhagen Declaration on Social Development adopted at the World Summit for Social Development. See also A/CONF.166/9, annex I, para. 6.

⁷ A/CONF.166/9, annex II, intro.

⁸ Ibid., chap. IV, paras. 66-70.

⁹ G A resolution 53/243 A, art. 1 (e).

¹⁰ Ibid., art. 1 (f).

¹¹ G A resolution 51/240, annex, paras. 3 and 4.

¹² G A resolution 53/115.

¹³ G A resolution 50/123.

¹⁴ G A resolution 51/240, para. 241.

¹⁵ See, e.g., G A resolutions 51/78, 51/99 and 54/175.

¹⁶ G A resolutions 53/169 and 54/231.

¹⁷ G A resolution 51/240, sect. III, B.

Organization looked to the need for enhancing its role and effectiveness in the economic and social sectors. In accordance with those roles under the Charter of the United Nations, the General Assembly continued to carry out its functions in policy formulation, while the Economic and Social Council continued to furnish overall policy management and guidance, as well as oversight of coordination throughout the United Nations system.¹⁸

10. Changes in the application of Article 55 (a) and (b) during the period under review emerged from the changing international environment. In his report dated 14 July 1997 on "Renewing the United Nations: A Programme for Reform", the Secretary-General recognized that:

[t]he nature of development has changed dramatically and is now characterized by greater political and economic openness as well as sensitivity to social and environmental concerns. Import substitution and barriers to trade are being replaced by export-orientation and the elimination of trade distortions. This has resulted in a dramatic increase in private sector capital flows, which have now become the primary engine for development in many countries that possess the requisite institutional base. The majority of developing countries, however, continue to have very limited access to private capital and depend on a diminishing pool of official development assistance (ODA) while struggling with problems of poverty, low levels of social development, environmental degradation and, in some cases, political instability....

147. The demands on the United Nations have expanded over time and are reflected in the mandates emanating from global conferences. Economic, environmental, social, and political changes have added further priorities for development assistance, particularly in managing the effects of economic and political transition, ensuring sustainable livelihoods, reversing trends such as the feminization of poverty and redressing threats to the environment.¹⁹

11. In that context, the General Assembly, at its fifty-third session, welcomed the fact that many countries

¹⁸ See G A resolution 51/191 and E S C resolution 1997/60.

continued to attach major importance to the privatization of enterprises, demonopolization and administrative deregulation in the context of their economic restructuring policies, as means to increase efficiency, economic growth and sustainable development. It further recognized the importance of markets and the private sector for the efficient functioning of economies in various stages of development, as well as the sovereign right of each State to decide on the development of its private and public sectors, taking into account the comparative advantages of each sector, and bearing in mind the economic, social and cultural diversity in the world.

12. One of the principal roles of the Organization in the fields covered by Article 55 continued to lie in building international consensus and commitments on global priorities through, inter alia, various international conferences on international economic, social and related issues, which is one of the most important functions of the United Nations system. The principal organs sought to strengthen international economic relations generally, broadening and strengthening the participation of developing countries in the international economic decision-making process and supporting measures to create a favourable international economic environment.²⁰ For example, during the period under review the General Assembly and the Economic and Social Council sought to create such an environment through promotion, inter alia, of cooperation in the formulation and implementation of macroeconomic policies, trade liberalization, mobilization and/or provision of new and additional financial resources, and enhanced financial stability, that would ensure the access of developing countries to global markets and productive investments and technologies.²¹

13. In strengthening international economic relations, the concept of the creation of partnerships became more pronounced during the review period. The Agenda for Development contains recommendations for promoting the use of panel discussions with delegations and interactive debates, with the active participation of Secretariat and agency representatives, as well as outside experts, as innovative mechanisms in the strengthening and revitalization of the General

¹⁹ A/51/950, paras. 146 and 147.

²⁰ See, e.g., G A resolution 50/91 and E S C resolution 1995/14.

²¹ G A resolution 50/107.

Assembly.²² At its fifty-third session, the Assembly, in reaffirming the continuing need to strengthen constructive dialogue to promote further international economic cooperation for development through partnership, expressed satisfaction at the holding of the first high-level dialogue of the Assembly on the social and economic impact of globalization and interdependence and their policy implications. The dialogue included the use of panels which were not part of the formal proceedings and round-table discussions which promoted interactive dialogue. The Assembly subsequently decided to hold biennially a renewal of the high-level dialogue on that topic.²³ In the same context, during the period under review the principal organs adopted decisions with regard to strengthening the partnership between the United Nations and the Bretton Woods institutions at the intergovernmental, country and Secretariat levels, including the holding of a “one-day” policy dialogue established by the Council, which brought together the executive heads of the World Bank, International Monetary Fund (IMF), World Trade Organization (WTO) and United Nations Conference on Trade and Development (UNCTAD) for a dialogue with the membership of the Organization. In addition, the principal organs promoted dialogue through the organization of panels, workshops and regional meetings.²⁴

14. It will also be recalled that in the past the United Nations had served as a catalyst to focus the efforts of a number of actors not only within the United Nations system but also at the national, regional and international levels, encompassing the fostering of partnerships between, for example, Member States and the United Nations system, the private sector,²⁵ local

communities, non-governmental organizations and civil society.²⁶ During the period under review, the United Nations emphasized the effective contribution which civil society could make in addressing particular economic and social problems.²⁷ In that regard, the Secretary-General in his 1997 report entitled “Renewing the United Nations: A Programme for Reform” stated:

208. The emergence — or, in several parts of the world, the re-emergence — of civil society is linked to two interlocking processes: the quest for a more democratic, transparent, accountable and enabling governance and the increasing preponderance of market-based approaches to national and global economic management, which have resulted in redefining the role of the State and vested new and broader responsibilities in market and civil society actors in the pursuit of growth and well-being. In this overall context, a vibrant civil society is critical to processes of democratization and empowerment....

210. Over the past two decades, issues such as people-centred sustainable development, environmental protection, gender equality and rights of indigenous people have been prominent on the international agenda with the

the United Nations and the organizations of the United Nations system with the business community. The impact of the private sector, in both developing and developed countries, is of growing importance, and it would be timely to develop better means of consultation between the United Nations and the business community. Such consultations would enable the concerns and interests of both sides to be more fully understood. The International Chamber of Commerce and the World Economic Forum have both taken the initiative to establish mechanisms for this purpose and encourage their use by other members of the United Nations family. The Secretary-General plans to utilize these mechanisms” (A/51/950, para. 214).

²⁶ See, e.g., G A resolutions 51/59, 52/182, 52/209 and 54/175 and E S C resolution 1997/61.

²⁷ The scope of the term “civil society” seems to be defined broadly in the resolutions of the principal organs to include non-governmental organizations, businesses and corporations. See, e.g., G A resolutions 50/107, 52/80, 53/115 and 53/183. In one instance, the Assembly recognized the role of civil society, “including non-governmental organizations and the private sector, in the implementation of the right to development ...” (G A resolution 54/175).

²² G A resolution 51/240, para. 247.

²³ G A resolution 53/181.

²⁴ See, e.g., E S C resolution 1995/4.

²⁵ It will be recalled that the organization had placed increased emphasis on the role of the private sector and entrepreneurship in the promotion of development. During the period under review, the principal organs continued to recognize the role of the private sector, particularly in the areas of science and technology for development (G A resolution 52/184) and the need to increase private-sector involvement in the provision of infrastructure services, inter alia, through joint ventures between public and private entities, while protecting essential services and safeguarding the environment (G A resolution 50/106). As the Secretary-General stated, “[o]f particular importance is the relationship of

encouragement and advocacy of non-State actors. Public participation in world events, especially the major conferences convened by the United Nations in the 1990s, has acquired true meaning, with tens of thousands of organizations from around the world being involved, from the local to the global level, in the identification of priorities and issues and avenues for addressing them....

212. Virtually no area of United Nations involvement, at either the policy or operational level, has been left unchanged by this process. Overall, civil society's increasing influence is contributing to a process of enlargement of international cooperation and spurring the United Nations system and other intergovernmental structures towards greater transparency and accountability and closer linkages between national and international levels of decision-making and implementing.²⁸

15. An increase in the importance of non-State actors in the work of the United Nations became particularly evident in view of the increase in the participation of non-governmental organizations over past decades:

The statistics relating to the number of non-governmental organizations granted consultative status by the Economic and Social Council are equally telling: 41 in 1948; 377 in 1968; and over 1,200 at present. At the operational level, the relationship between non-State actors and United Nations funds and programmes with operational responsibilities, such as UNICEF, UNHCR, UNFPA and WFP, has evolved significantly in the last two decades and important networks of contacts have been established. The operational competence, flexibility and knowledge of local conditions of non-governmental organizations, as well as complementary resources which they themselves bring to humanitarian programmes, make non-governmental organizations key operational partners and implementing agents.²⁹ ...

16. The focus on non-State actors was evident in another continuing trend during the period under review, namely the use of panels and workshops by the Organization to bring together a variety of actors to

²⁸ A/51/950, paras. 208, 210 and 212.

address economic and social issues. For example, pursuant to requests by the Economic and Social Council³⁰ for opening the debates of the Commission for Social Development to experts and the main actors of civil society, the Secretariat, in preparing for the 1998 session of that Commission, organized in the previous year two workshops in which independent experts from all regions and observers from the United Nations system and civil society participated.³¹

17. As in the past, the decisions of the principal organs with regard to the fields of Article 55 (a) and (b) continued to present an assessment of the international community on the state of international economic and social development and identify problems therein. For example, the principal organs identified the seriousness of problems posed by corruption in respect of its ability to endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development.³² The Assembly pointed out the decline in real terms in the overall level of official development assistance for developing countries.³³ In its resolution 51/64, the General Assembly expressed concern at the global expansion of the demand for, production of and trafficking in illicit narcotic drugs and psychotropic substances and the growing violence and economic power of criminal organizations and terrorist groups engaged in drug trafficking and other criminal activities.³⁴ The Assembly noted the continuing debt and debt-servicing problems of indebted developing countries.³⁵ The Economic and Social Council expressed concern over the large numbers of children who had become disabled physically or mentally, or both, as a consequence, inter alia, of poverty, disease, disasters, land mines and all forms of violence.³⁶

18. As in the past, the United Nations served as a forum for the initiation, development and/or promotion of a number of instruments aimed at achieving consensus in a number of areas, normally elaborated by its subsidiary bodies, within the framework of a United

²⁹ A/51/950, para. 211.

³⁰ See E S C resolutions 1995/60 and 1996/7.

³¹ See E/CN.5/1998/4 and E/CN.5/1998/5.

³² G A resolution 51/59 and E S C resolution 1995/14.

³³ G A resolution 50/91.

³⁴ See also G A resolution 52/92.

³⁵ Ibid.

³⁶ E S C resolution 1997/20.

Nations conference, or by intergovernmental meetings held outside the rubric of the Organization. Instruments, declarations, guidelines and the like were usually adopted or endorsed by the principal organs, in particular by the General Assembly. These included the Agenda for Development,³⁷ the Declaration of Intent on Gender, Science and Technology for Sustainable Human Development,³⁸ the Copenhagen Declaration on Social Development and Programme of Action adopted at the World Summit for Social Development,³⁹ the United Nations Declaration on Crime and Public Security,⁴⁰ the Brussels Declaration and the Programme of Action for the Least Developed Countries for the Decade 2001-2010,⁴¹ the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,⁴² the Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and Their Precursors⁴³ and the Washington Declaration on Protection of the Marine Environment from Land-based Activities.⁴⁴ At the end of the period under review, the Assembly decided to refer the draft United Nations millennium declaration to the Millennium Summit of the United Nations, to be held from 6 to 8 September 2000, for its consideration.⁴⁵

19. Many of those declarations and documents arose from the work of conferences convened by the General Assembly. In one instance, in recalling its resolution [47/188](#) by which it had decided to establish the Intergovernmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, it welcomed the signing by a large number of States of the United Nations Convention to Combat Desertification.⁴⁶ The principal organs also took note of or adopted the Programme of Action that had been

adopted by the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States,⁴⁷ the World Food Summit Plan of Action⁴⁸ and the Istanbul Declaration on Human Settlements and the Habitat Agenda adopted by the second United Nations Conference on Human Settlements (Habitat II).⁴⁹ The principal organs also worked to elaborate a number of guideline instruments, such as the International Code of Conduct for Public Officials,⁵⁰ the Action Plan for the Implementation of the Declaration on the Guiding Principles of Drug Demand Reduction,⁵¹ and the Guidelines for Action on Children in the Criminal Justice System.⁵²

20. Other consensus documents relate to the development of a harmonized system of classification and labelling of chemicals for implementing chapter 19 of Agenda 21⁵³ and of globally harmonized criteria for the classification of flammable, explosive and reactive materials,⁵⁴ the elements of responsible crime prevention: standards and norms⁵⁵ and the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice.⁵⁶ At its 1999 session, the Economic and Social Council requested the Commission on Human Rights to consider the desirability of formulating United Nations standards in the field of mediation and restorative justice, which are intended to ensure fairness in the resolution of minor offences.⁵⁷ Also during the period under review, the Assembly and the Council requested that their subsidiary bodies examine the question of elaborating a comprehensive international convention against transnational organized crime, to discuss the elaboration, as appropriate, of international instruments addressing trafficking in women and children,

³⁷ G A resolution 51/240.

³⁸ E S C resolution 1995/4 and annex.

³⁹ G A resolution 50/161.

⁴⁰ G A resolution 51/60.

⁴¹ G A resolution 55/279.

⁴² G A resolution 51/189 (on the recommendation of E S C resolution 1996/1).

⁴³ E S C resolution 1997/39, annex.

⁴⁴ G A resolution 51/189 (on the recommendation of E S C resolution 1996/1).

⁴⁵ G A resolution 54/282.

⁴⁶ G A resolution 50/112.

⁴⁷ G A resolution 51/70.

⁴⁸ G A resolution 51/171.

⁴⁹ G A resolution 51/177.

⁵⁰ G A resolution 51/59 (on the recommendation of E S C resolution 1996/8).

⁵¹ G A resolution 54/132, annex II. See also E S C resolution 1999/29.

⁵² E S C resolution 1997/30.

⁵³ E S C resolution 1995/5.

⁵⁴ E S C resolution 1995/6.

⁵⁵ E S C resolution 1997/33.

⁵⁶ G A resolution 52/86 and annex, as recommended by E S C resolution 1997/24.

combating illicit manufacturing of and trafficking in firearms and addressing illegal trafficking in and transporting of migrants, including by sea.⁵⁸

21. In addition, the principal organs continued to reaffirm the importance of, and endeavoured to support the implementation of, agreements reached in the past, such as Agenda 21,⁵⁹ the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries,⁶⁰ the International Development Strategy for the Fourth United Nations Development Decade,⁶¹ the International Covenant on Economic, Social and Cultural Rights,⁶² the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,^{63,64} the Implementation of the Programme of Action of the International Conference on Population and Development,⁶⁵ the World Programme of Action concerning Disabled Persons,⁶⁶ and the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities.^{67,68}

22. In several instances, the principal organs decided to expand or revise other instruments, such as the guidelines⁶⁹ for consumer protection,⁷⁰ and elaborate complementary provisions for the Model Treaty on Extradition.⁷¹ At its fifty-fourth session, the Assembly adopted a decision with regard to enhancing complementarities among international instruments related to environment and sustainable development.⁷²

23. The decisions of the principal organs served a number of purposes with regard to the objectives of Article 55 (a) and (b). The principal organs identified a number of new problems or challenges arising from changes within the global economic, social and technological landscape, including the liberalization of national and international economic and financial regimes and increasing globalization generally.⁷³ For example, the Council pointed out that the social and economic potential of emerging information and communication technologies was enormous, but they created risks of marginalization from participation in the global economy for those without the capability to access, design, produce and use new products and service applications.⁷⁴ The Assembly recognized that the use of the Internet posed new opportunities and challenges to international cooperation in combating drug abuse and illicit production and trafficking in such products.⁷⁵ In that context, the growth of criminal organizations and terrorist groups, in particular the increasing transnational links between them, was of special concern to the United Nations, as were the growing and spreading violence and economic power of criminal organizations and terrorist groups engaged in drug trafficking and other criminal activities, such as money-laundering and illicit traffic in arms, and precursors and essential chemicals.⁷⁶

24. The decisions of the principal organs continued to establish objectives and priorities for international action in the economic and social fields, and the principles and mechanisms by which to achieve them at the national, regional and international levels. For example, it was recalled that the principal organs had identified the eradication of poverty as a special area of priority.⁷⁷ During the period under review, the Assembly maintained poverty eradication as a priority area of action.⁷⁸ The priority was made manifest at the highest political levels in commitments made at major conferences, such as the United Nations Conference on Environment and Development, the International Conference on Population and Development, the Fourth World Conference on Women, the World

⁵⁷ E S C resolution 1999/26.

⁵⁸ See, e.g., G A resolution 54/126 and E S C resolution 1999/20.

⁵⁹ See, e.g., G A resolution 52/184.

⁶⁰ G A resolution S-18/3, annex, reaffirmed in G A resolution 51/173.

⁶¹ G A resolution 45/199, annex, reaffirmed in G A resolution 50/91.

⁶² E S C resolution 1996/38.

⁶³ Adopted by G A resolution 40/34.

⁶⁴ E S C resolution 1996/14.

⁶⁵ G A resolution 51/176.

⁶⁶ Adopted in G A resolution 37/52.

⁶⁷ Adopted in G A resolution 48/96.

⁶⁸ See also G A resolution 54/121.

⁶⁹ Adopted in G A resolution 39/248.

⁷⁰ E S C resolution 1999/7.

⁷¹ G A resolution 45/116, annex, which was amended by G A resolution 52/88.

⁷² G A resolution 54/217.

⁷³ See G A resolution 50/91.

⁷⁴ E S C resolution 1997/62.

⁷⁵ G A resolution 52/92.

⁷⁶ See G A resolutions 52/92 and 53/115.

⁷⁷ See *Repertory, Supplement No. 8*, vol. IV, under the present Article, para. 9. See also G A resolutions 48/183 and 49/110.

⁷⁸ See, e.g., E S C resolution 1997/60.

Summit for Social Development and the second United Nations Conference on Human Settlements (Habitat II). The principal organs set out the guiding principles for activities during the International Year for the Eradication of Poverty, to include:

(a) A sustained, collective commitment and effort shall be mounted by Governments, local administrations, all relevant actors of civil society, including non-governmental organizations, business and corporations, supported by the international community, including the United Nations system and relevant subregional, regional and other international organizations, and anti-poverty strategies and programmes shall be designed, implemented and monitored with the full and effective participation of people living in poverty;

(b) Measures shall be adopted to ensure that people living in poverty have access to the resources and opportunities necessary to escape from poverty, and policies shall be adopted to ensure that all people have adequate economic and social protection during unemployment, ill health, maternity, child-rearing, widowhood, disability and old age;

(c) Access of all people living in poverty to basic social services shall be ensured, as well as their participation in the economic, social, cultural and political life of society;

(d) Women shall be given the economic and social opportunities to contribute to development, and anti-poverty strategies and programmes shall be designed with a gender dimension;

(e) Targeted programmes shall be developed to meet the special needs of particular social and demographic groups, including young people, disadvantaged older persons, persons with disabilities and other vulnerable and disadvantaged groups of persons;

(f) The international community shall provide continued and effective support to broad-based development in developing countries, in particular in Africa and the least developed countries;

(g) The efforts of the United Nations system to achieve the overall goal of eradicating poverty should be well coordinated in order to ensure that activities of

relevant organizations are complementary and cost-effective.⁷⁹

The Declaration and Programme of Action on a Culture of Peace, adopted by the General Assembly at its fifty-third session, defined and reiterated a number of priorities in order to promote the goals of education, the development of children, the participation of women, the eradication of poverty, and, with regard to the promotion of sustainable economic and social development generally, the following actors:

(a) Undertake comprehensive actions on the basis of appropriate strategies and agreed targets to eradicate poverty through national and international efforts, including through international cooperation;

(b) Strengthen the national capacity for implementation of policies and programmes designed to reduce economic and social inequalities within nations through, *inter alia*, international cooperation;

(c) Promote effective and equitable development-oriented and durable solutions to the external debt and debt-servicing problems of developing countries through, *inter alia*, debt relief;

(d) Reinforce actions at all levels to implement national strategies for sustainable food security, including the development of actions to mobilize and optimize the allocation and utilization of resources from all sources, including through international cooperation, such as resources coming from debt relief;

(e) Undertake further efforts to ensure that the development process is participatory and that development projects involve the full participation of all;

(f) Include a gender perspective and empowerment of women and girls as an integral part of the development process;

(g) Include in development strategies special measures focusing on needs of women and children as well as groups with special needs;

(h) Strengthen, through development assistance in post-conflict situations, rehabilitation, reintegration and reconciliation processes involving all engaged in conflicts;

⁷⁹ G A resolution 50/107.

(i) Incorporate capacity-building in development strategies and projects to ensure environmental sustainability, including preservation and regeneration of the natural resource base;

(j) Remove obstacles to the realization of the right of peoples to self-determination, in particular of peoples living under colonial or other forms of alien domination or foreign occupation, which adversely affect their social and economic development.⁸⁰

25. In other examples, the Assembly also sought to respond to the urgent need, at the highest political level, to marshal the global consensus and commitment required for the eradication of hunger and malnutrition.⁸¹ It reaffirmed the objective of promoting greater transparency and openness in international financial markets and promoting growth.⁸² The General Assembly and the Economic and Social Council underlined the high priority accorded to their work in the field of crime prevention,⁸³ in particular on action against organized transnational crime,⁸⁴ and to the focus on the needs of least developed countries.⁸⁵ The principal organs drew the attention of Member States to the importance of targeted research and development and the application of science and technology in helping to satisfy basic needs.⁸⁶ The principal organs also made recommendations to Member States regarding areas that needed priority effort at the national level. For example, the Assembly recommended that donor countries give greater priority in their assistance programmes and budgets to disaster prevention, preparedness and mitigation.⁸⁷

26. The principal organs also continued to adopt decisions in a number of fields with a view to obtaining financing for economic development.⁸⁸ In particular, in recognizing the need to further explore ways of generating new public and private financial resources to complement development efforts, the Assembly adopted resolution 52/179 to establish an ad hoc open-ended working group of the Assembly to

undertake an in-depth examination of all inputs requested in the resolution, with a view to formulating a report containing recommendations on the form, scope and agenda of, inter alia, a summit, international conference, special session of the General Assembly or other appropriate high-level international intergovernmental forum to be convened not later than the year 2001 on financing for development in order to further the global partnership for development. At its fifty-fourth session, the Assembly decided to convene in 2001 a high-level intergovernmental event of political decision makers, at least at the ministerial level, on financing for development, that would address national, international and systemic issues relating to financing for development in the context of globalization and interdependence, and the mobilization of financial resources for the full implementation of the outcome of major conferences and summits that had been organized by the United Nations during the 1990s and the implementation of the Agenda for Development, in particular with regard to poverty eradication.⁸⁹ By their decisions, the principal organs, as they had done in the past, called on a number of entities, such as States, international organizations and non-governmental organizations, to help mobilize the necessary financial resources for implementation of specific initiatives or development action in the fields of economic and social development.⁹⁰ Certain provisions were aimed at mobilizing contributions for various voluntary funds.⁹¹

27. As also had been done in the past, the decisions of the principal organs contained recommendations for action at the national level.⁹² For example, with regard to the eradication of poverty, the Assembly recommended that all States: (a) develop a precise definition and assessment of absolute poverty; (b) elaborate the measurements, criteria and indicators for determining the extent and distribution of absolute poverty; (c) formulate or strengthen, as a matter of urgency, national policies and strategies geared towards substantially reducing overall poverty in the

⁸⁰ G A resolution 53/243, sect. B, para.10.

⁸¹ G A resolution 50/109.

⁸² G A resolution 50/91.

⁸³ G A resolution 50/146.

⁸⁴ G A resolution 52/85 and E S C resolution 1997/22.

⁸⁵ See, e.g., G A resolutions 50/117, 51/169 and 52/182, annex, sect. IV.

⁸⁶ E S C resolution 1995/4.

⁸⁷ G A resolution 50/117.

⁸⁸ See, e.g., G A resolution 53/173.

⁸⁹ G A resolution 54/196.

⁹⁰ See, e.g., G A resolution 50/154.

⁹¹ See, e.g., G A resolutions 50/156 and 50/163.

⁹² See, *Repertory, Supplement No. 9*, vol. IV under Article 13 (1) (a) and (b) of the Charter of the United Nations, which grants the General Assembly the authority to make such recommendations; and Article 62 (1), which grants the corresponding authority to the Economic and Social Council.

shortest possible time, reducing inequalities and eradicating absolute poverty by a target date to be specified by each country in its national context; (d) increase public efforts to eradicate absolute poverty and to reduce overall poverty substantially by, inter alia, formulating or strengthening and implementing national poverty eradication plans to address the structural causes of poverty, encompassing action on the local, national, subregional, regional and international levels; and (e) in the context of national plans, attach particular attention, to employment creation as a means of eradicating poverty, while also giving appropriate consideration to health and education, assigning a higher priority to basic social services, generating household income and promoting access to productive assets and economic opportunities.⁹³ In the field of commodities, the Assembly made recommendations emphasizing the need for developing countries heavily dependent on primary commodities to continue to promote domestic policies and an institutional environment that would encourage diversification and enhance competitiveness.⁹⁴ In a number of instances, the principal organs urged the signing, ratification of, or accession to, various international conventions⁹⁵ and urged Member States to review legislation and legal principles, procedures, policies and practices, as well as, in the absence of existing laws, enact legislation proscribing such conduct as violence against women.⁹⁶ In another instance, the Council encouraged Member States to consider regulatory approaches to the civilian use of firearms, including elements such as regulations relating to firearm safety and storage, appropriate penalties or sanctions for offences involving misuse or unlawful possession of firearms and programmes, such as mitigation or exemption from criminal responsibility, designed to encourage citizens to surrender illegal, unsafe or unwanted firearms, or to develop a record-keeping system for firearms.⁹⁷

28. The Organization continued to emphasize the importance of regional initiatives, such as the promotion of an integrated management approach to the Caribbean Sea area in the context of sustainable

development,⁹⁸ the establishment of a region of peace, freedom, democracy and development in Central America,⁹⁹ economic assistance to States affected by the implementation of Security Council resolutions imposing sanctions against the former Federal Republic of Yugoslavia (Serbia and Montenegro),¹⁰⁰ and the integration of economies in transition into the world economy.¹⁰¹ The principal organs continued to focus on promoting development, particularly in Africa.¹⁰²

29. During the period under review, the principal organs continued to adopt decisions with a view to building capacities within developing countries and countries in transition, at their request, through technical assistance and cooperation, advisory services and other operational activities for Member States,¹⁰³ at their request.¹⁰⁴ In the Agenda for Development operational activities were identified as an important feature of the United Nations for development in the field, the fundamental characteristics of which should be, inter alia, their universal, voluntary and grant nature, their neutrality and their multilateralism, as well as the ability they make possible to respond to the needs of the developing countries in a flexible manner.¹⁰⁵ The Assembly, at its fiftieth session, reiterated that recipient Governments had the primary responsibility, on the basis of national strategies and priorities, for coordinating all types of external assistance, including that provided by multilateral

⁹⁸ G A resolution 54/225.

⁹⁹ G A resolution 50/132.

¹⁰⁰ G A resolution 50/58 E.

¹⁰¹ G A resolution 51/175.

¹⁰² See, e.g., G A resolution 50/131, 50/147, 51/32 and 52/208.

¹⁰³ For discussion of the role of the Economic and Social Council in providing such services, see *Repertory, Supplement No. 9*, vol. IV, under the study on Article 66 (2).

¹⁰⁴ During the review period, the Council stressed that the basic characteristics of operational activities for development should be, inter alia, their universal, voluntary and grant nature, their neutrality and their multilateralism, as well as their ability to respond to the needs of developing countries in a flexible manner, and that the operational activities of the United Nations system should be carried out for the benefit of developing countries at the request of those countries and in accordance with their own policies and priorities for development. See G A resolution 53/192 and E S C resolution 1997/59.

¹⁰⁵ G A resolution 51/240, annex, para. 238.

⁹³ G A resolution 50/107.

⁹⁴ G A resolution 51/169.

⁹⁵ G A resolution 51/59.

⁹⁶ See, e.g., G A resolution 51/65 and E S C resolution 1996/12.

⁹⁷ E S C resolution 1997/28.

organizations, in order to integrate effectively such assistance into their development process.¹⁰⁶

30. The principal organs continued to adopt decisions aimed at increasing the efficiency and impact of the operational activities of the United Nations system through, *inter alia*, making recommendations regarding the simplification and harmonization of rules and procedures, as well as facilitating national execution.¹⁰⁷ In accordance with General Assembly resolution 48/162, the Economic and Social Council provided United Nations funds and programmes with policy guidance on operational activities for development, in order to ensure that the policies formulated by the General Assembly, particularly during the triennial policy review of operational activities, were appropriately implemented on a system-wide basis.¹⁰⁸ The United Nations Development Assistance Framework entered a pilot phase with the aim of providing a country-driven, collaborative and coherent response by the United Nations system in order to achieve greater impact at the country level, consistent with and in support of national priorities expressed in country strategies.¹⁰⁹ The principal organs also took steps to strengthen the resident coordinator system, to ensure well-functioning, participatory and active country teams and to promote full consultation with the Governments concerned.¹¹⁰

31. The range, diversity and complexity of operational activities had increased in response to the

growing demands and diversity of situations facing the United Nations system;¹¹¹ they included: institutional and human resources development in strategic sectors and areas of priority to enable developing countries to become better integrated into the global economy; translation of internationally agreed goals and objectives emerging from conferences into concrete programmes at the country level; and assistance in establishing social safety nets for the most vulnerable groups during periods of economic adjustment; and in responding to the new political, humanitarian and socioeconomic needs in a growing number of countries. Technical assistance and services were offered in various forms.¹¹² For example, with regard to the problem of transnational organized crime, the Council requested the Secretary-General to submit to the Commission on Crime Prevention proposals for approval, with a view to developing practical models and guidelines for substantive and procedural legislation in order to assist, in particular, developing countries and countries in transition, upon request, in reviewing and evaluating their legislation and in planning and undertaking reforms and to furnish advisory services and technical assistance, on request, to Member States in terms of needs assessment, capacity-building and training.¹¹³ The Assembly requested the Secretary-General to provide Member States with advisory services and technical assistance in the elaboration of national strategies, the elaboration or improvement of legislative and regulatory measures and in establishing or strengthening national capacities to prevent and control corruption.¹¹⁴ In another instance, pursuant to its resolution 1994/22 regarding the establishment of a database on technical assistance, the Council requested the Secretary-General to initiate a project to establish a regional database on international training and technical assistance projects in the field of crime prevention and criminal justice in order to provide interested Governments, international organizations and other entities with information on international projects.¹¹⁵ It also requested the Secretary-General to explore ways and means of developing a programme of continuing education for criminal justice administrators and for public education and awareness-building in relation to the links between

¹⁰⁶ G A resolution 50/120.

¹⁰⁷ See G A resolution 50/120 and E S C resolution 1996/42. In this regard, several initiatives were undertaken during the period. For example, in response to the mandate of the General Assembly in resolution 50/120 to achieve in operational activities goal-oriented collaboration, programmatic coherence and mutual enforcement, the Secretary-General requested all funds and programmes to develop a single United Nations Development Assistance Framework for ensuring that individual country programmes would be based on common objectives and harmonized time frames. In order to achieve goal-oriented collaboration, programmatic coherence and mutual reinforcement, the United Nations programmes of assistance would be formulated and presented with common objectives and time frame, entailing collaborative programming and close consultation with Governments. See A/53/226, paras. 72-77.

¹⁰⁸ E S C resolution 1995/51.

¹⁰⁹ G A resolution 53/192.

¹¹⁰ G A resolution 53/192 and E S C resolution 1999/6.

¹¹¹ A/53/226, paras. 2 and 4.

¹¹² E S C resolutions 1997/2 and 1997/27.

¹¹³ E S C resolution 1995/11.

¹¹⁴ G A resolution 51/59.

¹¹⁵ E S C resolution 1995/12.

firearms in civilian use and the unacceptable levels of violence in cities, communities and families and to disseminate that information in order to encourage Member States to undertake similar programmes.¹¹⁶

32. The principal organs made recommendations with regard to capacity-building by organizations and bodies within the United Nations development system, in particular the United Nations Development Programme (UNDP),¹¹⁷ as well as outside the system, with regard to such fields as consumer protection,¹¹⁸ administration,¹¹⁹ population and development,¹²⁰ administration of criminal justice,¹²¹ human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS),¹²² malaria and diarrhoeal diseases,¹²³ action against corruption,¹²⁴ industrial development,¹²⁵ international migration and development,¹²⁶ science and technology¹²⁷ and international trade and development.¹²⁸

33. Pursuant to a General Assembly resolution,¹²⁹ the Economic and Social Council continued to hold an operational activity segment during each of its sessions.¹³⁰ For example, the 1996 high-level meeting of the operational activities segment focused on strengthening collaboration between the United Nations development system and the Bretton Woods institutions in the areas of social and economic development at all levels, including the field level.¹³¹ In accordance with General Assembly resolution 48/162, the Council provided United Nations funds and programmes with policy guidance on operational

activities for development in order to ensure that the policies formulated by the Assembly, particularly during the triennial policy review of operational activities, would be implemented appropriately on a system-wide basis.¹³²

34. In addition, the principal organs also continued to promote economic and technical cooperation among developing countries.¹³³ While the principal organs made reference to cooperation among developing countries relatively less frequently than in the past, such cooperation nevertheless figured prominently in the policy framework of the period.¹³⁴

35. During the period under review, the Organization continued to mobilize and coordinate humanitarian assistance, in partnership with national, United Nations system¹³⁵ and other international actors.¹³⁶ As in the past, assistance extended to cases of natural disasters and humanitarian crises, although, as was the case during the previous period under review, the principal organs noted¹³⁷ the growing occurrence of complex humanitarian emergencies, i.e., large-scale humanitarian crises in complicated political and military environments, often in the context of internal conflicts. Thus, initiatives in this field included support, including special economic assistance, for individual countries and regions, such as Afghanistan, Democratic Republic of Congo, Djibouti, East Timor, Haiti, Kazakhstan, Lebanon, Liberia, Monserrat, Somalia, Tajikistan, and Central African countries receiving refugees, Central America and States affected by the implementation of Security Council resolutions imposing sanctions on the former Federal Republic of Yugoslavia.¹³⁸ The principal organs also adopted decisions to promote international cooperation in order to reduce the impact of more generalized events

¹¹⁶ E S C resolution 1997/28.

¹¹⁷ See G A resolution 51/197.

¹¹⁸ E S C resolution 1995/53.

¹¹⁹ G A resolutions 50/225 and 53/201.

¹²⁰ See, e.g., G A resolution 50/124 and E S C resolutions 1995/55 and 1996/2.

¹²¹ G A resolution 51/63 and E S C resolution 1996/13.

¹²² E S C resolution 1997/52.

¹²³ E S C resolution 1995/63.

¹²⁴ G A resolution 51/59.

¹²⁵ G A resolutions 51/170 and 53/177.

¹²⁶ E S C resolution 1997/2.

¹²⁷ See, e.g., G A resolutions 50/101 and 52/184 and E S C resolutions 1995/4 and 1995/54.

¹²⁸ G A resolution 53/170.

¹²⁹ Initiated under G A resolution 45/264 as part of the effort to strengthen the capacity of the Economic and Social Council. See *Repertory, Supplement No. 8*, vol. IV, under Article 55, para. 27.

¹³⁰ See, e.g., E S C resolution 1998/42.

¹³¹ E S C resolution 1995/50.

¹³² E S C resolution 1995/51.

¹³³ See, e.g., G A resolutions 50/119, 52/205 and 54/226. See also G A resolutions 50/102 and 52/205.

¹³⁴ See, e.g., G A resolution 51/240, annex, paras. 76-78.

¹³⁵ Four other United Nations entities (UNHCR, WFP, UNICEF and UNDP) have primary roles to play in protection and providing assistance in humanitarian crises.

¹³⁶ See, e.g., G A resolutions 50/57 and 51/194 and E S C resolutions 1995/56 and 1996/33.

¹³⁷ G A resolution 53/124.

¹³⁸ See, e.g., G A resolutions 51/8, 51/30, 52/169, 54/144, and 54/196 and E S C resolutions 1995/42, 1995/43, 1999/4 and 1999/11.

requiring relief, such as the El Niño phenomenon,¹³⁹ and to strength international cooperation and coordination efforts to study, mitigate and minimize the consequences of the Chernobyl disaster.¹⁴⁰

36. Within the context of the report of the Secretary-General on “Renewing the United Nations: A Programme for Reform”,¹⁴¹ the General Assembly decided (a) to designate the Emergency Relief Coordinator as the United Nations Humanitarian Assistance Coordinator, who would, inter alia, retain responsibility for coordination of natural disaster relief and (b) to transfer to the United Nations Development Programme the responsibilities of the Emergency Relief Coordinator for operational activities for natural disaster mitigation, prevention and preparedness.¹⁴² The Assembly also endorsed the proposal of the Secretary-General to establish an inter-agency task force and inter-agency secretariat for disaster reduction under the direct authority of the Under-Secretary-General for Humanitarian Affairs initially for the biennium 2000-2001.¹⁴³ Pursuant to the adoption of the Secretary-General’s Programme for Reform, the United Nations Office for the Coordination of Humanitarian Affairs was established, replacing the Department of Humanitarian Affairs.

37. In response to the number and growing magnitude and complexity of natural disasters and other emergencies, the Assembly continued to examine the participation of volunteer “White Helmets”¹⁴⁴ in activities of the United Nations in the field of humanitarian relief, rehabilitation and technical cooperation as an operational partner of the United Nations Volunteers and in support of immediate relief, rehabilitation, reconstruction and development activities.¹⁴⁵ In addition, the Organization continued to support international initiatives taking place principally outside the United Nations forum, such as the outcome of the International Conference on Early Warning Systems for the Reduction of Natural Disasters, which had been convened, within the framework of the International Decade for Natural

Disaster Reduction, at Potsdam, Germany, in September 1998.¹⁴⁶

38. In the context of protection of and assistance for refugees, the principal organs continued to review the activities¹⁴⁷ and the continuation¹⁴⁸ of the Office of the United Nations High Commissioner for Refugees, make decisions¹⁴⁹ with respect to the international humanitarian order which reflected its past decisions,¹⁵⁰ as well as specific issues regarding refugees, returnees and displaced persons, such as assistance to unaccompanied refugee minors¹⁵¹ and assistance for refugees, returnees and displaced persons in Africa.¹⁵² The Assembly continued to circumscribe the parameters of such assistance:

The General Assembly,

...

2. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the United Nations High Commissioner for Refugees of providing international protection to refugees and seeking permanent solutions to the problem of refugees, and reiterates the need for Governments to continue to facilitate the effective exercise of this function;

...

7. *Emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, and calls upon States, the Office of the High Commissioner and all interested parties to turn concentrated attention towards revitalizing old partnerships and building new ones in support of the international refugee protection system;

¹³⁹ See, e.g., G A resolutions 53/185 and 54/220.

¹⁴⁰ G A resolution 50/134.

¹⁴¹ A/51/950 and Add.1-7.

¹⁴² G A resolution 52/12 B.

¹⁴³ G A resolution 54/219.

¹⁴⁴ G A resolution 49/139 B.

¹⁴⁵ G A resolutions 50/19, 52/171 and 54/98 and E S C resolution 1995/44.

¹⁴⁶ See G A resolution 53/185.

¹⁴⁷ G A resolutions 50/152, 51/75, 52/103, 53/125 and 54/146.

¹⁴⁸ G A resolution 52/104.

¹⁴⁹ See G A resolutions 51/74 and 53/124.

¹⁵⁰ See, e.g., G A resolutions 36/136, 37/201, 38/125, 40/126, 42/120, 42/121, 43/129, 43/130, 45/101, 45/102, 47/106 and 49/170.

¹⁵¹ See, e.g., G A resolutions 51/73 and 53/122.

¹⁵² See, e.g., G A resolution 54/147.

8. *Stresses* the importance of international solidarity and burden-sharing in reinforcing the international protection of refugees, urges all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, to cooperate and to mobilize resources with a view to reducing the burden borne by States, in particular developing countries, that have received large numbers of asylum-seekers and refugees, and calls upon the Office of the High Commissioner to continue to play its catalytic role in mobilizing assistance from the international community to address the economic, environmental and social impact of large-scale refugee populations, especially in developing countries.¹⁵³

39. As during the previous period, the principal organs continued to address problems pertaining to internally displaced persons.¹⁵⁴ For example, the Assembly welcomed the development by the representative of the Secretary-General, on the basis of compiling and analysing legal norms, of a comprehensive framework for the protection of internally displaced persons, in particular the Guiding Principles on Internal Displacement. The Assembly welcomed the fact that the representative of the Secretary-General on internally displaced persons had made use of the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations, and requested him to continue his efforts in that regard.¹⁵⁵

40. The Organization continued to promote the objectives of Article 55 (a) and (b) through the observance of international days, years and decades on specific items, including the proclamation of 1996 as the International Year for the Eradication of Poverty, and the proclamation of the first United Nations Decade for the Eradication of Poverty (1997-2006),¹⁵⁶ the 1990s as the International Decade for Natural Disaster Reduction,¹⁵⁷ 1999 as the International Year of Older Persons: towards a society for all ages,¹⁵⁸ the Follow-up to the International Year of the Family,

which had been observed in 1994,¹⁵⁹ the Second Transport and Communications Decade in Africa (1991-2001),¹⁶⁰ 2002 as the International Year of Ecotourism,¹⁶¹ the International Decade of the World's Indigenous People (1995-2004),¹⁶² 2001 as the United Nations Year of Dialogue among Civilizations,¹⁶³ 2000 as the International Year of Thanksgiving,¹⁶⁴ 2005 as the International Year of Microcredit,¹⁶⁵ and 2002 as the International Year of Mountains.¹⁶⁶ The General Assembly requested the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Member States and other relevant organizations and bodies, to submit to its fifty-sixth session a proposal for a United Nations literacy decade, with a draft plan of action and possible time frame for such a decade, on the basis of the outcomes of the World Education Forum and the special session of the General Assembly for the five-year review of the World Summit for Social Development.¹⁶⁷

41. Proclamation of such initiatives usually were aimed at promoting awareness of a given problem or issue, as well as the adoption of measures, strategies, policies or programmes at the national level. In that light, it was recognized that celebration of such events could promote international cooperation and understanding.¹⁶⁸ In accordance with the guidelines for international years and anniversaries adopted in General Assembly decision 35/424 and Economic and Social Council resolution 1980/67, the Assembly, often with the assistance of the Council,¹⁶⁹ agreed with the objectives of the observance, the principals to guide

¹⁵³ GA resolution 54/146.

¹⁵⁴ See G A resolutions 50/195, 52/130 and 54/167.

¹⁵⁵ G A resolution 54/167.

¹⁵⁶ See, e.g., G A resolutions 50/107, 51/178 and 54/232.

¹⁵⁷ See, e.g., G A resolutions 50/117 and 54/219.

¹⁵⁸ See, e.g., G A resolutions 50/141, 52/80 and 53/109 and E S C resolution 1995/21.

¹⁵⁹ See, e.g., G A resolutions 50/142 and 54/124.

¹⁶⁰ See, e.g., E S C resolution 1995/23.

¹⁶¹ See, e.g., G A resolution 53/200.

¹⁶² See, e.g., G A resolutions 51/78 and 53/129.

¹⁶³ See, e.g., G A resolutions 53/22 and 54/113.

¹⁶⁴ See, e.g., G A resolution 52/16 and E S C resolution 1997/46.

¹⁶⁵ G A resolution 53/197.

¹⁶⁶ G A resolution 53/24.

¹⁶⁷ G A resolution 54/122.

¹⁶⁸ See, e.g., E S C resolution 1997/45.

¹⁶⁹ However, by its resolution 53/199, adopted on the recommendation of the Economic and Social Council in its resolution 1998/1, the General Assembly decided that, starting from 1999, proposals for the proclamation of international years should be submitted directly to the Assembly for consideration and action, unless the Assembly decided to bring them to the attention of the Council for evaluation.

attainment of those objectives, a programme of activities during the period of observance and in some cases beyond the period, undertakings by Member States, as well as the mandate for implementation of such initiatives within the United Nations system, including the designation of focal points to work with counterparts within Governments and within elements of civil society.

42. As had been done in the past, during the period under review the principal organs continued to examine the restructuring and/or strengthening of the United Nations development system,¹⁷⁰ including restructuring and revitalization of the subsidiary bodies of the principal organs,¹⁷¹ the regional commissions of the Economic and Social Council,¹⁷² United Nations programmes,¹⁷³ in particular the United Nations International Drug Programme,¹⁷⁴ the United Nations Crime Prevention and Criminal Justice Programme¹⁷⁵ and the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome.¹⁷⁶ During the period under review, the Economic and Social Council initiated renewed cooperation between the United Nations and the Bretton Woods institutions¹⁷⁷ with a “one-day” policy dialogue established by the Council bringing together the executive heads of the World Bank, IMF, WTO and UNCTAD in a unique dialogue with the membership of the Organization. That policy dialogue, together with the debate that takes place in the high-level segment with the participation of a growing number of ministers and senior officials from capitals, demonstrates that Member States would like the Council to play a distinct role in the macroeconomic policy coordination dialogue. In order

to further strengthen that role, the Council could be reliably assisted by panels of experts supported by an identifiable, dedicated secretariat which would facilitate consideration of timely and relevant issues.¹⁷⁸ The convening of specialized panels on particular subjects would enable the Council to secure the advice of leading experts.

43. The Secretary-General, in the context of his report on reform,¹⁷⁹ proposed a number of initiatives to strengthen the work of the Organization in the fields covered by Article 55.¹⁸⁰ For example, the Secretary-General outlined a number of initiatives to be undertaken to strengthen the United Nations in the field of environment and human settlements and, in that context, took note of the general thrust of the recommendations contained in his report on environment and human settlements, proposing actions to be taken by the Secretary-General, the Executive Director of the United Nations Environment Programme (UNEP) and the Executive Director of the United Nations Centre for Human Settlements (Habitat). In addition, the General Assembly expressed its support for the proposal of the Secretary-General regarding the establishment of an environmental management group for the purpose of enhancing inter-agency coordination in the field of environment and human settlements.¹⁸¹ The Secretary-General also outlined several initiatives for reform of the Secretariat in the economic and social field,¹⁸² as well as within the United Nations development system generally, including the strengthening of the UNDP-managed Resident Coordinator System¹⁸³ and the formulation of

¹⁷⁰ See G A resolutions 50/227 and 52/12 B and E S C resolutions 1996/43, 1998/46, 1998/47, 1998/49 and 1999/1. See also Agenda for Development, G A resolution 51/240, annex, sect. III.

¹⁷¹ See E S C resolutions 1995/60, 1996/7, 1998/46 and 1999/8. For further discussion of the subsidiary bodies of the Economic and Social Council and the General Assembly, see *Repertory, Supplement No. 9*, vol. IV, under the study for Articles 68 and 22, respectively.

¹⁷² E S C resolutions 1997/4, 1997/5, 1997/54 and 1998/3.

¹⁷³ See G A resolutions 53/115 and 53/242.

¹⁷⁴ G A resolutions 51/64 and 53/115.

¹⁷⁵ G A resolutions 50/146, 51/63 and 53/114.

¹⁷⁶ E S C resolution 1995/2. (That Programme is now known as the Joint United Nations Programme on HIV/AIDS.)

¹⁷⁷ E S C resolutions 1996/43 and 1999/1.

¹⁷⁸ A/51/950, para. 131.

¹⁷⁹ A/51/950, chaps. B-E and G.

¹⁸⁰ Considered by the General Assembly in its resolution 52/12 B.

¹⁸¹ G A resolution 53/242.

¹⁸² A/51/950, paras. 138-145.

¹⁸³ *Ibid.*, para. 152. In addition, the Secretary-General indicated the designation of a United Nations development group (UNDG) that would supersede the then-existing sectoral group on development operations and would be led by a reconstituted executive committee chaired by the convenor of the Executive Committee on Development Operations, the Administrator of UNDP. The membership of the UNDG Executive Committee would consist of the heads of UNDP, UNICEF and UNFPA, with provision for the participation of other organizations in areas relevant to their interests. The UNDG Executive Committee would further sharpen the contributions that each entity was called upon to make to

a single United Nations Development Assistance Framework (UNDAF).¹⁸⁴

2. FIELDS OF ACTION UNDER ARTICLE 55 (A) AND (B)

44. The areas ready for action in promoting economic and social progress and development are reflected in the subject matter of the decisions of the principal organs. In the field of cultural cooperation, the principal organs adopted decisions with regard to cooperation between the United Nations and the Agency for Cultural and Technical Cooperation,¹⁸⁵ protection of the heritage of indigenous people,¹⁸⁶ cultural development,¹⁸⁷ and the report of and cooperation with the World Commission on Culture and Development.¹⁸⁸ The principal organs adopted few decisions bearing specifically on international cooperation in the field of education. The organization continued to call for the elimination of illiteracy and the promotion of education for all as a necessary element for, *inter alia*, the eradication of poverty and sustainable development.¹⁸⁹

the overall objectives of the Organization while helping each entity avoid duplication and build on the work and capacities of other entities; serve as a policy development and management instrument geared to contributing to, and effecting, policy, administrative and operational decisions in each entity while at the same time strengthening decision-making processes in the Organization as a whole; provide a forum for heads of entities to consult on submissions to their governing bodies on both substantive and administrative matters that had implications for other members of the group or for the Organization as a whole; contribute to strengthening policy coherence and cost-effectiveness by avoiding duplication and by pooling resources and services; share draft work programme and budget documents at a sufficiently early stage prior to their finalization and submission to the relevant governing bodies; and promote a more unified United Nations presence at the country level through, *inter alia*, providing a forum for concerted directives to Resident Coordinators and field representatives in order to ensure more integrated and consistent substantive support from headquarters for their work. *Ibid.*, para. 153 and action 9.

¹⁸⁴ See in the present study, footnote 107.

¹⁸⁵ G A resolution 50/3.

¹⁸⁶ E S C resolution 1996/24.

¹⁸⁷ See, e.g., G A resolutions 52/197 and 53/184.

¹⁸⁸ G A resolution 51/179.

¹⁸⁹ See, e.g., G A resolutions 52/84 and 54/122.

45. The principal organs continued to adopt decisions with regard to food and food supply,¹⁹⁰ health,¹⁹¹

¹⁹⁰ See, e.g., G A resolution 51/62: Measures for prevention of the smuggling of aliens; G A resolution 51/169: Commodities; G A resolution 51/171: Food and sustainable agricultural development; G A resolution 51/178: First United Nations Decade for the Eradication of Poverty; G A resolution 51/184: Protection of global climate for present and future generations of mankind; G A resolution 51/194: Strengthening of the coordination of emergency humanitarian assistance of the United Nations; S-19/2: Programme for the further implementation of Agenda 21; G A resolution 52/29: Large-scale pelagic drift-net fishing; G A resolution 52/195: Women in development; G A resolution 52/200: International cooperation to reduce the impact of the El Niño phenomenon; G A resolution 52/204: Cooperation between the United Nations and the Southern African Development Community; G A resolution 53/243: Declaration and Programme of Action on a Culture of Peace; G A resolution 54/33: Results of the review by the Commission on Sustainable Development of the sectoral theme of "Oceans and seas": international coordination and cooperation; G A resolution 54/175: The right to development; G A resolution 54/210: Women in development; G A resolution S-21/2, annex: Key actions for the further implementation of the Programme of Action of the International Conference on Population and Development; E S C resolution 1995/3: Target for World Food Programme pledges for the period; ES resolution 1995/4: Science and technology for development; E S C resolution 1996/50: Integrated water resources development and management; E S C resolution 1997/62: Science and technology for development; E S C resolution 1999/3: Revision of the General Regulations of the World Food Programme; E S resolution 1999/7: Expansion of the United Nations guidelines on consumer protection to include sustainable consumption; E S C resolution 1998/248: The right to food; E S C resolution 1999/17: Agreed conclusions of the Commission on the Status of Women on critical areas of concern identified in the Beijing Platform for Action; E S C resolution 1999/32: International regulation and control of trade in poppy seed; E S C resolution 1999/49: Report of the Secretary-General on issues related to the spatial planning of land (including minerals) and water resources; E S C resolution 1999/61: Science and technology for development.

¹⁹¹ See, e.g., G A resolution 50/124: Implementation of the Programme of Action of the International Conference on Population and Development; G A resolution 50/9: Report of the International Atomic Energy Agency; G A resolution 50/26: Effects of atomic radiation; G A resolution 50/70: General and complete disarmament; G A resolution 50/103: Implementation of

the Programme of Action for the Least Developed Countries for the 1990s; G A resolution 50/107: Observance of the International Year of the Eradication of Poverty and proclamation of the first United Nations Decade for the Eradication of Poverty; G A resolution 50/119: Economic and technical cooperation among developing countries and a United Nations conference on South-South cooperation; G A resolution 50/126: Water supply and sanitation; G A resolution 50/128: Preventive action and intensification of the struggle against malaria in developing countries, particularly in Africa; G A resolution 50/134: Strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster; G A resolution 50/148: International action to combat drug abuse and illicit production and trafficking; G A resolution 50/150: Assistance to unaccompanied refugee minors; G A resolution 50/153: The rights of the child; G A resolution 51/65: Violence against women migrant workers; G A resolution 51/66: Traffic in women and girls; G A resolution 51/73: Assistance to unaccompanied refugee minors; G A resolution 51/77: The rights of the child; G A resolution 51/78: International Decade of the World's Indigenous People; G A resolution 51/171: Food and sustainable agricultural development; G A resolution 51/178: First United Nations Decade for the Eradication of Poverty; G A resolution 51/184: Protection of global climate for present and future generations of mankind; G A resolution 51/202: Implementation of the outcome of the World Summit for Social Development; G A resolution 51/229, annex: Convention on the law of the non-navigational uses of international watercourses; G A resolution 52/99: Traditional or customary practices affecting the health of women and girls; G A resolution 53/26: Assistance in mine action; G A resolution 53/44: Effects of atomic radiation; G A resolution 53/127: The girl child; G A resolution 53/155: Right to development; G A resolution 53/243: Declaration and Programme of Action on a Culture of Peace; G A resolution 54/34: Building a peaceful and better world through sport and the Olympic ideal; G A resolution 54/97: Strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster; G A resolution 54/114: Global implications of the year 2000 date conversion problem of computers; G A resolution 54/127: Activities of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime: illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as consideration of the need to develop an instrument on the illicit manufacturing of and trafficking in explosives; G A resolution 54/132 and annex: International cooperation against the world drug problem; G A resolution 54/135: Improvement of the situation of

women in rural areas; G A resolution 54/145: Assistance to unaccompanied refugee minors; G A resolution 54/148: The girl child; G A resolution 54/150: International Decade of the World's Indigenous People; G A resolution 54/159: Elimination of all forms of religious intolerance; G A resolution 54/166: Protection of migrants; G A resolution 54/204: Business and development; G A resolution 54/211: Developing human resources for development; G A resolution 54/226: Economic and technical cooperation among developing countries; G A resolution 54/232: Implementation of the first United Nations Decade for the Eradication of Poverty; G A resolution 54/283: Review of the problem of HIV/AIDS in all its aspects; G A resolution S-19/2, annex: Programme for the Further Implementation of Agenda 21; E S C resolution 1995/2: Joint and co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS); E S C resolution 1995/4: Science and technology for development; E S C resolution 1995/46: Water supply and sanitation; E S C resolution 1995/62: Tobacco or health; E S C resolution 1995/63: Malaria and diarrhoeal diseases, in particular cholera; E S C resolution 1997/28: Firearm regulation for purposes of crime prevention and public health and safety; E S C resolution 1996/47: Report of Joint and Co-Sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS); E S C resolution 1997/37: Review of the United Nations International Drug Control Programme: strengthening the United Nations machinery for international drug control within the scope of the existing international drug control treaties and in accordance with the basic principles of the Charter of the United Nations; E S C resolution 1997/52: Human Immunodeficiency Virus Acquired Immunodeficiency Syndrome; E S C resolution 1998/17: Regulation of explosives for the purpose of crime prevention and public health and safety; E S C resolution 1998/36: Malaria and diarrhoeal diseases, in particular cholera; E S C resolution 1998/41: Protection against products harmful to health and the environment; E S C resolution 1999/5: Poverty eradication and capacity-building; E S C resolution 1999/7: Expansion of the United Nations guidelines for consumer protection to include sustainable consumption; E S C resolution 1999/14: Situation of women and girls in Afghanistan; E S C resolution 1999/17 I: Agreed conclusions of the Commission on the Status of Women on the critical areas of concern identified in the Beijing Platform for Action; E S C resolution 1999/21: Activities of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime: illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as consideration of the need to

human settlements and housing¹⁹² with regard to the least developed countries,¹⁹³ international trade and

develop an instrument on the illicit manufacturing of and trafficking in explosives; E S C resolution 1999/56: Tobacco or health; E S C resolution 1999/61: Science and technology for development.

- ¹⁹² G A resolution 50/99: Commission on Human Settlements; G A resolution 50/100: United Nations Conference on Human Settlements (Habitat II); G A resolution 50/105: Developing human resources for development; G A resolution 50/153: The rights of the child; G A resolution 50/116: Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States; G A resolution 51/62: Measures for prevention of the smuggling of aliens; G A resolution 51/77: The rights of the child; G A resolution 51/177: Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II); G A resolution 51/178: First United Nations Decade for the Eradication of Poverty; G A resolution 51/183: Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States; G A resolution 51/194: Strengthening of the coordination of emergency humanitarian assistance of the United Nations; G A resolution 51/202: Implementation of the outcome of the World Summit for Social Development; G A resolution 51/240: Agenda for Development; G A resolution 52/25: Implementation of the outcome of the World Summit for Social Development; G A resolution 52/98: Traffic in women and girls; G A resolution 52/107: The rights of the child; G A resolution 52/190: Implementation of the United Nations Conference on Human Settlements (Habitat II); G A resolution 52/191: Global Strategy for Shelter to the Year 2000; G A resolution 52/192: Follow-up to the United Nations Conference on Human Settlements (Habitat II) and the future role of the Commission on Human Settlements; G A resolution 52/193: First United Nations Decade for the Eradication of Poverty; G A resolution 52/196: Developing human resources for development; G A resolution 53/180: Special session of the General Assembly for an overall review and appraisal of the Implementation of the Habitat Agenda; G A resolution 53/198: Implementation of the first United Nations Decade for the Eradication of Poverty; G A resolution 53/242: Report of the Secretary-General on environment and human settlements; G A resolution 54/132: International cooperation against the world drug problem; G A resolution 54/207: Preparations for the special session of the General Assembly for an overall review and appraisal of the implementation of the Habitat Agenda; G A resolution 54/208: Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II); G A resolution 54/209: Follow-up to the United Nations Conference on Human

Settlements (Habitat II); G A resolution 54/210: Women in development; G A resolution S-19/2: Programme for the Further Implementation of Agenda 21; G A resolution S-21/2, annex: Key actions for the further implementation of the Programme of Action of the International Conference on Population and Development; E S C resolution 1998/7: Importance of population census activities for evaluation of progress in implementing the Programme of Action of the International Conference on Population and Development; E S C resolution 1999/7: Expansion of the United Nations guidelines for consumer protection to include sustainable consumption; E S C decision 1995/259: Promoting the realization of the right to adequate housing; E S C decision 1996/290: Forced evictions.

- ¹⁹³ G A resolution 50/47: Report of the United Nations Commission on International Trade Law on the work of its twenty-eighth session; G A resolution 50/91: Global financial integration: challenges and opportunities; G A resolution 50/92: Enhancing international cooperation towards a durable solution to the external debt problem of developing countries; G A resolution 50/95: International trade and development; G A resolution 50/97: Specific actions related to the particular needs and problems of landlocked developing countries; G A resolution 50/98: Ninth session of the United Nations Conference on Trade and Development; G A resolution 50/101: Science and technology for development; G A resolution 50/103: Implementation of the Programme of Action for the Least Developed Countries for the 1990s; G A resolution 50/107: Observance of the International Year for the Eradication of Poverty and proclamation of the first United Nations Decade for the Eradication of Poverty; G A resolution 50/112: Elaboration of an international convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa; 51/202: Implementation of the outcome of the World Summit for Social Development; G A resolution 51/64: International action to combat drug abuse and illicit production and trafficking; G A resolution 51/165: Net flows and transfer of resources between developing and developed countries; G A resolution 51/167: International trade and development; G A resolution 51/169: Commodities; G A resolution 51/173: Implementation of the commitments and policies agreed upon in the Declaration on International Economic Cooperation, in particular the revitalization of economic growth and development of the developing countries, and implementation of the International Development Strategy for the Fourth United Nations Development Decade; G A resolution 51/178: First United Nations Decade for the Eradication of Poverty; G A resolution 51/180: Elaboration of an international convention to combat desertification in those countries experiencing

serious drought and/or desertification, particularly in Africa; G A resolution 51/177: Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II); G A resolution 51/219: Programme planning; G A resolution 51/240: Agenda for Development; G A resolution 52/25: Implementation of the outcome of the World Summit for Social Development; G A resolution 52/183: Specific actions related to the particular needs and problems of landlocked developing countries; G A resolution 52/187: Implementation of the Programme of Action for the Least Developed Countries for the 1990s; G A resolution 52/190: Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II); G A resolution 52/195: Women in development; G A resolution 52/198: Implementation of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa; G A resolution 53/169: Role of the United Nations in promoting development in the context of globalization and interdependence; G A resolution 53/172: The financial crisis and its impact on growth and development, especially in the developing countries; G A resolution 53/174: Commodities; G A resolution 53/177: Industrial development cooperation; G A resolution 53/183: Implementation of the Programme of Action of the International Conference on Population and Development; G A resolution 54/141: Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action; G A resolution 54/197: Towards a stable international financial system, responsive to the challenges of development, especially in the developing countries; G A resolution 54/198: International trade and development; G A resolution 54/199: Specific actions related to the particular needs and problems of landlocked developing countries; G A resolution 54/204: Business and development; G A resolution 54/224: Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States; G A resolution 54/231: Role of the United Nations in promoting development in the context of globalization and interdependence; G A resolution 54/232: Implementation of the first United Nations Decade for the Eradication of Poverty; G A resolution 54/235: Implementation of the Programme of Action for the Least Developed Countries for the 1990s; G A resolution 54/258 A: Review of resource requirements for the High-Level International Intergovernmental Event on Financing for Development and the Third United Nations Conference on the Least Developed Countries; G A resolution 54/262: Follow-up to the International Year of Older Persons: Second World Assembly on Ageing; G A resolution 54/282: Draft United Nations millennium declaration; G A resolution

commodities,¹⁹⁴ and the human environment,¹⁹⁵ With regard to the human environment, it should be noted

S-19/2: Programme for the Further Implementation of Agenda 21; G A resolution S-21/2: Key actions for the further implementation of the Programme of Action of the International Conference on Population and Development; E S C resolution 1995/4: Science and technology for development; E S C resolution 1995/54: Science and technology for development; E S C resolution 1996/45: International Decade for Natural Disaster Reduction; E S C resolution 1998/39: Status of the least developed countries; E S C resolution 1998/46: Further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields; E S C resolution 1999/19: Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders; E S C resolution 1999/40: Third United Nations Conference on Least Developed Countries; E S C resolution 1999/51: Restructuring and revitalization of the United Nations in the economic, social and related fields and cooperation between the United Nations and the Bretton Woods institutions; E S C resolution 1999/61: Science and technology for development; E S C resolution 1999/63: International Decade for Natural Disaster Reduction: successor arrangements.

¹⁹⁴ G A resolution 50/47: Report of the United Nations Commission on International Trade on the work of its twenty-eighth session; G A resolution 50/48: United Nations Convention on Independent Guarantees and Stand-by Letters of Credit; G A resolution 50/94: Second Industrial Development Decade for Africa; G A resolution 50/95: International trade and development; G A resolution 50/96: Economic measures as a means of political and economic coercion against developing countries; G A resolution 50/97: Specific actions related to the particular needs and problems of landlocked developing countries; G A resolution 50/98: Ninth session of the United Nations Conference on Trade and Development; G A resolution 50/103: Implementation of the Programme of Action for the Least Developed Countries for the 1990s; G A resolution 51/161: Report of the United Nations Commission on International Trade Law and the work of its twenty-ninth session; G A resolution 51/162: Model law on electronic commerce adopted by the United Nations Commission on International Trade Law; G A resolution 51/165: Net flows and transfer of resources between developing and developed countries; G A resolution 51/167: International trade and development; G A resolution 51/169: Commodities; G A resolution 51/176: Implementation of the Programme of Action of the International Conference on Population and Development; G A resolution 52/157: Report of the United Nations Commission on International Trade Law and the work of its thirtieth session; G A resolution

52/158: Model law on cross-border insolvency of the United Nations Commission on International Trade Law; G A resolution 52/181: Unilateral economic measures as a means of political and economic coercion against developing countries; G A resolution 52/182: International trade and development; G A resolution 53/4: Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba; G A resolution 53/169: Role of the United Nations in promoting development in the context of globalization and interdependence; G A resolution 53/170: International trade and development; G A resolution 53/171: Transit environment in landlocked States in Central Asia and Their Transit Developing Neighbours; G A resolution 53/174: Commodities; G A resolution 54/175: The right to development; G A resolution 54/198: International trade and development; G A resolution 54/199: Specific actions related to the particular needs and problems of landlocked developing countries; G A resolution 54/200: Unilateral economic measures as a means of political and economic coercion against developing countries; G A resolution 54/226: Economic and technical cooperation among developing countries; G A resolution 54/231: Role of the United Nations in promoting development in the context of globalization and interdependence; G A resolution S-20/4: Measures to enhance international cooperation to counter the world drug problem; E S C resolution 1995/18: Promoting the use of memorandums of understanding to facilitate cooperation between customs authorities and other competent administrations and the international trading community, including commercial carriers; E S C resolution 1996/43: Strengthening collaboration between the United Nations development system and the Bretton Woods institutions; E S C resolution 1997/3: Work of the Committee of Experts on the Transport of Dangerous Goods; E S C resolution 1997/11: Establishment of the Committee on Transport of the Economic and Social Commission for Western Asia; E S C resolution 1997/12: Establishment of the Technical Committee on Liberalization of Foreign Trade and Economic Globalization in the Countries of the ESCWA Region; E S C resolution 1998/40: Declaring the year 2002 as the International Year of Ecotourism; E S C resolution 1999/7: Expansion of the United Nations guidelines on consumer protection to include sustainable consumption; E S C resolution 1999/17: Agreed conclusions of the Commission on the Status of Women on critical areas of concern identified in the Beijing Platform for Action; E S C resolution 1999/31: Lucknow Accord on the Adoption of Uniform Measures to Control International Trade in Precursors and Other Chemicals Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances; and E S C

resolution 1999/32: International regulation and control of trade in poppy seeds.

- ¹⁹⁵ G A resolution 50/6: Declaration on the occasion of the fiftieth anniversary of the United Nations; G A resolution 50/12: Universal Congress on the Panama Canal; G A resolution 50/13: The Olympic ideal; G A resolution 50/18: Zone of peace and cooperation of the South Atlantic; G A resolution 50/26: Effects of atomic radiation; G A resolution 50/27: International cooperation in the peaceful uses of outer space; G A resolution 50/44: United Nations Decade of International Law; G A resolution 50/70 M: General and complete disarmament; G A resolution 50/95: International trade and development; G A resolution 50/103: Implementation of the Programme of Action for the Least Developed Countries for the 1990s; G A resolution 50/106: Business and development; G A resolution 50/110: Report of the Governing Council of the United Nations Environment Programme; G A resolution 50/111: Convention on Biological Diversity; G A resolution 50/113: Special session for the purpose of an overall review and appraisal of the implementation of Agenda 21; G A resolution 50/115: Protection of global climate for present and future generations of mankind; G A resolution 50/117: International Decade for Natural Disaster Reduction; G A resolution 51/121: Effects of atomic radiation; G A resolution 51/180: Elaboration of an international convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa; G A resolution 51/181: Special session for the purpose of an overall review and appraisal of the implementation of Agenda 21; G A resolution 51/182: Convention on Biological Diversity; G A resolution 51/184: Protection of global climate for present and future generations of mankind; G A resolution 51/185: International Decade for Natural Disaster Reduction; G A resolution 51/229: Convention on the Law of Non-navigational Uses of International Watercourses; G A resolution 51/240: Agenda for Development; G A resolution 52/26: Oceans and the Law of the Sea; G A resolution 52/27: Agreement concerning the Relationship between the United Nations and the International Seabed Authority; G A resolution 52/38 E: General and complete disarmament; G A resolution 52/172: Strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster; G A resolution 52/182: International trade and development; G A resolution 52/193: First United Nations Decade for the Eradication of Poverty; G A resolution 52/199: Protection of global climate for present and future generations of mankind; G A resolution 52/200: International cooperation to reduce the impact of the El Niño phenomenon; G A resolution 52/201: Convention on Biological

Diversity; G A resolution 52/209: Business and development; G A resolution 53/44: Effects of atomic radiation; G A resolution 53/185: International cooperation to reduce the impact of the El Niño phenomenon; G A resolution 53/186: International institutional arrangements related to environment and development; G A resolution 53/187: Report of the Governing Council of the United Nations Environment Programme; G A resolution 53/188: Implementation of and follow-up to the outcome of the United Nations Conference on Environment and Development and the nineteenth special session of the General Assembly; G A resolution 53/190: Convention on Biological Diversity; G A resolution 53/242: Report of the Secretary-General on environment and human settlements; G A resolution 53/243: Declaration and Programme of Action on a Culture of Peace; G A resolution 54/28: United Nations Decade of International Law; G A resolution 54/33: Results of the review by the Commission on Sustainable Development of the sectoral theme of "Oceans and seas": international coordination and cooperation; G A resolution 54/45: Question of Antarctica; G A resolution 54/67: International cooperation in the peaceful uses of outer space; G A resolution 54/214: Conservation and sustainable development of Central African forest ecosystems; G A resolution 54/215: World Solar Programme, 1996-2005; G A resolution 54/216: Report of the Governing Council of the United Nations Environment Programme; G A resolution 54/217: Enhancing complementarities among international instruments related to environment and sustainable development; G A resolution 54/218: Implementation and follow-up to the outcome of the United Nations Conference on Environment and Development and the nineteenth special session of the General Assembly; G A resolution 54/219: International Decade for National Disaster Reduction: successor arrangements; G A resolution 54/221: Convention on Biological Diversity; G A resolution 54/222: Protection of global climate for present and future generations of mankind; G A resolution 54/223: Implementation of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa; G A resolution 54/233: International cooperation on humanitarian assistance in the field of natural disasters from relief to development; G A resolution S-22/2: Declaration and State of Progress and Initiatives for the Future Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States; E S C resolution 1995/4: Science and technology for development; E S C resolution 1995/23: Implementation of phase II of the programme for the Second Transport and Communications Decade in Africa; E S C resolution 1995/46: Water supply and

that, as in the previous review period, decisions touching on questions of the environment were integrated into a number of other fields.¹⁹⁶ The Organization examined problems such as the 1997/98 Asian financial crisis and its impact on growth and development.¹⁹⁷

46. The principal organs continued to adopt a considerable number of decisions with regard to the advancement of women, particularly women in development. The importance of this field was emphasized throughout the period under review in the importance attached to mainstreaming and applying gender perspectives in the context of a number of fields under Article 55¹⁹⁸ and generally into all policies

sanitation; E S C resolution 1995/47: International Decade for Natural Disaster Reduction; E S C resolution 1996/1: Institutional arrangements for the implementation of the Global Programme of Action for Protection of the Marine Environment from land-based activities; E S C resolution 1996/10: The role of criminal law in the protection of the environment; E S C resolution 1996/49: Integration of key minerals issues into the implementation of Agenda 21; E S C resolution 1997/3: Work of the Committee of Experts on the Transport of Dangerous Goods; E S C resolution 1997/12: Establishment of the Technical Committee on Liberalization of Foreign Trade and Economic Globalization in the countries of the ESCWA region; E S C resolution 1997/45: Proclamation of an international year of mountains; E S C resolution 1997/53: Consumer protection; E S C resolution 1997/63: Programme of work of the Commission on Sustainable Development for the Period 1998-2002 and future methods of work of the Commission. E S C resolution 1997/65: Establishment of an ad hoc open-ended intergovernmental forum on forests of the Commission on Sustainable Development; E S C resolution 1998/40: Declaring the year 2002 as the International Year of Ecotourism; E S C resolution 1998/41: Protection against products harmful to health and the environment; E S C resolution 1998/46: Further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields; E S C resolution 1999/7: Expansion of the United Nations guidelines for consumer protection to include sustainable consumption, annex; E S C resolution 1999/45: Beirut Declaration, annex; E S C resolution 1999/61: Science and technology for development; E S C resolution 1999/62: Work of the Committee of Experts on the Transport of Dangerous Goods.

¹⁹⁶ See, e.g., G A resolution 51/169.

¹⁹⁷ G A resolutions 52/180 and 53/172.

¹⁹⁸ See, e.g., G A resolutions 52/209, 53/155 and 53/198 and E S C resolutions 1995/4, 1998/4 and 1999/5.

and programmes in the United Nations system.¹⁹⁹ Decisions in that field dealt with, inter alia, the Convention on the Elimination of All Forms of Discrimination against Women,²⁰⁰ the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,²⁰¹ Follow-up to the Fourth World Conference on Women and Full Implementation of the Beijing Declaration and Platform for Action,²⁰² improvement of the situation of women in rural areas,²⁰³ International Day for the Elimination of Violence against Women,²⁰⁴ International Research and Training Institute for the Advancement of Women,²⁰⁵ practices affecting the health of women and girls,²⁰⁶ preparations for the special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty first century”,²⁰⁷ the proposed merger of the International Research and Training Institute for the Advancement of Women and the United Nations Development Fund for Women (UNIFEM),²⁰⁸ rape and abuse of women in the areas of armed conflict in the former Yugoslavia,²⁰⁹ the role of UNIFEM in eliminating violence against women,²¹⁰ traditional practices affecting the health of women and girls,²¹¹ traffic in women and girls,²¹² UNIFEM,²¹³ violence against women migrant workers,²¹⁴ women in development,²¹⁵ women in rural areas,²¹⁶ action to combat international trafficking in women and children,²¹⁷ implementation of the Platform for Action of the Fourth World Conference on Women and the role of operational activities in promoting, in particular capacity-building and resource mobilization for

enhancing the participation of women in development,²¹⁸ the agreed conclusions of the Commission on the Status of Women on critical areas of concern identified in the Platform for Action,²¹⁹ the elimination of violence against women,²²⁰ the International Research and Training Institute for the Advancement of Women,²²¹ the system-wide medium-term plan for the advancement of women, 1996-2001,²²² the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,²²³ Palestinian women,²²⁴ preparations for the special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”,²²⁵ the situation of women and girls in Afghanistan²²⁶ and the system-wide medium-term plan for the advancement of women, 2002-2005.²²⁷

47. In the social field, the principal organs adopted a number of general decisions towards promotion of social development²²⁸ and the 1995 World Summit for Social Development.²²⁹ With regard to more specific issues of social development and social integration, many of which were identified in the report of the World Summit for Social Development,²³⁰ the principal organs continued to put considerable emphasis in their decisions on solutions in the field of crime and criminal justice, dealing with areas such as the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders,²³¹ transnational organized crime,²³² the draft United Nations convention against transnational organized crime and the draft protocols thereto,²³³ implementation of the Naples Political Declaration and Global Action Plan

¹⁹⁹ E S C resolutions 1997/2 and 1998/43.

²⁰⁰ G A resolutions 51/68 and 54/137.

²⁰¹ G A resolution 54/4.

²⁰² G A resolutions 50/203, 51/69, 52/231, 53/120 and 54/141.

²⁰³ G A resolution 50/165.

²⁰⁴ G A resolution 54/134.

²⁰⁵ G A resolution 50/163.

²⁰⁶ G A resolution 53/117.

²⁰⁷ G A resolution 54/142.

²⁰⁸ G A resolution 50/162.

²⁰⁹ G A resolution 50/192.

²¹⁰ G A resolution 50/166.

²¹¹ G A resolutions 52/99 and 54/133.

²¹² G A resolutions 50/167, 51/66 and 53/116.

²¹³ G A resolution 54/136.

²¹⁴ G A resolutions 50/168 and 54/138.

²¹⁵ G A resolutions 50/104 and 52/195.

²¹⁶ G A resolution 52/193.

²¹⁷ E S C resolution 1998/20.

²¹⁸ E S C resolution 1998/26.

²¹⁹ E S C resolutions 1998/2 and 1999/17.

²²⁰ E S C resolution 1996/12.

²²¹ E S C resolutions 1998/48 and 1999/54.

²²² E S C resolution 1996/34.

²²³ E S C resolution 1999/13.

²²⁴ E S C resolutions 1995/30, 1997/16 and 1999/15.

²²⁵ E S C resolution 1999/50.

²²⁶ E S C resolutions 1998/9 and 1999/14.

²²⁷ E S C resolution 1999/16.

²²⁸ G A resolution 54/262 and E S C resolution 1995/60.

²²⁹ G A resolutions 50/161, 51/202, 52/25 and 54/23 and E S C resolutions 1996/7 and 1997/56.

²³⁰ A/CONF.166/9.

²³¹ G A resolutions 50/147, 52/89 and 54/130.

²³² G A resolution 53/111 and E S C resolution 1998/14.

²³³ G A resolutions 52/85 and 54/126 and E S C resolution 1999/20.

against Transnational Organized Crime,²³⁴ the follow-up to the Naples Political Declaration and Global Action Plan against Transnational Organized Crime,²³⁵ measures for prevention of the smuggling of aliens,²³⁶ criminal justice action to combat smuggling of illegal migrants,²³⁷ action against illegal trafficking in migrants, including by sea,²³⁸ action to combat international trafficking in women and children,²³⁹ action to promote cooperation and the functioning of the clearing house on international projects in the field of crime prevention and criminal justice,²⁴⁰ activities of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime: illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as consideration of the need to develop an instrument on the illicit manufacturing of and trafficking in explosives,²⁴¹ administration of juvenile justice,²⁴² action against corruption,²⁴³ international cooperation against corruption and bribery in international commercial transactions,²⁴⁴ prevention of corrupt practices and illegal transfer of funds,²⁴⁵ development and implementation of mediation and restorative justice measures in criminal justice,²⁴⁶ effective crime prevention²⁴⁷ elements of responsible crime prevention: standards and norms,²⁴⁸ firearm regulation for purposes of crime prevention and public health and safety,²⁴⁹ guidelines for prevention of urban crime,²⁵⁰ international cooperation and assistance in management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of crime and

criminal justice information,²⁵¹ international cooperation in criminal matters,²⁵² measures on the prevention and control of illicit trafficking in motor vehicles,²⁵³ measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences,²⁵⁴ the Ninth²⁵⁵ and Tenth²⁵⁶ United Nations Congress on the Prevention of Crime and the Treatment of Offenders, penal reform,²⁵⁷ strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity,²⁵⁸ technical cooperation and international advisory services in crime prevention and criminal justice,²⁵⁹ the role of criminal law in the protection of the environment,²⁶⁰ the United Nations standards and norms in crime prevention and criminal justice²⁶¹ and the United Nations Declaration on Crime and Public Security.²⁶²

48. The principal organs also continued to place considerable emphasis on international cooperation in the drug control field, with respect to, inter alia, international action to combat drug abuse and illicit production and trafficking,²⁶³ drug control,²⁶⁴ the Action Plan for the Implementation of the Declaration on the Guiding Principles of Drug Demand Reduction,²⁶⁵ the strengthening of the Global Programme of Action: anti-drug strategy in the Americas,²⁶⁶ the Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and

²³⁴ E S C resolution 1996/27.

²³⁵ G A resolution 52/85.

²³⁶ G A resolution 51/62.

²³⁷ E S C resolution 1995/10.

²³⁸ E S C resolution 1998/19.

²³⁹ E S C resolution 1998/20.

²⁴⁰ E S C resolution 1999/24.

²⁴¹ E S C resolution 1999/21.

²⁴² E S C resolutions 1996/13 and 1999/28.

²⁴³ G A resolutions 51/59 and 54/128 and E S C resolutions 1995/14, 1998/16 and 1999/22.

²⁴⁴ G A resolutions 51/191 and 53/176 and E S C resolutions 1996/51 and 1997/25.

²⁴⁵ G A resolution 54/205.

²⁴⁶ E S C resolution 1999/26.

²⁴⁷ E S C resolution 1999/25.

²⁴⁸ E S C resolution 1997/33.

²⁴⁹ E S C resolutions 1996/28, 1997/28 and 1998/18.

²⁵⁰ E S C resolution 1995/9.

²⁵¹ E S C resolution 1996/11.

²⁵² G A resolutions 52/88 and 53/112 and E S C resolution 1997/26.

²⁵³ E S C resolution 1997/29.

²⁵⁴ E S C resolution 1996/26.

²⁵⁵ G A resolution 50/145 and E S C resolutions 1995/8 and 1995/27.

²⁵⁶ G A resolution 52/91 and E S C resolutions 1997/23, 1998/13 and 1999/19.

²⁵⁷ E S C resolution 1999/27.

²⁵⁸ G A resolutions 51/63 and 54/131 and E S C resolution 1997/27.

²⁵⁹ E S C resolutions 1995/15, 1997/35 and 1998/24.

²⁶⁰ E S C resolution 1996/10.

²⁶¹ E S C resolutions 1996/16, 1997/32 and 1998/21.

²⁶² G A resolution 51/60 and E S C resolutions 1996/9 and 1997/34.

²⁶³ G A resolutions 50/148 and 54/132.

²⁶⁴ G A resolution 52/92.

²⁶⁵ E S C resolution 1999/29.

²⁶⁶ E S C resolution 1997/40.

Psychotropic Substances and Their Precursors,²⁶⁷ the cohesive strategy to combat drug abuse,²⁶⁸ control of precursors and their substitutes used in the illicit manufacture of controlled substances,²⁶⁹ cooperation between customs authorities,²⁷⁰ demand for and supply of opiates for medical and scientific needs,²⁷¹ the draft declaration on guiding principles of demand reduction,²⁷² illicit manufacture of stimulants,²⁷³ implementation of comprehensive measures to counter the illicit manufacture, trafficking and abuse of amphetamine-type stimulants and their precursors,²⁷⁴ international cooperation against the illicit production, sale, demand, traffic and distribution of narcotics and psychotropic substances and related activities,²⁷⁵ international regulation and control of trade in poppy seeds,²⁷⁶ the Lucknow Accord on the Adoption of Uniform Measures to Control International Trade in Precursors and Other Chemicals Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances,²⁷⁷ measures to combat diversion of psychotropic substances,²⁷⁸ regional cooperation to reduce risks of drug abuse,²⁷⁹ strengthening international cooperation against narcotic drugs,²⁸⁰ strengthening of the role of the International Narcotics Control Board,²⁸¹ the review of the United Nations International Drug Control Programme: strengthening the United Nations machinery for international drug control within the scope of the existing international drug control treaties and in accordance with the basic principles of the Charter of the United Nations²⁸² and the special session of the General Assembly devoted to the combat against the illicit production, sale, demand,

traffic and distribution of narcotic drugs and psychotropic substances and related activities.²⁸³

49. With regard to children and youth, decisions were taken with regard to the World Summit for Children,²⁸⁴ commemoration of the fiftieth anniversary of the operations of the United Nations Children's Fund (UNICEF),²⁸⁵ the World Programme of Action for Youth to the Year 2000 and Beyond,²⁸⁶ assistance to unaccompanied refugee minors,²⁸⁷ the girl child,²⁸⁸ the rights of the child,²⁸⁹ Conference of States Parties to the Convention on the Rights of the Child,²⁹⁰ optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,²⁹¹ a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the basic measures needed for their prevention and eradication,²⁹² implementation of General Assembly resolution 45/217 on the World Summit for Children,²⁹³ policies and programmes involving youth,²⁹⁴ traditional practices affecting the health of women and girls,²⁹⁵ assistance to unaccompanied refugee minors,²⁹⁶ International Decade for a Culture of Peace and Non-violence for the Children of the World (2001-2010),²⁹⁷ practices affecting the health of women and girls,²⁹⁸ Special Rapporteur on the sale of children, child prostitution and child pornography,²⁹⁹ involvement of children in armed conflicts and the question of a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts,³⁰⁰ World Programme of

²⁶⁷ E S C resolution 1997/39.

²⁶⁸ E S C resolution 1995/16.

²⁶⁹ E S C resolution 1996/29.

²⁷⁰ E S C resolution 1995/18.

²⁷¹ E S C resolutions 1995/19, 1997/38, 1998/25 and 1999/33.

²⁷² E S C resolution 1996/18.

²⁷³ E S C resolution 1995/20.

²⁷⁴ E S C resolution 1997/41.

²⁷⁵ E S C resolution 1995/1.

²⁷⁶ E S C resolution 1999/32.

²⁷⁷ E S C resolution 1999/31.

²⁷⁸ E S C resolution 1996/30.

²⁷⁹ E S C resolution 1995/17.

²⁸⁰ E S C resolution 1995/40.

²⁸¹ E S C resolution 1996/20.

²⁸² E S C resolution 1999/30.

²⁸³ E S C resolutions 1996/17 and 1997/37.

²⁸⁴ G A resolution 53/193.

²⁸⁵ G A resolution 51/192.

²⁸⁶ G A resolution 50/81.

²⁸⁷ G A resolution 50/150.

²⁸⁸ G A resolutions 50/154, 51/76 and 52/106.

²⁸⁹ G A resolutions 51/77 and 54/149.

²⁹⁰ G A resolution 50/155.

²⁹¹ G A resolution 54/263.

²⁹² E S C resolution 1995/35.

²⁹³ G A resolution 51/186.

²⁹⁴ G A resolution 52/83.

²⁹⁵ G A resolutions 52/99 and 54/133.

²⁹⁶ G A resolutions 52/105 and 54/145.

²⁹⁷ G A resolution 53/25 and E S C resolution 1998/31.

²⁹⁸ G A resolution 53/117.

²⁹⁹ E S C resolution 1995/36.

³⁰⁰ E S C resolution 1995/37.

Action for Youth to the Year 2000 and Beyond,³⁰¹ measures to prevent illicit international trafficking in children,³⁰² traffic in women and girls,³⁰³ the administration of juvenile justice³⁰⁴ and policies and programmes involving youth.³⁰⁵ Decisions regarding the elderly dealt primarily with the activities for the International Year of Older Persons.³⁰⁶ With regard to the family, the General Assembly and the Economic and Social Council adopted decisions on follow-up to the International Year of the Family,³⁰⁷ respect for the right to universal freedom of travel and the vital importance of family reunification.³⁰⁸ Decisions dealing with disabled persons included those towards full integration of persons with disabilities in society: implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and of the Long-term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond,³⁰⁹ implementation of the World Programme of Action concerning disabled persons towards a society for all in the twenty-first century,³¹⁰ equalization of opportunities for persons with disabilities,³¹¹ children with disabilities,³¹² strengthening regional support for persons with disabilities into the twenty-first century³¹³

50. In a number of areas dealt with in the past, the principal organs focused attention on specific and problematic aspects. For example, with regard to women in development, the General Assembly adopted decisions regarding violence against women migrant workers.³¹⁴ In the field of crime and criminal justice, the principal organs adopted decisions dealing with action against corruption and bribery,³¹⁵ measures on

the prevention and control of illicit trafficking in motor vehicles,³¹⁶ regulation of firearms³¹⁷ and explosives³¹⁸ for the purpose of crime prevention and public safety, the illicit trade in small arms³¹⁹ and measures for the prevention of the smuggling of aliens.³²⁰ With regard to environmental protection, decisions were adopted regarding the observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control,³²¹ the role of criminal law in protecting the environment³²² and the World Solar Programme³²³ and the question of proclaiming an international year of mountains.³²⁴ With regard to humanitarian action, the Assembly adopted decisions with regard to assistance to unaccompanied refugee minors³²⁵ and protection and assistance for internally displaced persons.³²⁶

B. Analytical summary of practice

1. ROLE OF THE PRINCIPAL ORGANS OF THE UNITED NATIONS IN RESPECT OF PROMOTING ECONOMIC AND SOCIAL DEVELOPMENT AND SOLUTIONS OF INTERNATIONAL ECONOMIC, SOCIAL, HEALTH AND RELATED PROBLEMS

(a) *Role of the United Nations in promoting international cooperation for development*

51. By its resolution 49/95, the General Assembly reaffirmed³²⁷ that the United Nations had a central role to play in promoting international cooperation for development and in bringing development issues to the attention of the international community. In that context, the Assembly requested³²⁸ the Secretary-General to propose themes that would represent mutual interests, benefit all countries and be relevant to the elaboration of an agenda for development.

³⁰¹ E S C resolutions 1995/64 and 1997/55.

³⁰² E S C resolution 1996/26.

³⁰³ G A resolution 53/116.

³⁰⁴ E S C resolutions 1997/30 and 1999/28.

³⁰⁵ E S C resolution 1999/18.

³⁰⁶ See, e.g., G A resolutions 50/141 and 53/109 and E S C resolutions 1995/21 and 1997/18.

³⁰⁷ G A resolutions 50/142 and 54/124 and E S C resolution 1997/21.

³⁰⁸ G A resolutions 50/175 and 53/143.

³⁰⁹ G A resolution 50/144.

³¹⁰ G A resolutions 52/82 and 54/121.

³¹¹ E S C resolution 1997/19.

³¹² E S C resolution 1997/20.

³¹³ E S C resolution 1998/4.

³¹⁴ See, e.g., G A resolution 51/65.

³¹⁵ See, e.g., G A resolutions 51/59, 51/191 and 53/176 and E S C resolutions 1995/14 and 1999/22.

³¹⁶ See, e.g., E S C resolution 1997/29.

³¹⁷ See, e.g., E S C resolutions 1995/27, IV and 1996/28.

³¹⁸ See, e.g., E S C resolution 1998/17.

³¹⁹ See, e.g., G A resolution 52/92.

³²⁰ G A resolution 51/62. See also E S C resolution 1998/19.

³²¹ G A resolution 52/38 E.

³²² E S C resolution 1996/10.

³²³ G A resolutions 53/7 and 54/215.

³²⁴ E S C resolutions 1995/235 and 1997/45.

³²⁵ See, e.g., G A resolution 54/145.

³²⁶ G A resolution 54/167.

³²⁷ G A resolution 49/95, para. 4.

³²⁸ Ibid.

52. Pursuant to that mandate, the Secretary-General's report³²⁹ referred to a note which suggested that market-driven globalization, the growing trend towards regional integration and the logic of increasing interdependence created the imperative of dialogue and cooperation for all countries. The report further pointed out that the expanding role of the non-State actors, the erosion of the capacity of Governments to influence economic outcomes and the complex interaction between forces of integration and fragmentation in the global economy, while generating new impulses of growth and development, were also giving rise to marginalization of the poorest developing countries, as well as sizeable segments of the population in industrial countries.³³⁰ The Secretary-General also stated that internationalization of many economic activities, the effects of new information technologies and of modern transport and communications, the global consequences of actions regarding the planet's resources and the erosion of many economic frontiers called for major adjustments in the nature and scope of international cooperation.³³¹ Cooperation became more likely when countries were faced with the adverse effects of interdependence without much prospect of protecting themselves by using traditional means, such as domestic policies and actions. Therefore, partnership based on mutual interest became increasingly attractive.

53. By resolution [50/122](#), the Assembly, stressing that centrality of development in United Nations activities and that the Organization had a central role to play in promoting international economic cooperation for development, reaffirmed that a dialogue should be conducted in response to the imperatives of mutual interests and benefits and that the United Nations should reinforce its activities in order to facilitate such a dialogue.

54. Consequently, the Assembly held a high-level meeting on 17 and 18 September 1998 on renewal of the dialogue on strengthening international economic cooperation for development. That dialogue, which focused on the overall theme of the economic and social impact of globalization and interdependence and their policy implications, represented a further step in United Nations efforts to advance multilateral cooperation on issues of vital importance to all

countries, bringing together expertise from the private sector, the academic world and active participation of the United Nations entities owing to the Organization's universality and its unique platform for defining the principles and norms necessary to harness the potential of globalization.³³² In that context, many delegations focused on the need to strengthen multilateralism. They underscored that the establishment of global governance that would match the potency and the scope of globalization was possible only through the central instrumentality of a reformed, democratized and fully empowered United Nations.³³³

55. At its fifty-third session, the Assembly adopted resolution [53/169](#) on the role of the United Nations in promoting development in the context of globalization and interdependence. In reaffirming the purposes and the principles of the Charter of the United Nations,³³⁴ particularly with regard to the role of the United Nations in promoting international economic and social cooperation, the Assembly expressed concern over the serious risk of marginalizing developing countries owing to globalization, and reiterated the unique position of the United Nations, as a universal forum, to achieve international cooperation in addressing the challenges of promoting development in the context of globalization and interdependence.

56. Further, the Assembly underlined³³⁵ the need to continue to work to ensure full participation of all developing countries in the benefits of globalization, recognizing the needs and specific concerns of developing countries, particularly the special needs of the least developed countries and small island developing States, as well as those of countries with economies in transition, in order to help them to benefit from globalization, with a view to their full integration into the global economy. The Assembly recognized the urgency of working together in developing a global approach to mitigate the negative consequences of globalization and interdependence, taking into account the specific vulnerabilities, concerns and needs of developing countries. It requested the Secretary-General to prepare, in collaboration with UNCTAD and in consultation with relevant organizations, in particular WTO, IMF, the World Bank and the regional commissions, an

³²⁹ A/50/480, para. 3; see also A/49/542.

³³⁰ *Ibid.*, para. 3.

³³¹ *Ibid.*, para. 12.

³³² A/53/529, para. 6.

³³³ *Ibid.*, para. 42.

³³⁴ G A resolution 53/169.

³³⁵ *Ibid.*

analytical report examining interrelated issues in order to facilitate better understanding of globalization and makes recommendations on, inter alia: (a) the role of the United Nations in promoting development in the context of globalization and interdependence; and (b) promoting coherence, complementarity and coordination on economic and development issues at the global level in order to optimize the benefits and limit the negative consequences of globalization and interdependence.

57. Pursuant to that resolution, the Secretary-General submitted a report³³⁶ attempting to clarify the ways in which the complex phenomenon of globalization affected development and the implications of that interaction for the development role of the United Nations. The report also was aimed at identifying and further enhancing the role of the United Nations system. Owing to the Organization's democratic character, the United Nations had a clear comparative advantage in promoting a coherent policy response both at the national and international levels. The Secretary-General reported³³⁷ that the United Nations was uniquely suited to assume normative leadership for "globalization with a human face". It could do so by promoting a broader vision of human development. As a first step, it needed to help devise an effective response to the twin challenges of globalization, the need for greater policy coherence and institutional capacity-building at the national, regional and global levels.³³⁸ Therefore, it was implied that the development work of the United Nations, both at the analytical and normative levels, and its operational activities needed more focus on meeting those challenges. The United Nations needed to work very closely with key partners, such as the Bretton Woods institutions and other organizations of the system, Governments of both developed and developing countries, the corporate and financial sectors and civil society institutions at large, in order to build the necessary consensus around the need for change in policies and institutions.³³⁹ Practical action, the report continued, meant agreeing on the rules of the game and building institutional oversight capacity. The United Nations was the pre-eminent body to launch the discussions on setting those rules, norms and standards

³³⁶ A/54/358.

³³⁷ Ibid., para. 47.

³³⁸ Ibid.

³³⁹ Ibid., para.48.

and to build consensus around the institutional arrangements needed for applying them.³⁴⁰ In terms of policy coherence and institutional capacity-building, it was proposed that the high-level General Assembly meetings on the renewal of dialogue could provide an important opportunity for a broad-based dialogue on such issues while key events, such as financing for development, the tenth session of UNCTAD and the five-year reviews of global conferences, would serve to advance the overall agenda of strengthening capacity for economic governance.³⁴¹

58. With regard to operational activities, the report suggested that efforts of the Organization in this field should contribute to the expansion of national capacity to take advantage of the positive implications of globalization and to deal with its negative implications, sharpening the focus on pursuing, inter alia, the following objectives: (a) helping to develop a coherent and integrated policy framework encompassing macroeconomic, financial, social and environmental aspects; (b) assisting in human resources development; (c) establishing an enabling environment to expand foreign and domestic investment; (d) diversifying and expanding domestic production, as well as import-export trade; (e) facilitating and fully using the benefits of technological transfer; and (f) expanding capacities to deal with external debt management.³⁴²

59. At its fifty-fourth session, the General Assembly adopted resolution 54/231. In taking note of, inter alia, the report of the Secretary-General, the Assembly:

1. *Reaffirm[ed]* that the United Nations has a central role to play in promoting international cooperation for development and in promoting greater policy coherence on global development issues, including in the context of globalization and interdependence;

2. *Strongly stress[ed]* that the United Nations, the Bretton Woods institutions and the World Trade Organization should intensify their collaboration, as appropriate, in promoting policy coherence, complementarity and coordination on economic, financial, trade and development issues at the global level, which should aim at optimizing the benefits and minimizing the negative consequences of globalization, liberalization and

³⁴⁰ Ibid., para.50.

³⁴¹ Ibid., para. 51.

³⁴² Ibid., para. 69.

interdependence, taking into account the specific vulnerabilities, concerns and needs of developing countries;

3. *Call[ed]* for increased international cooperation to address the challenges of globalization through the enhanced participation of developing countries in the international economic policy decision-making process; integrated consideration of trade, finance, technology transfer and development issues by the relevant international institutions; and the continuation of a wide range of reforms of the international financial system;

4. *Call[ed]* upon all countries, in particular the major developed economies, to enhance coherence among their financial, trade and development cooperation policies, with a view to creating an enabling international economic environment supportive of development, in particular of developing countries;

5. *Stresse[ed]* the importance, at the national level, of maintaining sound macroeconomic policies and developing effective institutional and regulatory frameworks and human resources, so as to realize the mutually reinforcing objectives of poverty eradication and development, including through national poverty reduction strategies and enhanced policy coherence;

6. *Urge[ed]* the international community to promote international development cooperation aimed at enhancing the participation of developing countries in the globalizing world economy;

7. *Also urge[ed]* the international community to adopt policies that promote equity in finance, trade and transfer of technology and address the problems of developing countries in the areas of external debt and transfer of resources, financial vulnerability, declining terms of trade and market access;

...

11. *Emphasiz[ed]* the technology-led dimension of globalization and the importance of facilitating access to and transfer of information and communication technology and corresponding knowledge, in particular to developing countries, on favourable terms, including concessional and

preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, as well as the special needs of developing countries, to enable them to benefit from globalization through full and effective integration into the emerging global information network;

12. *Strongly emphasiz[ed]* the need for the regional and national capacity-building programmes of the United Nations system, the regional commissions, United Nations funds and programmes and the specialized agencies to have a strong component oriented towards assisting developing countries, as well as countries with economies in transition, in the area of information and communication technology;

13. *Request[ed]* the Secretary-General to prepare, in close collaboration with the United Nations Conference on Trade and Development and in consultation with other relevant organizations, a comprehensive report containing action-oriented recommendations on promoting further the role of the United Nations system in the transfer of information and communication technology to developing countries and also on its role in promoting policy coherence, complementarity and coordination on economic, financial, trade, technology and development issues at the global level in order to optimize the benefits of globalization;

14. *Also request[ed]* the Secretary-General to convene, if possible, from extrabudgetary resources, a meeting of a high-level panel of experts on information and communication technology, taking into account equitable geographical representation, and in consultation with Member States, to prepare a report, to be made available in early June 2000, containing recommendations on the role of the United Nations in enhancing the integration of developing countries in the emerging global information network, facilitating access for developing countries to information and communication technology, including access on preferential and concessional terms, where appropriate, and promoting the participation of developing countries, including through infrastructure facilities, in knowledge-intensive sectors of the global economy;

...

16. *Decid[ed]* to include in the provisional agenda of its fifty-fifth session the item entitled “Globalization and interdependence”.³⁴³

(b) *Agenda for Development*

60. It may be noted that, at its forty-seventh session, the General Assembly, in recalling its commitment to promote the achievement of the objectives and priorities of the United Nations in the economic, social and related fields, requested the Secretary-General to submit at its forty-eighth session, in consultation with Member States, a report on an agenda for development, taking fully into consideration the objectives and agreements on development that had been adopted by the Assembly.³⁴⁴ Work on the initiative proceeded to take into account a broad range of sources to arrive ultimately at the text of the agenda. In the course of the next several years, the Secretary-General elicited the views of all Member States, agencies and programmes of the United Nations system, as well as a wide range of public and private sources.³⁴⁵ The Secretary-General reported that it was envisioned that the proposed agenda for development was to “bring out the new face of the world economy, stressing the globalization of economic flows, and taking stock of the increased interdependence among nations and issues”.³⁴⁶

³⁴³ G A resolution 54/231.

³⁴⁴ G A resolution 47/181. See also *Repertory, Supplement No. 8*, vol. IV, under the present Article, paras. 11, 12 and 29. The General Assembly, in the same resolution, stressed that the objectives and commitments with regard to development adopted by the General Assembly, together provided the overall framework of international cooperation for development. These included those contained in the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, the International Development Strategy for the Fourth United Nations Development Decade, the Cartagena Commitment, the United Nations New Agenda for the Development of Africa in the 1990s, the Programme of Action for the Least Developed Countries for the 1990s, and the various consensus agreements and conventions adopted at the level of Heads of State or Government, especially Agenda 21, which marked the beginning of a new global partnership for sustainable development.

³⁴⁵ See A/48/689 and A/48/935.

³⁴⁶ A/48/689, para. 27.

61. The Assembly, by resolution 48/166, decided to pursue open-ended, broad-based intergovernmental discussions to consider an agenda for development.³⁴⁷ Those discussions evolved into the World Hearings on Development in June 1994, which had been convened by the President of the Assembly and held against the backdrop of the Secretary-General’s report.³⁴⁸ Those hearings, which received written submissions by expert witnesses and others concerned,³⁴⁹ were organized to cover five themes: development, peace and security; challenges and imperatives of growth and sustainable development: putting people first; globalization: growth and required action; a new partnership for global development; and coordination and institutional support: the role of the United Nations.³⁵⁰

62. For its part, the Economic and Social Council, at the recommendation of the General Assembly,³⁵¹ selected “An Agenda for Development” as the theme for the high-level segment of its substantive session held in New York on 28 and 29 June 1994.³⁵² At its forty-ninth session, the General Assembly took note of the relevant chapters of the report of the Economic and Social Council.³⁵³ The Assembly, in resolution 49/126, which took note of the reports of the Secretary-General and of the President’s summary and conclusions on the World Hearings,³⁵⁴ decided to establish an ad hoc open-ended working group to elaborate further an action-oriented, comprehensive agenda for development. The working group was to begin its work as early as possible in 1995 and to submit to the General Assembly a progress report on its work prior to the conclusion of its forty-ninth session. In addition, the Assembly requested the Council to provide “substantive input” to the work of the ad hoc working group and decided to include the item “Agenda for development” in the provisional agenda for its fiftieth session.

63. During the period under review, the ad hoc open-ended working group under the chairmanship of the President of the General Assembly held three sessions in 1995, in February, May and August/September. At

³⁴⁷ G A resolution 48/166.

³⁴⁸ A/48/935.

³⁴⁹ A/49/320.

³⁵⁰ *Ibid.*, p. 40.

³⁵¹ G A resolution 48/166.

³⁵² A/49/3/Rev. 1 and E/1994/109.

³⁵³ G A decision 49/441.

³⁵⁴ A/49/320, paras. 4-67.

its first session, the working group engaged in a preliminary exchange of views on a tentative outline for an agenda for development and requested that the Secretariat provide, before its next session, a compendium containing the goals, targets and commitments, as well as an assessment of the status of implementation, of major United Nations conferences, agreements and meetings that had been held over the previous five years.³⁵⁵

64. At its second session, the working group had before it the proposed outline and the compendium of the vice-chairmen, as well as written contributions from a number of groups and States. Based on the proposed outline, the working group agreed that the proposed agenda for development should consist of the following three chapters: (a) setting and objectives; (b) policy framework, including means of implementation; and (c) institutional issues and follow-up. On the basis of that outline, the working group exchanged views on the first two chapters, following which it entrusted its two vice-chairmen to provide a synthesis text for its third session that would take into account the views expressed during its second session, as well as all written contributions. In addition, the working group requested that the Secretariat provide a compilation of all written contributions for its third session. At that session, the working group had before it the vice-chairmen's synthesis text and the compilation; the working group agreed that the synthesis text, although containing only the first two chapters of the proposed agenda for development, should serve as the basis for negotiation. After reviewing the synthesis text, the working group exchanged views on the third chapter of the proposed agenda for development. At the end of the session, the group entrusted the two vice-chairmen with providing a revised synthesis text, including chapter III, based on the discussions held during the third session.³⁵⁶ Pursuant to General Assembly decisions 49/497 and 50/490, the working group continued its work during the fiftieth and fifty-first sessions of the Assembly, and finalized its report in June 1996.³⁵⁷

65. On the recommendation of the Ad Hoc working group,³⁵⁸ the General Assembly, by its resolution 51/240, adopted the "Agenda for Development",

reflecting the objectives of Article 55 (a) and (b) as follows:

In accordance with the Charter of the United Nations, the Organization aims at the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, based on respect for the principles of sovereign equality of all its Members, equal rights and self-determination of peoples, and at achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character.³⁵⁹

Section I set the Agenda for Development in the context of, *inter alia*, trends towards increasing globalization, interdependence, global financial and trade integration; the need for new partnerships in international economic relations; the interrelations between development, peace and security; the need for a commitment to partnership in the context of globalization; the impact of globalization; the concerns about the critical situations and problems in Africa; and the importance of democracy and transparency, notably in the promotion of rights such as the right to development.³⁶⁰ The Assembly identified as the objectives of the Agenda for Development the need to strengthen international cooperation for development, particularly through the implementation of all international agreements and commitments for development; the enhancement of the role, effectiveness and efficiency of the United Nations system in development; and the need to promote development based on an integrated approach.³⁶¹ In respect of the policy framework,³⁶² the Agenda contained recommendations with regard to economic development — including macroeconomic policies towards economic growth and sustained development, international trade, issues of external and internal finance, science and technology — social development, the status of women, the rights of the child, population and development and international migration. It also emphasized the interdependent relationship between environment and development, notably through implementation of Agenda 21 of the United Nations Conference on Environment and Development and of other international conventions on the environment, the

³⁵⁵ A/49/45, paras. 1-10.

³⁵⁶ *Ibid.*

³⁵⁷ A/AC.250/1 parts I, II and III, reissued as G A (51) Supplement No. 45 (A/51/45).

³⁵⁸ G A (51) Supplement No. 45 (A/51/45).

³⁵⁹ G A resolution 51/240, annex, sect. III, para. 232.

³⁶⁰ *Ibid.*, Sect. I, paras. 3-32.

³⁶¹ *Ibid.*, paras. 33-46.

³⁶² *Ibid.*, sect. II, paras. 47-202.

impact of humanitarian issues on development and the increasing role of non-State actors in development. Finally, action for “countries in special situations” was to be considered, namely for African countries, developing countries, the least developed countries and other countries with economies in transition.

66. Within that context, the role of the Organization was key: “[t]he role and functions of the United Nations in international economic and social cooperation, as defined in the Charter and as further elaborated in various international agreements, including in the outcomes of major United Nations conferences, range wide and deep and should be fulfilled”.³⁶³ In citing the universal membership and comprehensive mandate of the United Nations, the Agenda for Development identified the central role of the Organization in promoting international cooperation for development and providing policy guidance on global development issues; forging international consensus in the field of development through intergovernmental processes and instruments; raising public awareness and promoting internationally agreed principles and commitments; implementing concrete programmes which were aimed at responding to developmental and humanitarian needs and promoting social justice and the protection of the environment through activities at the field level and through the collection and dissemination of information; fostering greater coherence, complementarity and coordination in economic policymaking at the global level, including, *inter alia*, macroeconomic policy issues; and ensuring the principles of transparency and effective participation and representation. In using its unique mandate to address issues of peace and development in an integrated manner, the United Nations plays a vital role in mobilizing the international community to respond in a comprehensive and coordinated way to rehabilitation and reconstruction, as well as longer-term development needs, in connection with humanitarian emergency situations. In the context of operational activities for development, the United Nations would effectively support Governments, particularly those of the developing countries, in their efforts to address increasingly complex issues of development in an interdependent world.³⁶⁴

³⁶³ *Ibid.*, sect. III, para. 232.

³⁶⁴ *Ibid.*, sect. III, paras. 233-240.

67. The Agenda for Development is aimed at enhancing the effectiveness of the Organization in fulfilling its mandate:

245. The General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policies in the economic, social and related fields, and the main forum where Governments pursue the development dialogue in its political context. This dialogue aims at both promoting an integrated view of matters relating to the economic, social and related fields, thus fostering the deeper political understanding needed for enhanced international development cooperation, and at generating impulses for action and launching initiatives. The Assembly should exert greater policy leadership on development issues inasmuch as the Charter of the United Nations provides the Assembly with broad mandates concerning these issues.

...

248. ... The Assembly has the overall responsibility for ensuring the implementation of the results of United Nations conferences and facilitating and reviewing progress achieved. In this context, the Assembly should provide policy guidance and carry out on a periodic basis an overall review of the implementation of the outcomes of the conferences. Such conferences should be complementary to the Assembly’s in-depth consideration of major issues of concern to the international community.

...

249. At the same time, for the Assembly to fully perform its Charter role measures also have to be taken in addition to the strengthening of the Assembly itself and to ensure that priorities set by the Assembly are fully implemented and followed up by the entire United Nations system. The policy guidance role of the Assembly in promoting international cooperation to solving international problems of an economic and social character should be fully exercised in all areas of development, including macroeconomic issues.³⁶⁵

The Agenda for Development contained calls for the identification of measures to enhance the ability of the

³⁶⁵ *Ibid.*

debate in the General Assembly to generate substantive solutions to specific policy problems and to take an integrated approach to development, including the possibility of choosing a principal theme or themes in order to focus substantive debate under each “cluster” in the Agenda without prejudice to the right of delegations to raise any other specific issue in the debates.³⁶⁶

68. With regard to the Economic and Social Council, the Agenda for Development contained the following directives, *inter alia*:

251. In accordance with relevant provisions of the Charter, the Economic and Social Council must continue to strengthen its role as the central mechanism for coordination of the United Nations system and its specialized agencies and supervision of subsidiary bodies, in particular its functional commissions in the economic and social fields. The ongoing efforts to reform the Council call for more effective procedures and review of its work programme and working methods and should result in an increased capacity of the Council to provide overall guidance, monitor and coordinate the United Nations development system. These reforms should be allowed to take root and be built upon.

(c) *World Summit for Social Development*

69. At its forty-seventh session, the General Assembly decided, by resolution 47/92, to convene in early 1995 the World Summit for Social Development at the level of Heads of State or Government in order to further the objectives of the Charter of the United Nations, as stated in Article 55, to promote “higher standards of living, full employment, and conditions of economic and social progress and development”, and “solutions of international economic, social, health, and related problems, with particular focus on social development aspects”.³⁶⁷

70. During the period under review, the World Summit for Social Development [hereinafter referred to as “the Summit”] was held in Copenhagen in 1995;³⁶⁸ it adopted the Copenhagen Declaration on

Social Development and the Programme of Action of the World Summit for Social Development. The core issues addressed were the enhancement of social integration, poverty alleviation and the expansion of productive employment. Faced with the challenge of establishing a people-centred framework for social development, of building a culture of cooperation and partnership and of responding to immediate needs,³⁶⁹ the Heads of State or Government adopted principles, goals and 10 commitments for action, which are contained in the Copenhagen Declaration. The Programme of Action included a set of policies, actions and measures.

71. An integrated approach was taken by the Summit and its resulting instruments in order to combine different actions for poverty eradication, employment creation and social integration within coherent national and international strategies for development. At the international level, the Programme of Action called for a framework for cooperation developed in the context of the Agenda for Development in order to ensure integrated and comprehensive implementation, follow-up and assessment of the outcome of the Summit, together with the results of other recent and planned United Nations conferences related to social development.³⁷⁰ The Programme of Action set out the specific role of the Organization in following up the Summit. It was envisioned that the Assembly, as the highest intergovernmental mechanism, would be the principal policymaking and appraisal organ on matters relating to the follow-up of the Summit and would review the effectiveness of the steps taken to implement the outcome of the Summit with regard to poverty eradication, as part of the activities relating to the International Year for the Eradication of Poverty. The Assembly would hold a special session in the year 2000 for an overall review and appraisal of the implementation of the outcome of the Summit and consider further action and initiatives. The Programme

³⁶⁶ *Ibid.*

³⁶⁷ G A resolution 47/92. For more discussion on the preparatory process for the Summit, see A/49/24/Rev.1, A/CONF.166/L.1 and A/CONF.166/PC/28.

³⁶⁸ A/CONF.166/9.

³⁶⁹ *Ibid.*, chap. I, resolution 1, annex I, para. 24.

³⁷⁰ A/CONF.166/9, chap. I, resolution 1, annex II, para. 94. Conferences included, in particular, the World Summit for Children, the United Nations Conference on Environment and Development, the World Conference on Human Rights, the Global Conference on the Sustainable Development of Small Island Developing States, the International Conference on Population and Development, the Fourth World Conference on Women and the second United Nations Conference on Human Settlements (Habitat II).

of Action recommended that the Assembly, at its fiftieth session, declare the first United Nations decade for the eradication of poverty, drawing upon the initial work of the working group that drafted the Agenda for Development as it concerned a common framework for the implementation of the outcome of conferences.³⁷¹ The General Assembly, as well as the Economic and Social Council, could convene meetings of high-level representatives to promote international dialogue on critical social issues and on policies for addressing them through international cooperation.

72. The Council, in the context of its role under the Charter of the United Nations vis-à-vis the Assembly and in accordance with Assembly resolutions 45/264, 46/235 and 48/162, would oversee system-wide coordination in implementation of the Summit outcome and make recommendations in that regard, examining ways to strengthen, consistent with the mandates of the Charter of the United Nations, the role and authority, structures, resources and processes of the Council, bringing specialized agencies into a closer working relationship with the Council to review progress made towards implementing the outcome of the Summit. The Council was invited to review the mandate, agenda and composition of the Commission for Social Development and to review the reporting system in the area of social development with a view to establishing a coherent system that would result in clear policy recommendations for Governments and international actors. Within the framework of the earlier discussions on an agenda for development and the discussions of the Council at its coordination segment in 1995 on a common framework for the implementation of the outcome of United Nations conferences in the economic and social fields, it was decided that consideration should be given to the possibility of holding joint meetings of the Council and the Development Committee of the World Bank and IMF.³⁷² The Programme of Action also identified the important role of the Committee on Economic, Social and Cultural Rights in monitoring those aspects of the Declaration and Programme of Action that related to compliance by States Parties to the International Covenant on Economic, Social and Cultural Rights.³⁷³

73. The Programme of Action contained an acknowledgment of an appropriate role for the

³⁷¹ A/CONF.166/9, chap. I, resolution 1, annex II, para. 95.

³⁷² Ibid.

³⁷³ See G A resolution 2200 (XXI).

Organization to play in providing developing countries as well as countries with economies in transition with technical cooperation and other forms of assistance, in implementing the Declaration and Programme of Action. Further it contained recommendations to strengthen United Nations operational activities for development in order to implement the Summit outcome in accordance with relevant resolutions, particularly General Assembly resolution 47/199.

74. At its fiftieth session, by resolution 50/161 the General Assembly endorsed the Copenhagen Declaration and Programme of Action and, inter alia, reiterated the call to Governments to define time-bound goals and targets for reducing overall poverty and eradicating absolute poverty, expanding employment and reducing unemployment, and enhancing social integration, within each national context. While emphasizing the need for the promotion of an integrated and multidimensional approach for the implementation of the Declaration and Programme of Action at all levels, the Assembly also reiterated the call for formulating or strengthening, by 1996, comprehensive cross-sectoral strategies for implementing the outcome of the Summit and national strategies for social development. It further called for regularly assessing national progress towards implementing the outcome of the Summit, possibly in the form of periodic national reports, and reaffirmed the need for effective partnership and cooperation on the matter between Governments and the relevant actors of civil society, social partners and major groups as defined in Agenda 21.³⁷⁴ In the ensuing years, relevant organs, organizations and bodies of the United Nations system were actively involved in the follow-up to the Summit, adjusting their activities, programmes and medium-term strategies, as appropriate. The Assembly adopted several resolutions, namely 51/202, 52/25, 53/28, and 54/23, on implementation of the outcome of the Summit.

75. With regard to the role of the United Nations system, the Assembly in resolution 50/161 set out the mandate for the actions to be taken by that system. Pursuant to the recommendations in the Programme of Action, the Assembly decided on a three-tiered intergovernmental process in the follow-up to the Summit. That process consisted of the Assembly, through its role in policy formulation; the Economic

³⁷⁴ See *Repertory, Supplement 8*, vol. IV, under the present Article, paras. 205-215.

and Social Council, through its role in overall guidance and coordination; and a revitalized Commission for Social Development. In accordance with the Copenhagen Declaration,³⁷⁵ the Assembly decided also to hold a special session in 2000 to conduct an overall review and appraisal of the implementation of the outcome of the Summit and to consider further actions and initiatives. It requested the Council to continue examining ways to strengthen its role, authority, structures, resources and processes, bringing specialized agencies into a closer working relationship with it in order to, *inter alia*, review the implementation of the outcome Summit. It further invited the Council to review the reporting system in the area of social development and invited the regional commissions, within their mandates, in cooperation with the regional intergovernmental organizations and banks, to consider convening, on a biennial basis, a meeting at a high political level (a) to review progress made towards implementing the outcome of the Summit, (b) to exchange views on their respective experiences and (c) to adopt appropriate measures.³⁷⁶

76. At the same session, in follow-up to Assembly resolution 48/183 proclaiming 1996 the International Year for the Eradication of Poverty, the Assembly decided that the aim of the activities during that Year should be to support a longer-term, sustained effort to implement fully and effectively the commitments, recommendations and measures undertaken, and the basic provisions already agreed at major United Nations conferences since 1990, in particular, *inter alia*, the Summit.³⁷⁷ In view of the recommendation contained in the Programme of Action of the Summit, the General Assembly declared the period 1997-2006, the first United Nations Decade for the Eradication of Poverty, with a view to considering further initiatives for the eradication of poverty.³⁷⁸ At the end of 1996, the Assembly adopted resolution 51/178, in which it decided that the objective of the first United Nations Decade for the Eradication of Poverty was to achieve the goal of eradicating absolute poverty and reducing overall poverty substantially in the world, through decisive national action and international cooperation in implementing fully and effectively all agreements, commitments and recommendations of major United

Nations conferences and summits organized since 1990 as they related to poverty eradication. It further recognized the need to increase the share of funding for social development programmes, in particular basic social programmes, commensurate with the scope and scale of the activities required to achieve the objectives and goals set out in commitment 2 of the Copenhagen Declaration on Social Development and chapter II of the Programme of Action of the World Summit for Social Development, as they related to the eradication of poverty.

77. At its fifty-first session, the Assembly adopted resolution 51/202 on the implementation of the outcome of the Summit. Among other things, it referred to the initiative taken by the Administrative Committee on Coordination (hereinafter referred to as ACC) to establish inter-agency task forces on follow-up to international conferences and requested that ACC report to the Council on the outcome of the work of those task forces and on future inter-agency coordination on the implementation by the United Nations system of the outcome of the Summit. At its fifty-second session, the Assembly, by resolution 52/25, noted with appreciation the work accomplished by the inter-agency task forces established by ACC to ensure that the United Nations effectively furnished support for the integrated implementation at the country level of the action programmes that emerged from the Summit and other recent United Nations conferences.³⁷⁹ It further welcomed the initiatives taken by the regional commissions in that field, such as the holding by the Economic Commission for Latin America and the Caribbean of the Regional Conference in Follow-up to the World Summit for Social Development, and the convening by the Economic and Social Commission for Asia and the Pacific of the Fifth Asian and Pacific Ministerial Conference on Social Development in Manila in 1997, to review national progress achieved and regional action taken in implementation of the outcome of the Summit. The Assembly decided also to establish a preparatory committee in view of its approaching special session in 2000 on the implementation of the outcome of the

³⁷⁵ A/CONF.166/9, annex I, commitment 10 (g).

³⁷⁶ G A resolution 50/161.

³⁷⁷ G A resolution 50/107.

³⁷⁸ *Ibid.*

³⁷⁹ At its second regular session in October 1995, ACC established three inter-agency task forces, namely on basic social services for all; on employment and sustainable livelihoods; and on an enabling environment for social and economic development. See A/50/670, paras. 60 and 61. See also A/51/348, para. 57.

Summit and further initiatives; that committee would initiate substantive activities in 1999.

78. The Preparatory Committee for the 2000 special session of the General Assembly held its first substantive session of 1999,³⁸⁰ focusing on general matters relating to the preparation process and a resumed session in September. During the substantive session, it made arrangements regarding the participation and accreditation of non-governmental organizations in the special session.³⁸¹ In May, the committee recommended three decisions for adoption by the General Assembly, including one dealing with the role of the United Nations system,³⁸² inviting all relevant organs and specialized agencies of the United Nations system to elaborate, as set out in the annex of the draft decision, review reports and proposals for further action and initiatives. In that annex, particular organs were requested to carry out specific studies under each of the commitments of the Copenhagen Declaration.

79. With regard to regional follow-up, at its fifty-first session, the General Assembly renewed the invitation of the Summit for the regional commissions, within their mandates and in cooperation with intergovernmental organizations and banks, to convene on a biennial basis a meeting at a high political level to review the progress made towards implementing the outcome of the Summit.³⁸³ Subsequently, the Economic Commission for Latin America and the Caribbean organized the first Regional Conference in Follow-up to the World Summit for Social Development at São Paulo, Brazil, in April 1997, with the participation of high-level representatives of States Members of that Commission.³⁸⁴ That meeting led to the issuance of final documents known as the “São Paulo Consensus”, in which the signatories undertook, *inter alia*, commitments related to the implementation of the Programme of Action of the Summit.³⁸⁵

³⁸⁰ A/54/45.

³⁸¹ A/54/45/Add.1.

³⁸² A/54/45, chap. VI, B. Preparatory Committee decision 1.

³⁸³ See paragraph 95 (h) of the Programme of Action of the World Summit for Social Development. See also G A resolution 51/202.

³⁸⁴ See A/52/305, para. 6.

³⁸⁵ See E S C resolution 1997/56. See also G A resolution 52/25.

80. The Economic and Social Council oversaw system-wide coordination of the implementation of the outcome of the Summit in the follow-up to the Summit. By its decision 1995/224, the Council decided in May 1995 that the high-level meeting of the operational activities segment of its substantive session of 1995 would consider as one of its themes a preliminary exchange on the follow-up by the United Nations system to the Copenhagen Declaration and Programme of Action, giving due attention to the direction to be taken by the United Nations for adopting an approach to social development issues in accordance with the framework developed by the Summit. Subsequently, at its substantive session of 1995, the Council held a debate on the follow-up to the Summit and adopted resolution 1995/60. The Council reiterated the need for all relevant organs, organizations and bodies of the United Nations system to be involved, in accordance with their mandates, in the follow-up to the Summit. With regard to the Commission for Social Development, the Council decided that the Commission should review, on a periodic basis, issues related to the follow-up of the outcome of the Summit and should, to that end, improve international understanding of social development, make recommendations on social development to the Council and elaborate practical measures aimed at furthering the recommendations of the Summit. The Council decided further that the Commission should hold a special session so as to, *inter alia*, review its mandate, terms of reference and scope of work and elaborate its multi-year programme of work. In addition, during the coordination segment of its substantive session of 1995, the Council considered the theme of coordinated follow-up by the United Nations system and the implementation of the results of the major international conferences organized by the United Nations in the economic, social and related fields. In its agreed conclusions, the Council decided, *inter alia*, to ensure the harmonization and coordination of agendas and work programmes of its functional commissions.³⁸⁶

81. By its resolution 1996/7 on the follow-up to the Summit and the future role of the Commission for Social Development, the Economic and Social Council decided that the Commission would have the primary responsibility for the follow-up to the Summit and the review of the implementation of the Copenhagen

³⁸⁶ A/50/3, chap. III, para. 22 and E S C agreed conclusions 1995/1.

Declaration and Programme of Action, while calling upon all relevant organs, organizations, bodies, specialized agencies and related organizations of the United Nations system to be involved in the follow-up to the Summit. It also decided that the ACC task forces established for the follow-up to the Summit and other related United Nations conferences should inform the Commission and the Council about the progress made in their work. At its segment devoted to the coordination of the activities of the United Nations system for the eradication of poverty, the Council adopted a set of agreed conclusions³⁸⁷ in which it stressed the important role played by the United Nations system in the overall effort to eradicate poverty and assist Member States in translating the global goals and commitments of the international conferences and the statutory mandates of each organization into concrete actions and activities at all levels. It was also stated that the Council would focus on providing comprehensive guidelines and on coordinating the work of other organs to ensure a multidimensional, integrated and gender-sensitive approach to poverty eradication in accordance with, *inter alia*, the Programme of Action of the Summit.³⁸⁸ Furthermore, in that same year the Council adopted a resolution³⁸⁹ on follow-up to the major international United Nations conferences and summits, in which it decided to continue to ensure on a regular basis the harmonization and coordination of the multi-year work programmes of relevant functional commissions.

82. At its substantive session of 1999, the Council devoted its high-level segment to the theme “The role of employment and work in poverty eradication: the empowerment and advancement of women”. The communiqué adopted³⁹⁰ by the ministers and heads of delegations reaffirmed the commitment made at the Summit to the goal of eradicating poverty in the world through decisive national action and international cooperation. In the end, the Council agreed that the international community had a key role to play in supporting efforts to eradicate poverty, promote productive employment and achieve gender equality, and that it was necessary to mobilize new and additional financial resources from all sources, national

and international. It also called on the relevant organizations of the United Nations system to take consistent, coherent, coordinated and joint actions in support of national efforts to eradicate poverty, with particular attention to employment creation and work, and the empowerment and advancement of women. It decided to transmit to the Assembly, as inputs to the five-year reviews of, *inter alia*, the Summit, the outcome of the Economic and Social Council on the role of employment and work in the eradication of poverty, and operational activities, in particular poverty eradication and capacity-building.

83. Throughout the period under review, the Commission for Social Development carried out a key role in implementing the Programme of Action of the Summit. At its thirty-fourth session in April 1995, the Commission, in considering the Summit as one of its main items and as a priority subject, focused on arrangements for the implementation of and follow-up to the Copenhagen Declaration and Programme of Action.³⁹¹ It put forward a draft resolution³⁹² on follow-up to the Summit, transmitting its views and considerations to the Council at its substantive session of 1995. Pursuant to resolution 1996/7 of the Economic and Social Council, the Commission devoted its thirty-sixth session in February 1998³⁹³ to the priority theme “Promoting social integration and participation of people, including disadvantaged and vulnerable groups and persons”, and the review of relevant United Nations plans and programmes of action pertaining to the situation of social groups. At its thirty-seventh session in February 1999, the Commission considered two priority themes and the review of relevant United Nations plans and programmes of action pertaining to the situation of social groups.³⁹⁴ With regard to the theme of social service for all, the Commission adopted a resolution³⁹⁵ which contained agreed conclusions, and decided to transmit them to the Council for consideration at its substantive session of 1999, as well as to the Preparatory Committee for the 2000 special session of the General Assembly. The agreed conclusions furnished analysis and recommendations for action to promote the efficient

³⁸⁷ E S C agreed conclusions 1996/1. See also A/51/348, para. 34.

³⁸⁸ See also E S C resolution 1997/60.

³⁸⁹ E S C resolution 1996/36. See also E S C resolutions 1997/61, 1998/44 and 1999/55.

³⁹⁰ A/54/3, p. 23.

³⁹¹ See E/1995/24.

³⁹² *Ibid.*, chap. I, E and G A resolution 34/4.

³⁹³ See E/1998/26.

³⁹⁴ See E/1999/26.

³⁹⁵ *Ibid.*, chap. I, D. Commission for Social Development resolution 37/1.

and effective delivery of social services for all, as a contribution to overall social development. They set out general principles and goals, suggested priorities for delivery and provision of social services, discussed the need for partnership between Governments and other social actors, stressed the importance of information, encouraged the mobilization of resources and established parameters for international cooperation for social services. Concerning the initiation of the overall review of the implementation of the outcome of the Summit, the Commission adopted resolution 37/3,³⁹⁶ inviting Governments to furnish additional inputs, in particular proposals concerning possible further initiatives, to the Preparatory Committee, to facilitate the work of its first substantive session. Also, the Secretary-General of the United Nations was requested to update two reports on the preliminary assessment of, and further initiatives for, the implementation of the outcome of the Summit, before presenting those reports to the Preparatory Committee, reflecting the proposals and suggestions made during the discussions in the Commission, as well as any additional inputs submitted by Governments. By its decision 1999/259, the Economic and Social Council took note of the Commission's report and endorsed its resolutions and decisions.

84. Pursuant to the decisions of the Assembly over the period under review, the Secretariat issued several reports regarding international cooperation, implementation and follow-up to the Summit.³⁹⁷ The reports described³⁹⁸ the actions taken by Governments, the United Nations and civil society since the adoption of Assembly resolution 50/161, as well as the relevant actions taken by, inter alia, the Commission for Sustainable Development, the Commission on the Status of Women, the Statistical Commission, the regional commissions, UNDP, UNICEF and the Bretton Woods institutions. Upon the request of the Council,³⁹⁹ the Secretary-General furnished an overview of the relevant programme activities of the Secretariat⁴⁰⁰ and the regional commissions.⁴⁰¹

³⁹⁶ *Ibid.*, resolution 37/3.

³⁹⁷ See A/50/670, A/51/348, A/52/305, A/53/211 and A/54/220.

³⁹⁸ See, e.g., A/51/348 and A/52/305.

³⁹⁹ E S C decision 1996/243.

⁴⁰⁰ E/CN.5/1997/5, paras. 6-33.

⁴⁰¹ E/CN.5/1997/5/Add.1.

85. The Secretary-General issued studies to assist the Commission for Social Development in carrying out its mandate, including a study for the Commission's 1996 special session on its three priority themes: (a) formulation of integrated strategies; (b) meeting the basic human needs of all; and (c) promotion of self-reliance and community-based initiatives in accordance with Economic and Social Council decision 1995/324.⁴⁰² The Secretary-General submitted a report on emerging issues and trends and new approaches to issues affecting social development, including the situation of specific groups, examining major issues, recent developments and programme activities related to youth, ageing, disabled persons and families in development.⁴⁰³ To assist the Commission in its deliberations regarding "Productive employment and sustainable livelihoods", the Secretary-General submitted a report⁴⁰⁴ on that issue, which had been prepared by the task manager and the International Labour Office, with contributions from the United Nations system. Pursuant to requests by the Council⁴⁰⁵ to open the debates of the Commission for Social Development to experts and the main actors of civil society, the United Nations Secretariat organized workshops⁴⁰⁶ in preparation for the sessions of the Commission; in which independent experts from all regions and observers from the United Nations system and civil society participated.

86. Pursuant to a request of the Preparatory Committee,⁴⁰⁷ the Secretary-General in December 1998 submitted a report to the Committee, through the Commission for Social Development,⁴⁰⁸ on the implementation of the 10 commitments of the Copenhagen Declaration, at the national, regional and international levels. It also attempted to identify the main trends in policymaking that would indicate progress towards the fulfilment of the agreed commitments. In the conclusion of the report, it was noted that the goals decided at Copenhagen had

⁴⁰² E/CN.5/1996/3.

⁴⁰³ E/CN.5/1997/5.

⁴⁰⁴ E/CN.5/1997/3.

⁴⁰⁵ See E S C resolutions 1995/60 and 1996/7.

⁴⁰⁶ See E/CN.5/1998/4. See also E/CN.5/1998/2, E/CN.5/1998/5, E/CN.5/1999/2, E/CN.5/1999/6 and E/CN.5/1999/7.

⁴⁰⁷ Decision 2 of the Preparatory Committee for the special session of the General Assembly, organizational session, May 1998.

⁴⁰⁸ E/CN.5/1999/4.

progressed at various degrees of speed and success.⁴⁰⁹ While most countries had taken some steps towards fulfilling those commitments, several targets specified in the Programme of Action would not be met within the period agreed.⁴¹⁰ That report was considered by the Commission, at its thirty-seventh session, in parallel with another report of the Secretary-General issued at the same time⁴¹¹ under its second priority theme, namely “Initiation of the overall review of the implementation of the outcome of the Summit”. The second report contained proposals on further initiatives to be addressed by the special session of the General Assembly on the implementation of the outcome of the Summit. It emphasized the crucial need for identifying priorities and mandating the elaboration of a few specific initiatives.⁴¹²

(d) *Decisions with regard to international migration and development*

87. It will be recalled⁴¹³ that the International Conference on Population and Development (ICPD), held in Cairo in September 1994, had identified, inter alia, that high levels of migration between countries were likely to occur over the decades ahead, which would form an important part of the economic transformations occurring around the world and present serious new challenges. It was agreed that those issues should be addressed with more emphasis within population and development policies; a number of principles relative to migrants had been adopted, as well as a set of objectives and actions to be taken.⁴¹⁴ With regard to follow-up at the international level, the role envisioned for the Organization closely reflected the role that would be articulated by the World Summit for Social Development.⁴¹⁵ Generally, it was envisioned in the ICPD Programme of Action that the General Assembly, as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the follow-up to that Conference, was to organize a regular review of the implementation of the Programme of Action. The Economic and Social

Council, in the context of its role under the Charter of the United Nations vis-à-vis the General Assembly and in accordance with its resolutions 45/264, 46/235 and 48/162, was to assist in promoting an integrated approach and in providing system-wide coordination and guidance in monitoring the implementation of the Programme of Action and in making recommendations in that regard. The Secretary-General of the United Nations was invited to consult with the various bodies of the United Nations system, as well as with international financial institutions and various bilateral aid organizations and agencies, with a view to promoting exchange of information among them on the requirements for international assistance and to reviewing, on a regular basis, the specific needs of countries in the field of population and development, including emergency and temporary needs, and maximizing the availability of resources and their most effective utilization.⁴¹⁶

88. During the period under review, the principal organs of the United Nations devoted considerable attention to the problem of international migration and development. In 1995, in the context of the implementation of the ICPD Programme of Action and pursuant to the request contained in General Assembly resolution 49/127, the Secretary-General submitted to the Economic and Social Council a report on international migration and development.⁴¹⁷ That report contained an overview of migration trends and policies; described the economic and social aspects of international migration; and communicated the views of Governments regarding the convening of an international conference on international migration and development. The report further stressed that, within the United Nations system, different departments and programmes, specialized agencies and other bodies dealt with various aspects of international migration, either directly or indirectly in terms of that issue's relation to development.

89. By decision 1995/313, the Economic and Social Council took note of the report and recommended that the General Assembly continue its consideration of the question, including the convening of a United Nations conference on international migration and development.

⁴⁰⁹ Ibid., para. 162.

⁴¹⁰ Ibid., para. 163.

⁴¹¹ E/CN.5/1999/3.

⁴¹² Ibid., para. 92.

⁴¹³ See *Repertory, Supplement No. 8*, vol. IV, under the present Article, para. 34.

⁴¹⁴ A/CONF.171/13/Rev.1, annex 1, chap. X; see also chap. II.

⁴¹⁵ A/CONF.171/13/Rev.1, paras 16.21-16.29.

⁴¹⁶ Ibid., paras. 16.21-16.29.

⁴¹⁷ E/1995/69.

90. At its fiftieth session, the Assembly adopted resolution [50/123](#) on international migration and development, which, inter alia, urged Member States and the United Nations system to strengthen international cooperation in this area. The Assembly invited the Commission on Population and Development to consider in 1997 the interrelationship between international migration and development and called upon all relevant organs, organizations and programmes of the United Nations system and other intergovernmental, regional and subregional organizations to address that issue, inviting them to submit their views to the Secretary-General. It further invited the Economic and Social Council to consider including the issue as the theme for its organizational session in 1997.

91. In its resolutions [50/123](#) and [51/148](#), the General Assembly took note of the Cooperation Agreement between the United Nations and the International Organization for Migration (IOM) that had been concluded in Geneva on 25 June 1996. The Assembly invited the Secretary-General to take appropriate measures to ensure that the needed effective cooperation and liaisons called for in the Agreement were undertaken. At its fifty-second session, the Assembly adopted, on the recommendation of its Second Committee, resolution [52/189](#) on international migration and development, which, as in its earlier resolutions on the same topic, inter alia, urged Member States and the United Nations system to strengthen international cooperation in that area. It encouraged, where relevant, the interregional, regional and subregional mechanisms to continue to address the question. It called again upon all relevant organs, organizations and programmes of the United Nations system and other intergovernmental, regional and subregional organizations to address the issue within their continuing mandated activities. It requested the Secretary-General to submit at its fifty-fourth session a report on international migration and development, taking into account the views of Member States and of some organizations, as well as specific reports and works of various other organs.

92. By resolution [52/189](#), the Assembly, inter alia, urged Member States and the United Nations system to strengthen international cooperation in the area of international migration and development in order to address the root causes of migration, especially those related to poverty, and to maximize the benefits of

international migration for those concerned. It encouraged, where relevant, interregional, regional and subregional mechanisms to continue to address the question of migration and development, and called upon the international community to seek to make the option of remaining in one's country viable for all people.

93. At its fifty-fourth session, the Assembly adopted resolution [54/212](#) on international migration, which reflected the provisions of resolutions [49/127](#), [50/123](#) and [52/189](#) on the topic, and noted also the establishment of the International Migration Policy Programme in May 1998 by the United Nations Institute for Training and Research (UNITAR), IOM and the United Nations Population Fund (UNFPA), to be implemented in partnership with the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Office of the United Nations High Commissioner for Human Rights and other relevant international and regional institutions. It further requested the Secretary-General to solicit more views from Member States and relevant organizations in pursuance of resolution [52/189](#) on the report of the Secretary-General submitted to the Assembly at its fifty-second session.

94. Pursuant to General Assembly resolution [52/188](#), it held a special session from 30 June to 2 July 1999 to review and appraise the implementation of the ICPD Programme of Action. The Commission on Population and Development, acting as a preparatory committee for the special session, negotiated a report containing key actions for the further implementation of the Programme of Action. At the end of the session, the Assembly, in resolution S-21/2, adopted the "Key actions for the further implementation of the Programme of Action of the International Conference on Population and Development", which contained one section dedicated to the item "international migration".⁴¹⁸ Governments were urged, inter alia, to intensify efforts to protect the human rights and dignity of migrants irrespective of their legal status, to prevent trafficking in migrants, to support and ensure effective follow-up to bilateral and multilateral initiatives, to conduct public information campaigns on migration, to consider ratifying or acceding to the International Convention on the Protection of the Rights of All

⁴¹⁸ See G A resolution S-21/2, annex, chap. II, C and D.

Migrant Workers and Members of Their Families,⁴¹⁹ if they had not already done so. It was also noted that Governments, with the assistance of the international community, should intensify their efforts to improve data collection and analysis in the areas of international migration.

95. At the recommendation of the Commission on Population and Development, the Economic and Social Council adopted resolution 1997/2 on international migration and development, which, *inter alia*, called on the Working Group on International Migration of the ACC Task Force on Basic Services for All to ensure that international migration remained a topic of concentration in its follow-up to the ICPD Programme of Action. In the light of earlier General Assembly resolutions on the issue, the Economic and Social Council further called on all relevant organs, organizations and programmes of the United Nations system and other intergovernmental, regional and subregional organizations to collaborate and coordinate their efforts, making full use of the expertise of existing organizations, in examining international migration and development.

96. The Secretary-General of the United Nations submitted a number of reports on the subject,⁴²⁰ which included, *inter alia*, a report that had been prepared by UNFPA reviewing progress regarding policies, programmes and other activities relating to international migration that had been undertaken at the national level since 1994.⁴²¹ Among them were reports that summarized the activities of intergovernmental and non-governmental organizations in the area of international migration and presented the views of Governments on the possible convening of a United Nations conference on international migration and development.⁴²² With regard to the issue of such a conference, the Secretary-General indicated that, based on the views of Governments, the prospect for holding it remained uncertain. The report contained a description of the mechanisms for addressing the issues of international migration and development within and outside the United Nations system.⁴²³

97. During the period under review, a number of bodies were created to consider the outcome of ICPD, including the question of international immigration. In 1995, the Secretary-General, reported the establishment of an inter-agency task force for the implementation of the ICPD Programme of Action [hereinafter referred to as the “ICPD task force”] with UNFPA as the lead agency, the work of which was expanded to include migration issues.⁴²⁴ Pursuant to General Assembly resolution 50/124, the Secretary-General in September 1996 issued a report,⁴²⁵ on the implementation of the ICPD Programme of Action indicating that the ICPD task force, *inter alia*, had established a working group on international migration, with ILO as the lead agency. The working group was to produce a guidance note for use by the United Nations resident coordinator system on issues concerning international migration and development. In 1996, the final guidance notes entitled “Issues in international migration and development” were widely disseminated to all United Nations resident coordinators.⁴²⁶ For its part, ACC in 1995 reconstituted the inter-agency task force as the ACC Task Force on Basic Social Services for All [hereinafter referred to as “the ACC task force”] and expanded it to include a working group on international migration.⁴²⁷ The Committee for Development Planning in 1997 also established the Working Group on International Migration and Development.

98. Pursuant to Economic and Social Council resolutions 1995/55 and 1996/2, the ACC task force in 1997 submitted a report⁴²⁸ summarizing the replies from its 12 member organizations requesting information on the implementation of the ICPD Programme of Action. The report also presented an overview of the activities of the ACC task force, in particular, those of the working group. That working group, in recognizing the need for more positive information on migration,⁴²⁹ decided to organize an international technical symposium in 1998, covering international migration and refugees; it also agreed to update the final guidance notes.⁴³⁰ Pursuant to a

⁴¹⁹ See G A resolution 45/158.

⁴²⁰ See, e.g., E/CN.9/1997/5, E/CN.9/1998/7 and E/CN.9/1999/6.

⁴²¹ E/CN.9/1997/3.

⁴²² A/52/314.

⁴²³ *Ibid.*

⁴²⁴ E S C resolution 1995/55.

⁴²⁵ A/51/350.

⁴²⁶ A/51/350, paras. 4 and 37. See also E/CN.9/1997/4, paras. 10 and 11.

⁴²⁷ A/51/350, paras. 7-9.

⁴²⁸ E/CN.9/1997/4.

⁴²⁹ *Ibid.*, para. 14.

⁴³⁰ *Ibid.*, paras. 15 and 16.

resolution of the Commission on Population and Development, the working group organized the Technical Symposium on International Migration and Development as part of follow-up activities for implementation of the recommendations adopted at ICPD, the World Summit for the Social Development and the Fourth World Conference on Women. A report, issued by the Secretary-General in December 1998,⁴³¹ summarized the deliberations that took place during the symposium, which was attended by technical experts and representatives of the organizations and agencies organizing the symposium, and non-governmental organizations. At the symposium, policy issues on the question were examined, ways of improving knowledge on the causes of migration were considered and the effectiveness of migration policies and related measures at the country level were assessed.

99. The question of international migration and development was addressed by a number of subsidiary bodies of the Economic and Social Council. Through its role in monitoring, reviewing and appraising implementation of the ICPD Programme of Action, the Commission on Population and Development was continuously engaged in the consideration of international migration issues. The Commission considered international migration as the central theme of its thirtieth session held in 1997,⁴³² with special emphasis on the linkages between migration and development and on gender issues and the family. In addition, in 1997 UNFPA submitted a report reviewing progress regarding policies, programmes and other activities related to international migration taken at the national level since 1994.⁴³³ In the report of the Commission on Population and Development on its thirtieth session in February 1997,⁴³⁴ the Commission recommended a draft resolution on international migration and development for adoption by the Economic and Social Council; the Council adopted three resolutions. During its thirty-second session in March 1999,⁴³⁵ the Commission on Population and Development considered, *inter alia*, the report of the Technical Symposium on International Migration and Development and recommended that the Economic and

Social Council adopt a draft resolution requesting the Population Division of the United Nations Secretariat to continue its research giving due attention to issues related to, *inter alia*, migration.

100. The Commission on Human Rights at its fifty-third session in 1997 adopted two resolutions,⁴³⁶ referring, respectively, to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and to the protection of the human rights of migrants. The Commission on Human Rights in 1999 examined the report of the Working Group of Intergovernmental Experts on the Human Rights of Migrants.⁴³⁷ At the same session, in its resolution 1999/44 the Commission decided to appoint for a three-year period the Special Rapporteur on the Human Rights of Migrants.⁴³⁸

101. The Committee for Development Planning served as a mechanism within the United Nations system for the examination, from a substantive perspective, of issues related to international migration and development, using its expertise to present a cross-sectoral and pragmatic approach to the issue. The Committee in 1998 decided to examine the issue of migration and employment, focusing on: trends in international labour migration and its causes; the interrelationships between the spatial mobility of labour and globalization; the implications for developing countries of changing labour migration patterns; and the policy implications of such movements for countries of origin and countries of destination. The Committee established a working group to review the information available and prepare a report on the subject.⁴³⁹

102. During the period under review, international migration was included in the agenda of several major international conferences following ICPD, including the World Summit for Social Development and the Fourth World Conference on Women, both of which were held in 1995, and the second United Nations Conference on Human Settlements, which was held in 1996.

⁴³¹ E/CN.9/1999/3.

⁴³² E/1997/25 (E/CN.9/1997/11).

⁴³³ E/CN.9/1997/3.

⁴³⁴ E/1997/25 (E/CN.9/1997/11).

⁴³⁵ E/1999/25 (E/CN.9/1999/8).

⁴³⁶ Commission on Human Rights resolutions 1997/14 and 1997/15.

⁴³⁷ E/CN.4/1999/80.

⁴³⁸ For more discussion of the role of the Office of the United Nations High Commissioner for Human Rights and ILO in this area, see A/52/314, paras. 32-36.

⁴³⁹ A/52/314, para. 31.

(e) *Draft United Nations convention against transnational organized crime*

103. It may be recalled⁴⁴⁰ that, following the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in 1990, the principal organs continued to deal with the problem of transnational organized crime and the threat it posed to the rule of law, stability and security of States. In resolution 1995/14, the Economic and Social Council expressed concern about "... problems caused by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development ...". The Council was also concerned about the links between corruption and other forms of crime, particularly organized crime, economic crime and money-laundering and was convinced that international cooperation was essential to prevent and control such activities. In the context of organized crime, the principal organs also discussed the issues of trafficking in women and children, illegal trafficking in and transport of migrants and illicit trafficking in firearms.⁴⁴¹

104. It may also be recalled that in 1994 the World Ministerial Conference on Organized Transnational Crime adopted the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (the Naples Action Plan),⁴⁴² an element in the implementation of which was the elaboration of international instruments, such as a convention or conventions against organized transnational crime.⁴⁴³ Moreover, support for a convention or conventions against transnational organized crime was expressed at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.⁴⁴⁴ Thus, the Economic and Social Council, in resolution 1995/11 which took note of a report by the Secretary-General on proposals relating to the programmatic aspects of the Naples Action Plan,⁴⁴⁵ requested the Secretary-

General to "... initiate the process of requesting the views of Governments on the opportunity and impact of international instruments such as a convention or conventions against organized transnational crime and on the issues and elements that could be covered therein ...".

105. In resolution 1996/27 the Economic and Social Council took note of a report of the Secretary-General⁴⁴⁶ and requested that he continue consulting with Governments on the possibility of elaborating a convention or conventions against organized transnational crime and on the elements that could be included therein, and to make a thorough analysis of the views of Governments, taking into account, inter alia, the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime.⁴⁴⁷ The Council further requested that the Secretary-General submit a report⁴⁴⁸ on those matters to the Commission on Crime Prevention and Criminal Justice at its sixth session. In this context, the Council decided that the Commission should establish an in-session open-ended working group for the purpose of, inter alia, considering the report and proposals of the Secretary-General and the possibility of elaborating a convention or conventions against organized transnational crime, including the identification of elements that could be included therein.

106. In resolution 51/120, the General Assembly took note of the proposed draft United Nations framework convention against organized crime that had been introduced by the Government of Poland (draft framework convention).⁴⁴⁹ During its fifty-first session, the Assembly, aware of the discussion in the Third Committee on the question of the elaboration of such a convention, requested the Secretary-General to invite all States to submit their views on that question, including, inter alia, their comments on the proposed draft framework convention. In the same resolution, the Commission was requested to consider, as a matter of priority, the question of the elaboration of such a

⁴⁴⁰ See *Repertory, Supplement No. 8*, vol. IV, under the present Article, paras. 298-308.

⁴⁴¹ See, e.g., G A resolution 54/127 and E S C resolutions 1998/18, 1998/19 and 1998/20.

⁴⁴² See *Repertory, Supplement No. 8*, vol. IV, under the present Article, para. 219. A/49/748, annex, chap. I, sect. A. Approved by G A resolution 49/159.

⁴⁴³ A/49/748, annex, chap. I, sect. A. See also E S C resolution 1995/11.

⁴⁴⁴ Held in Cairo from 29 April to 8 May 1995.

⁴⁴⁵ E/CN.15/1995/2.

⁴⁴⁶ E/CN.15/1996/2.

⁴⁴⁷ Adopted by the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held in Buenos Aires from 27 to 30 September 1995. See E/CN.15/1996/2/Add.1, annex.

⁴⁴⁸ E/CN.15/1997/7, Add.1 and Add.2.

⁴⁴⁹ A/C.3/51/7, annex. See also E S C resolution 1997/22, annex III.

convention, taking into account the view of all States, and report thereon at the fifty-second session of the Assembly. The Secretary-General submitted his report on these matters in April 1997.⁴⁵⁰

107. Pursuant to Assembly resolutions [49/159](#) and [51/120](#), regional initiatives on organized crime also addressed the issue of elaborating an international convention against transnational organized crime. Thus, the African Regional Ministerial Workshop on Organized Transnational Crime and Corruption unanimously adopted the Dakar Declaration on the Prevention and Control of Organized Transnational Crime and Corruption and recommended its implementation.⁴⁵¹ The participating States committed to formulate national and regional positions on the provisions of the Declaration. Subsequently, the Asian Regional Ministerial Workshop on Organized Transnational Crime and Corruption unanimously adopted in 1998 the Manila Declaration on the Prevention and Control of Transnational Crime.⁴⁵²

108. At an informal meeting⁴⁵³ held prior to the Commission's sixth session in 1997, the discussion focused on "... the basic orientation, effectiveness and scope of an international convention ...", taking into account the draft framework convention⁴⁵⁴ and views submitted by Member States.⁴⁵⁵ The meeting also discussed the need for a clear definition of organized crime and concluded, *inter alia*, that with respect to "... the effectiveness and scope of such a convention, a clear and specific definition of organized crimes would be essential". In that regard, it was noted that various approaches were possible. Regarding the issue of including terrorism in such a convention, the informal meeting concluded that a convention "... would not be the appropriate international instrument ..." and that terrorism was the subject of other international activities within the United Nations.

109. The Commission at its sixth session discussed, *inter alia*, the question of the elaboration of an international convention against organized transnational crime.⁴⁵⁶ The Commission reported that the majority of

the participants supported the elaboration of such an international instrument and "... emphasized the urgency of undertaking such a task in the light of the worldwide expansion of organized transnational crime".⁴⁵⁷ Several participants were of the view that the proposed convention should be an operational instrument, as opposed to a statement of principles. It was pointed out that a gradual approach to elaborating an international convention was desirable and that "[c]onsensus among Member States on basic directions and fundamental elements should be pursued first, in an effort to lay the groundwork for subsequent discussions on the substance of its provisions". The Commission also noted proposals on additional topics that could be included, such as extradition, money-laundering, terrorism, trafficking in firearms, trafficking in children, trafficking in illegal migrants, trafficking in nuclear material, confiscation of the proceeds of crime and transfer of proceeds.

110. The report on the Commission's sixth session annexed the report of the in-session open-ended working group on the question of the elaboration of an international convention against organized transnational crime, pursuant to Economic and Social Council resolution 1996/27.⁴⁵⁸ The working group recognized "... that it was desirable to develop a convention that would be as comprehensive as possible". Several States indicated that their "... reservations on the effectiveness and usefulness of such a convention were contingent upon its scope of application and the measures for concerted action which such an instrument would include". With regard to the issue of definition, some States felt that a definition of the term "organized crime" was not necessary as it could limit the convention's scope of application in view of the rapid evolution of the organized crime phenomenon, while others felt that the absence of a definition would signal a lack of political will and commitment among the international community. It was agreed that the work on arriving at a definition should be undertaken by governmental experts at a future time. In connection with the discussion on the possible list of offences to be included in the proposed convention, some States supported the inclusion of terrorist acts.

111. The General Assembly at its fifty-second session adopted resolution [52/85](#) on the recommendation of

⁴⁵⁰ E/CN.15/1997/7/Add.1.

⁴⁵¹ E/CN.15/1998/6/Add.1.

⁴⁵² E/CN.15/1998/6/Add.2.

⁴⁵³ Held in Palermo, Italy, from 6 to 8 April 1997. See E/CN.15/1997/7/Add.2.

⁴⁵⁴ A/C.3/51/7.

⁴⁵⁵ E/CN.15/1997/7/Add.1.

⁴⁵⁶ E/1997/30-E/CN.15/1997/21. See G A resolution 51/120.

⁴⁵⁷ E/1997/30-E/CN.15/1997/21, chap. V, sect. B.

⁴⁵⁸ See also E/1997/30-E/CN.15/1997/21, draft resolution I, annex IV.

Economic and Social Council resolution 1997/22.⁴⁵⁹ The Assembly took note of the reports of the Secretary-General submitted to the Commission at its sixth session,⁴⁶⁰ as well as 40 recommendations elaborated and endorsed by the Senior Experts Group on Transnational Organized Crime.⁴⁶¹ The Assembly also decided to establish an intersessional open-ended intergovernmental group of experts of the Commission (group of experts) to elaborate a preliminary draft of a possible comprehensive international convention against organized transnational crime. The Assembly also requested⁴⁶² that the group of experts give priority consideration to the following issues: measures for judicial and police cooperation; identification of the scope for application of cooperation; and provisions relating to criminal offences, and that it submit a report to the Commission at its seventh session.⁴⁶³ The group of experts was further requested to indicate the need for special provisions relating to specific types of crime, including trafficking in children, corruption, offences related to firearms and trafficking in illegal migrants, that could be the subject of international instruments associated with or separate from the draft convention.

112. At the first meeting of the group of experts in February 1998, it was recognized that differences in the approaches to various issues needed to be resolved in the elaboration of a convention against transnational organized crime. The delegations focused on identifying areas of emerging consensus and on the best way to consolidate that consensus. The chairman of the meeting noted that the proposed convention should include practical measures of international cooperation, as well as safeguards for the protection of human rights, and ensure compatibility with fundamental national legal principles. With regard to the difficulties in reaching a definition or defining the overall scope of the convention, it was stressed that the "... value of the convention lay in the creation of obligations for States to take legislative action at the national level, as well as putting in place the mechanisms required for effective actions against transnational organized crime and strengthening their capacity to act and cooperate in that field". In order to

solve the issue of definition, several delegations opted to elaborate a main and freestanding convention and additional protocols covering specific offences, such as smuggling aliens, trafficking in firearms and trafficking in women and children, and specific measures that may be required in that regard. In that connection, the group of experts was informed that two States had each submitted proposals for fully fledged specialized conventions on illegal trafficking in migrants.⁴⁶⁴

113. The group of experts further decided to structure its work on the basis of the elements of the convention, such as its scope of application, domestic obligations, jurisdictional matters, judicial cooperation, law enforcement cooperation and exchange of information, prevention, safeguards and the role of the United Nations.⁴⁶⁵ Pursuant to Assembly resolution 52/85,⁴⁶⁶ the group of experts submitted to the Commission at its seventh session a non-exhaustive outline of options for the contents of the proposed international convention against organized transnational crime.⁴⁶⁷ Those options were based on, inter alia: the draft framework convention proposed by the Government of Poland,⁴⁶⁸ the draft convention for the suppression of transnational organized crime, proposed by the Government of the United States of America;⁴⁶⁹ the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;⁴⁷⁰ and the recommendations of the Group of Eight Senior Experts Group on Transnational Organized Crime.⁴⁷¹

114. The Commission's report on its seventh session⁴⁷² welcomed the results of the meeting of the group of experts⁴⁷³ and noted that the agreed principles should be considered in the drafting of the proposed convention against organized crime, particularly with regard to incorporating appropriate safeguards for

⁴⁵⁹ See E/1997/30-E/CN.15/1997/21, draft resolution I, para. 1.

⁴⁶⁰ E/CN.15/1997/7, Add.1 and 2.

⁴⁶¹ E S C resolution 1997/22, annex I.

⁴⁶² G A resolution 52/85.

⁴⁶³ E/CN.15/1998/5.

⁴⁶⁴ Ibid.

⁴⁶⁵ Ibid.

⁴⁶⁶ See in the present study, paras. 10 and 11.

⁴⁶⁷ E/CN.15/1998/5.

⁴⁶⁸ A/C.3/51/7, annex, and E S C resolution 1997/22, annex III.

⁴⁶⁹ E S C resolution 1997/22, annex V, appendix, sect. III.

⁴⁷⁰ E/CONF.82/15, Corr.1 and Corr.2.

⁴⁷¹ E S C resolution 1997/22, annex I.

⁴⁷² E/1998/30-E/CN.15/1998/11. See also G A resolution 52/85.

⁴⁷³ E/CN.15/1998/5.

ensuring the compatibility of the future convention with fundamental national principles. The report also noted that some speakers suggested the inclusion of specific topics in additional protocols.⁴⁷⁴ Annexed to the report of the Commission was the report of the in-session open-ended working group on the implementation of the Naples Action Plan.⁴⁷⁵ The working group discussed the options outlined by the group of experts,⁴⁷⁶ in particular the elements of the convention. The representatives of Canada and Finland submitted a text consolidating the various options developed by the group of experts, reflecting comments and observations made during the discussion of the working group, as well as written proposals.⁴⁷⁷

115. In resolution 53/111, the Assembly welcomed the above-mentioned report of the group of experts⁴⁷⁸ and took note of the report of the Secretary-General on the question of elaborating an international convention against transnational organized crime as well as other possible international instruments.⁴⁷⁹ Upon recommendation of the Economic and Social Council,⁴⁸⁰ the General Assembly decided to establish

... an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea.

Subsequently, in resolution 53/114 the Assembly called on the open-ended intergovernmental ad hoc committee to devote its attention to the drafting of the main text of such instruments, taking into account the report of the group of experts,⁴⁸¹ the report of the working group

⁴⁷⁴ E/1998/30-E/CN.15/1998/11.

⁴⁷⁵ *Ibid.*, annex III.

⁴⁷⁶ E/CN.15/1998/5. See in the present study, para. 14.

⁴⁷⁷ E/1998/30-E/CN.15/1998/11, annex III, appendix I.

⁴⁷⁸ E/CN.15/1998/5. See in the present study, paras. 14 and 15.

⁴⁷⁹ E/CN.15/1998/6.

⁴⁸⁰ See E S C resolution 1998/14. See also E/1998/30-E/CN.15/1998/11, annex III, and E/1998/30-

E/CN.15/1998/11, chap. I, sect. A, draft resolution II.

⁴⁸¹ E/CN.15/1998/5.

on the implementation of the Naples Action Plan⁴⁸² and Economic and Social Council resolutions 1998/18 to 1998/20.

116. The ad hoc committee undertook its work over the course of six sessions in 1999⁴⁸³ on the basis of the newly consolidated draft text of the proposed convention against transnational organized crime, produced at its informal preparatory meeting,⁴⁸⁴ as well as proposals and contributions submitted by Governments.⁴⁸⁵ At its first session,⁴⁸⁶ the ad hoc committee reported that, prior to its consideration of the additional protocols concerning the illicit manufacturing of and trafficking in firearms, trafficking in women and children, and trafficking in and the transporting of migrants, including by sea, it had discussed the relationship between those instruments and the proposed convention.⁴⁸⁷ As the convention was to be an independent instrument, the additional instruments "... were viewed in principle as optional protocols to the convention, covering areas that required specificity, which the convention could not meet".⁴⁸⁸ At each of its subsequent sessions, the ad hoc committee discussed⁴⁸⁹ the various articles of the latest version of the protocols⁴⁹⁰ and the proposals that had been submitted,⁴⁹¹ and sought to agree on single texts that would reflect the progress achieved and form the basis for further drafting.

117. Based on the draft resolutions proposed by the Commission and approved by the Council,⁴⁹² the Assembly adopted several resolutions on the draft

⁴⁸² E/1998/30 and Corr.1.

⁴⁸³ A/55/383.

⁴⁸⁴ A/AC.254/4. See also A/55/383.

⁴⁸⁵ A/AC.254/5 and Add.2. See also A/55/383.

⁴⁸⁶ Held in Vienna from 19 to 29 January 1999.

⁴⁸⁷ A/AC.254/13-E/CN.15/1999/5. See also A/55/383.

⁴⁸⁸ *Ibid.*

⁴⁸⁹ A/AC.254/13-E/CN.13/1999/5, A/AC.254/11, A/AC.254/14, A/AC.254/17, A/AC.254/19, A/AC.254/23 and Corr.1. See also A/55/383.

⁴⁹⁰ A/AC.254/4/Add.1 and Rev.1, Rev.2 and Rev.3; A/AC.254/4/Add.2 and Rev.1, Rev.2 and Rev.3; A/AC.254/4/Add.3 and Rev.1, Rev.2, Rev.3, Rev.4 and Rev.5; and A/AC.254/8.

⁴⁹¹ A/AC.254/5 and Add.2, A/AC.254/11, annex II, A/AC.254/14, annex II, A/AC.254/17, annex II, A/AC.254/19, annex II and A/AC.254/23, annex II.

⁴⁹² See, e.g., E S C resolutions 1999/20 to 1999/22.

convention and its draft protocols.⁴⁹³ In addition, by resolution 54/125 the Assembly decided that the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders should devote particular attention to ways and means of making the provisions of the draft convention operational, especially taking into account the needs of developing countries in the area of capacity-building.⁴⁹⁴

118. At its fifty-fourth session, the Assembly, in resolution 54/129, acknowledged the progress made by the ad hoc committee and was mindful of the continued substantive negotiations. It decided to convene a high-level political signing conference in Palermo, Italy, recognizing the historic and symbolic importance "... of associating the first international convention against organized transnational crime with the city of Palermo ...". Subsequently, by resolution 54/131 the Assembly reaffirmed the high priority attached to the elaboration of the draft convention and its protocols and called on Member States to make all possible efforts to ensure their rapid development and conclusion.

(f) *Action against corruption*

119. The question of action against corruption and bribery had been on the agenda of the United Nations in previous sessions of both the General Assembly and the Economic and Social Council.⁴⁹⁵ The matter had been discussed by quinquennial congresses, particularly with reference to new forms of criminal activity and crime prevention and planning in the context of development. In that connection, the Secretariat produced the *Manual on practical measures against corruption* and a draft international code of conduct for public officials.⁴⁹⁶ In 1975 at its thirtieth session, the Assembly expressed concern about the corrupt practices of certain transnational and other corporations, their intermediaries and others involved. In its resolution 3514 (XXX), the Assembly recalled paragraph 4 (g) of the Declaration on the Establishment of a New International Economic Order,⁴⁹⁷ which provided for the regulation and supervision of the activities of transnational

corporations.⁴⁹⁸ In recalling the provisions of section V of the Programme of Action on the Establishment of a New International Economic Order,⁴⁹⁹ emphasizing, inter alia, the need to formulate, adopt and implement an international code of conduct for transnational corporations referred to in the report of the Commission on Transnational Corporations on its first session, as well as the Charter of Economic Rights and Duties of States,⁵⁰⁰ the Assembly condemned all corrupt practices, including bribery, by transnational and other corporations, their intermediaries and others involved, in violation of the laws and regulations of the host countries. Furthermore, it called on both home and host Governments to take all appropriate and necessary measures, within their respective national jurisdictions, including legislative measures, to prevent such corrupt practices and to take consequent measures against the violators. Further work subsequently was carried out by the Assembly and the Council on the issue of illicit payments and on promoting the development of a code of conduct for transnational corporations, consideration of which helped call attention to and raise international awareness of the adverse consequences of bribery in international commercial transactions.

120. By its resolution 1993/32, the Council decided to include in the programme of work of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders a one-day discussion during its plenary meeting on experiences in and practical measures aimed at combating corruption involving public officials. In resolution 1994/19, the Council recommended that the Ninth Congress, during the plenary discussion on corruption, consider effective ways of coordinating, at the international level, all efforts to tackle corruption and any other form of malfeasance by public officials, particularly the illegal appropriation of public resources, the embezzlement of funds and the bribery of public officials, especially by organized criminal groups, taking into account successful experiences with detection, prevention and control in this respect, and to consider the desirability of a code of conduct for public officials. It also recommended that the Secretary-General elicit comments from Member States and relevant entities in order to assist the Commission on Crime Prevention in its consideration of the matter at its fourth session. For

⁴⁹³ See, e.g., E/1999/30-E/CN.15/1999/12, chap. I, sect. A, draft resolutions II, III and IV, subsequently adopted as G A resolutions 54/126, 54/127 and 54/128, respectively.

⁴⁹⁴ See, also A/54/289 and A/CONF.187/15.

⁴⁹⁵ A/CONF.169/14, p. 3.

⁴⁹⁶ *Ibid.*

⁴⁹⁷ G A resolution 3201 (S-VI).

⁴⁹⁸ G A resolution 3514 (XXX).

⁴⁹⁹ G A resolution 3202 (S-VI).

⁵⁰⁰ G A resolution 3281 (XXIX).

its part, the Commission worked on the topic during the period 1992-1994.

121. During the period under review, the role of the United Nations system in combating corruption lay in “facilitating the constructive participation and orderly interaction of the private sector in the development process by embracing universal principles and norms, such as honesty, transparency and accountability”.⁵⁰¹ Pursuant to the mandate of the Economic and Social Council the Ninth Congress held a plenary discussion on the topic, drawing on a background paper⁵⁰² that had been prepared by the Secretariat, and reported the outcome in the final report on the Ninth Congress.⁵⁰³ A draft international code of conduct for public office holders had been prepared by the Secretariat, pursuant to resolution 7 of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,⁵⁰⁴ on the basis of comments by Member States, observations made during the third and fourth sessions of the Commission on Crime Prevention and Criminal Justice and the input of the five regional preparatory meetings for the Ninth Congress.⁵⁰⁵ The Commission on Crime Prevention and Criminal Justice reviewed the draft and commented on it at its third session. The Commission, at its fourth session, recommended, the adoption of a draft resolution on action against corruption.⁵⁰⁶

122. On the recommendation of the Commission, the Economic and Social Council adopted resolution 1995/14, wherein it expressed concern about the links between corruption and other forms of crime, such as money-laundering and organized crime, and the seriousness of the problems posed by corruption, which might endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development. The Council urged States to develop and implement specific and comprehensive anti-corruption strategies to enhance accountability by adopting and enforcing civil administrative, fiscal and criminal law

⁵⁰¹ G A resolution 54/205.

⁵⁰² A/CONF.169/14.

⁵⁰³ A/CONF.169/16/Rev.1, chap. 5, A.

⁵⁰⁴ By resolution 7, the Eighth Congress recommended that States should revise existing legal mechanisms or devise new ones to prevent and respond adequately to all forms of corruption. A/CONF.169/16/Rev.1, paras. 245-261.

⁵⁰⁵ See E S C (1995) Supplement No. 10 (E/1995/30), draft resolution VII, annex.

measures, emphasizing, inter alia, transparency and fairness, including legislation to regulate and sanction corrupt forms of corporate behaviour. The Council took note of a draft international code of conduct for public office holders and of the work done in revising the text on the basis of comments received from Governments. The Council requested the Secretary-General of the United Nations to continue consultations with Governments to revise the text further and to submit it to the Commission on Crime Prevention and Criminal Justice at its fifth session for consideration and possible action.

123. At its fifth session, that Commission considered a report of the Secretary-General⁵⁰⁷ on action against corruption, which included a revised version of the draft code reflecting comments received from 36 Governments.⁵⁰⁸ Among the suggestions made in the report for action by the Commission were a call for increasing technical assistance activities of the Crime Prevention and Criminal Justice Division of the Secretariat in the prevention and control of corruption, the elaboration of an international plan of action against corruption, which might include guidelines for action by the United Nations on good governance, and prevention and control of corrupt practices in public institutions and private businesses. Accordingly, the Secretary-General requested the views of Governments on the draft code. In addition, the report contained descriptions of recent initiatives against corruption by international organizations, as well as comments by States on the draft code.

124. In its resolution 1996/8, the Economic and Social Council recommended to the General Assembly the adoption of the “International Code of Conduct for Public Officials”, annexed to that resolution. On the recommendation of the Council, the Assembly, at its fifty-first session, adopted resolution 51/59. Concerned with the seriousness of the problems caused by corruption, the Assembly adopted the Code, which addressed general principles on the subject, conflicts of interest and disqualification, disclosure of assets, acceptance of gifts or other favours, confidential information, political activity, reporting disciplinary action and implementation.⁵⁰⁹ The Assembly recommended the Code to Member States as a tool to

⁵⁰⁶ E/CN.15/1995/13, para. 69.

⁵⁰⁷ E/CN.15/1996/5, para. 2.

⁵⁰⁸ E/CN.15/1996/24.

⁵⁰⁹ *Ibid.*

guide their efforts against corruption. It also requested the Secretary-General to distribute the Code to all States, as well as include it in the manual on practical measures against corruption, to be revised and expanded pursuant to Council resolution 1995/14, with a view to offering both tools to States in the context of advisory services, training and other technical assistance activities. The Assembly further requested the Secretary-General to continue to collect information and legislative and regulatory texts from States and relevant intergovernmental organizations. Additionally, it also requested the Commission on Crime Prevention and Criminal Justice to keep the issue of corruption under regular review.

125. During the period under review, the principal organs also took up the question of international bribery.⁵¹⁰ At its fiftieth session, the General Assembly noted the report of the Committee on an International Agreement on Illicit Payments,⁵¹¹ the report of the Commission on Transnational Corporations on the efforts by the United Nations to address the issue of corrupt practices⁵¹² and the work on the issue undertaken in other international forums. The Assembly recommended that the Council consider the appropriate time frame and procedure for the continuation of work on illicit payments, with a view to completing the draft international agreement on illicit payments.⁵¹³ On the recommendation of the Council,⁵¹⁴ the General Assembly, also at its fifty-first session, adopted the United Nations Declaration against Corruption and Bribery in International

Transactions.⁵¹⁵ The Assembly encouraged private and public corporations, including transnational corporations, and individuals engaged in international commercial transactions to cooperate in the effective implementation of the Declaration. It requested the Secretary-General to prepare a report for consideration by the Assembly at its fifty-third session, on the progress made towards implementation of the resolution and the steps taken by Member States, international and regional organizations and other relevant institutions to combat corruption and bribery in international commercial transactions, as well as on the results of the work undertaken in this regard by the Commission on Crime Prevention and Criminal Justice and other bodies.

126. In response to General Assembly resolution 51/59 and Economic and Social Council resolution 1995/14, the Secretary-General submitted to the Commission a report on corruption and bribery, in which an overview of the phenomenon was presented and initiatives taken by relevant international bodies to prevent those problems were described.⁵¹⁶ The Secretary-General also reported that the Crime Prevention and Criminal Justice Division of the Secretariat, with the assistance of the Government of Argentina, had organized a meeting of experts from all regions of the world, which was held in Buenos Aires in March 1997, to consider ways and means of strengthening international cooperation in this field, as well as to offer suggestions on the revision and expansion of the manual.⁵¹⁷ The Secretary-General concluded that corruption in all its forms had commanded such international attention and concern that it had led to an emerging consensus regarding the urgency of concerted action at all levels.⁵¹⁸ Even though international organizations were lending assistance in fighting corruption through aid for democratic reform, the development of more competitive economies and the improvement of governance, a more focused effort was needed, involving a systematic attack on systematic corruption.⁵¹⁹ At the international level, in particular, it was essential to enhance the momentum for advancing international agreements and cooperation arrangements, while devoting energy and resources to

⁵¹⁰ By resolution 2041 (LXI), the Economic and Social Council established the Ad Hoc Intergovernmental Working Group on Corrupt Practices to conduct an examination of the problem, in particular bribery, in international commercial transactions by transnational and other corporations, and to elaborate the scope and content of an international agreement to prevent illicit payments. By its resolution 2122 (LXIII), the Council decided that the working group should continue its mandate and draft an international agreement on illicit payments. The Council also recommended that the General Assembly decide, when it deemed appropriate, to convene a conference of plenipotentiaries to conclude such an agreement. See E S C decisions 1979/73 and 1980/174 and G A decision 35/425.

⁵¹¹ E/1979/104.

⁵¹² E/1991/31/Add.1.

⁵¹³ G A resolution 50/106.

⁵¹⁴ E S C resolution 1996/51.

⁵¹⁵ G A resolution 51/191 and annex.

⁵¹⁶ E/CN.15/1997/3.

⁵¹⁷ *Ibid.*, para. 10.

⁵¹⁸ *Ibid.*, para. 88.

⁵¹⁹ *Ibid.*

creating an environment in which corrupt practices would no longer be tolerated.⁵²⁰

127. In an effort to assist the Commission in implementing Council resolution 1995/14 and General Assembly resolutions 51/59 and 51/191, an expert group meeting on corruption was organized pursuant to the offer by the Government in Argentina to hold it in Buenos Aires. The expert group recommended a series of specific measures for States to take in order to prevent and control corruption:⁵²¹ technical cooperation programmes to assist States in strengthening their capacity to meet the threat posed by corruption and programmes to assist States in strengthening their capacity to meet the threat posed by corruption should be made components of the efforts of the international community, including the United Nations and other international organizations, to improve action against corruption.⁵²² The expert group strongly recommended that the Commission on Crime Prevention and Criminal Justice should elaborate an international convention against corruption and bribery.⁵²³

128. At its sixth session, the Commission reported that it had considered the item entitled “International cooperation against corruption and bribery in international commercial transactions”.⁵²⁴ The preventive measures that were stressed included the establishment or strengthening of already existing auditing institutions or agencies having the authority to scrutinize public expenditures, and the elaboration and introduction of codes of ethics for certain categories of professions.⁵²⁵ Broad support was expressed for the International Code of Conduct for Public Officials and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions.⁵²⁶ Several delegations, while recognizing that action already under way at the national or regional levels should continue and be intensified, noted that an international convention against corruption and bribery, in line with General Assembly resolution 51/191, could be a further mechanism against corrupt practices.⁵²⁷

129. The Commission welcomed the conclusions and recommendations of the Expert Group Meeting on Corruption.⁵²⁸ Particular importance was attached to the recommendations of the meeting, which some participants strongly believed should form the basis for further work aimed at producing useful tools to be used within the framework of technical assistance activities.⁵²⁹ At its fifty-second session, the General Assembly, on the recommendation of the Economic and Social Council, adopted resolution 52/87 in which it promoted the implementation of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions and the International Code of Conduct of Public Officials, to criminalize, in an effective and coordinated manner, the bribery of public office holders of other States in international commercial transactions. The Assembly encouraged States to engage in programmatic activities to deter, prevent and combat bribery and corruption, for example by diminishing institutional barriers through the development of integrated management systems and the promotion of legal reform, by encouraging a greater role for citizens in the development of transparent and accountable government, by supporting the active participation of non-governmental organizations in the identification, planning and implementation of initiatives that would raise ethical standards and practices in both governmental and business transactions, and by providing other States with training and technical assistance and developing standards of good governance, in particular, accountability and transparency. The Assembly also requested the Secretary-General to intensify technical assistance to combat corruption by furnishing advisory services to Member States that requested such services.⁵³⁰

130. At its 1998 session, the Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice, adopted resolution 1998/16. In that resolution, the Council requested that the Secretary-General, in his efforts to update the manual prepared by the Secretariat on practical measures against corruption, include in the text a section describing recent developments in combating corruption. In addition, the Council decided to convene an open-ended meeting of governmental experts to

⁵²⁰ Ibid.

⁵²¹ E/CN.15/1997/3/Add.1.

⁵²² Ibid.

⁵²³ Ibid.

⁵²⁴ E/CN.15/1997/21, para. 21.

⁵²⁵ Ibid., para. 23.

⁵²⁶ Ibid., para. 25.

⁵²⁷ Ibid., para. 27.

⁵²⁸ Ibid., para. 30.

⁵²⁹ Ibid.

⁵³⁰ G A resolution 52/87.

explore means of ensuring that the initiatives described were effective and that an appropriate international strategy against corruption, including the proceeds thereof, was formulated in consultation with other intergovernmental organizations active in that area.

131. By resolution [53/176](#), the General Assembly commended the work of the Commission and the Centre for International Crime Prevention of the Secretariat in combating corruption and bribery in international commercial transactions, including the convening of an open-ended meeting of government experts. Additionally, it requested the Secretary-General, in close consultation with UNCTAD, to report to the General Assembly at its fifty-fifth session on measures taken by Member States and competent international and regional organizations, non-governmental organizations and the private sector to implement the present resolution.

132. The Expert Group Meeting on Corruption and its Financial Channels, which was convened in accordance with Council resolution 1998/16, met in Paris in 1999 and considered various issues, such as improving international cooperation in combating corruption, national efforts to strengthen international cooperation and measures to implement the detection of financial flows resulting from corruption.⁵³¹ The experts submitted a number of recommendations for combating and controlling the phenomenon, proposing that Member States consider elaborating a universal instrument on the subject, taking into account relevant international best practices, international legal instruments and the ongoing negotiations on drafting the international convention against transnational organized crime. In that context, it was stated that special attention should be paid to technical cooperation and assistance for developing countries or appropriate regional organizations through implementation of the global programme against corruption developed by the United Nations International Drug Control Programme (UNDCP).⁵³² The expert group was of the view that the international community needed to equip itself with effective tools to control corruption and curb its detrimental effects on economic and financial systems.⁵³³

133. The Commission continued its consideration of this topic over its sixth, seventh and eighth sessions.⁵³⁴

134. On the recommendation of the Council,⁵³⁵ the Assembly, at its fifty-fourth session, adopted resolution [54/128](#), in which, inter alia, it took note of and subscribed to the conclusions and recommendations of the Expert Group Meeting on Corruption and its Financial Channels, and invited Member States to examine the adequacy of their domestic legal regimes in terms of guarding against corruption and providing for forfeiture of the proceeds of corruption. The Assembly stressed the need to develop a global strategy to strengthen international cooperation aimed at the prevention and punishment of corruption by encouraging Member States to become parties to, and to implement the terms of, relevant international conventions and other instruments aimed at fighting corruption, participating in conferences and other forums for the advancement of international efforts against corruption and exploring the possibility of developing a global system for peer review regarding the adequacy of practices aimed at combating corruption. It directed the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to incorporate into the draft convention measures against corruption linked to organized crime, including provisions regarding the sanctioning of acts of corruption involving public officials. The Assembly requested the United Nations Office for Drug Control and Crime Prevention (a) to ensure that the ongoing revision of the manual on practical measures against corruption that had been prepared by the Secretariat incorporated input from the Expert Group Meeting on Corruption and its Financial Channels and (b) to continue to develop, in consultation with Member States, an effective global programme for providing technical assistance to fight corruption.⁵³⁶

135. At that session, the Assembly on the recommendation of the Second Committee⁵³⁷ also adopted resolution [54/205](#) condemning corruption, bribery, money-laundering and the illegal transfer of funds. It requested the international community to support the efforts of all countries aimed at

⁵³¹ E/CN.15/1999/10.

⁵³² Ibid.

⁵³³ Ibid.

⁵³⁴ E/CN.15/1998/11 and E/CN.15/1999/12. See also E/CN.15/1998/3.

⁵³⁵ E S C resolution 1999/22.

⁵³⁶ Ibid.

⁵³⁷ A/54/586.

strengthening institutional capacity for preventing corruption and bribery, money-laundering and the illegal transfer of funds. It decided to keep the matter under review.⁵³⁸

(g) *United Nations Conference on Human Settlements*

136. By its resolution 47/180, the General Assembly decided to convene the second United Nations Conference on Human Settlements (Habitat II), to be held in Turkey in 1996, and established a preparatory committee to oversee preparations for the conference.⁵³⁹ The Preparatory Committee thereafter submitted regular reports on the progress made in preparation for the conference.⁵⁴⁰

137. During the period under review, the Assembly approved a number of decisions taken by the Preparatory Committee,⁵⁴¹ including the draft agenda for the conference, and submitted them for possible adoption by the conference.⁵⁴² As part of the mobilization strategy for Habitat II, a series of some 70 international and regional conferences, workshops and seminars were organized to enhance awareness of the conference and disseminate information and awareness-building materials.⁵⁴³

138. In June 1996, Habitat II adopted the Istanbul Declaration on Human Settlements⁵⁴⁴ and the Habitat Agenda: Goals and Principles, Commitments and Global Plan of Action to improve human settlements conditions for the next 20 years. That Agenda put forth 10 goals and principles, which have been summarized as follows:⁵⁴⁵

(a) Equitable human settlements may be defined as those in which all people have equal access to housing, infrastructure, health services, adequate food and water, education and open spaces, and such settlements that provide people with equal opportunities with regard to livelihood, access to economic resources and mechanisms to ensure that their rights are not violated;

(b) Poverty eradication is based on the framework adopted by the 1995 World Summit for Social Development;

(c) Sustainable development is essential for the development of human settlements, giving full consideration to the necessity of achieving economic growth, social development and environmental protection;

(d) The quality of life depends on, among other things, the conditions and spatial characteristics of villages, towns and cities. City layout and aesthetics, land-use patterns, population and building densities, transportation and ease of access to basic goods, services and public amenities for all have a crucial bearing on the liveability of settlements. People's need for community and their aspirations for more liveable neighbourhoods and settlements should guide the process of design, management and maintenance of human settlements. Objectives of this endeavour include protecting public health, providing for safety and security, education and social integration, promoting equality and respect for diversity and cultural identities, increased accessibility for persons with disabilities, preservation of historic, spiritual, religious and culturally significant buildings and districts, respecting local landscapes and treating the local environment with respect and care;

(e) As the basic unit of society, the family is entitled to receive protection and support;

(f) All people have rights and also have to accept the responsibility to respect and protect the rights of others — including those of future generations — and to contribute actively to the common good;

(g) Partnerships among countries and among actors within countries from public, private, voluntary and community-based organizations, the cooperative sector, non-governmental organizations and individuals are essential to the achievement of sustainable human settlements development and the provision of adequate shelter for all and basic services;

(h) Solidarity with those belonging to disadvantaged and vulnerable groups, including people living in poverty, as well as tolerance, non-discrimination and cooperation among all people, families and communities are foundations for social cohesion;

⁵³⁸ G A resolution 54/205.

⁵³⁹ G A resolution 47/180.

⁵⁴⁰ A/48/37, A/49/37 and annex I, A/50/519 and A/50/37.

⁵⁴¹ G A resolution 50/100, para. 1.

⁵⁴² A/CONF.165/2.

⁵⁴³ A/50/519, annex, para. 23.

⁵⁴⁴ A/CONF.165/14, annex I.

⁵⁴⁵ Ibid., chap. II, paras. 27-36.

(i) Safeguarding the interests of present and future generations in human settlements is one of the fundamental goals of the international community. The formulation and implementation of strategies for human settlements development are primarily the responsibility of each country at the national and local levels within the legal framework of each country, inter alia, by creating an enabling environment for human settlements development. The economic, social and environmental diversity of conditions in each country should be taken into account. New and additional financial resources from various sources are necessary to achieve the goals of adequate shelter for all and sustainable human settlements development;

(j) Human health and quality of life are at the centre of the efforts to develop sustainable human settlements. The United Nations Conference on Human Settlements therefore was committed to promoting and attaining the goals of universal and equal access to good-quality education, the highest attainable standard of physical, mental and environmental health, and the equal access of all to primary health care, making particular efforts to rectify inequalities relating to social and economic conditions, including housing, without distinction as to race, national origin, gender, age, or disability, respecting and promoting mankind's common and particular cultures.

Articulated in the Habitat Agenda was a set of commitments to be pursued by the conference attendees along the following lines:

- (a) Adequate shelter for all;
- (b) Sustainable human settlements;
- (c) Enablement and participation of all key actors in the public, private and community sectors to play an effective role in human settlements and shelter development;
- (d) Gender equality;
- (e) Financing shelter and human settlements;
- (f) Enhancing international cooperation and partnerships that will assist in the implementation of national plans of action and the global plan of action and in the attainment of the goals of the Habitat Agenda by contributing to and participating in multilateral, regional and bilateral cooperation programmes and institutional

arrangements and technical and financial assistance programmes.

139. With regard to the role of the Organization, all States, the United Nations General Assembly, the Economic and Social Council and in particular the Commission on Human Settlements were recognized as the main intergovernmental actors at the global level for the implementation of and follow-up to the Habitat Agenda. With regard to the consideration of adequate shelter for all and sustainable human settlements development at the intergovernmental level, special consideration was to be given to the roles of the General Assembly and the Economic and Social Council.⁵⁴⁶

140. The Habitat Agenda identified the General Assembly as the highest intergovernmental body, which was the principal policymaking and appraisal organ on matters relating to the follow-up to Habitat II.⁵⁴⁷ At its fifty-first session, the Assembly was to include follow-up to the United Nations Conference on Human Settlements in its Agenda. A recommendation contained in the Habitat Agenda was for the Assembly to convene a special session in 1997 for the purpose of conducting an overall review and appraisal of Agenda 21 and a special session in the year 2001 for conducting an overall review and appraisal of the implementation of the outcome of Habitat II. The Economic and Social Council, in accordance with its role under the Charter of the United Nations and with the relevant Assembly and Council resolutions and decisions, would oversee system-wide coordination in the implementation of the Habitat Agenda and make recommendations in that regard. The Economic and Social Council was to be invited to review the follow-up to the Habitat Agenda at its substantive session of 1997. Habitat II recommended that the Council convene meetings of high-level representatives to promote international dialogue on the critical issues pertaining to adequate shelter for all and sustainable human settlements development, as well as on policies for addressing them through international cooperation. In this context, the Economic and Social Council might consider dedicating one high-level segment before 2001 to human settlements and the implementation of the Habitat Agenda with the active involvement and

⁵⁴⁶ Ibid., annex II, chap. 4, sect. F.

⁵⁴⁷ Ibid., annex I, para. 217.

participation of, inter alia, the specialized agencies, including the World Bank and IMF.⁵⁴⁸

141. In the Habitat Agenda the General Assembly and the Economic and Social Council were encouraged to promote, where appropriate, subregional and regional cooperation in the implementation of the Habitat Agenda. In this regard, the regional commissions, within their mandates and in cooperation with regional intergovernmental organizations and banks, could consider convening high-level meetings to review progress made in implementing the outcome of Habitat II, to exchange views on their respective experiences, particularly on best practices, and to adopt appropriate measures.

142. In the Habitat Agenda the key roles of the Commission on Human Settlements, under the Economic and Social Council, inter alia, were envisioned as promoting integrated and cohesive policies at all levels; tracking progress in the implementation of the Habitat Agenda, inter alia, through the analysis of relevant inputs from Governments, local authorities and their associations, relevant non-governmental organizations and the private sector; assisting countries, particularly developing countries, in increasing and improving their own efforts to solve shelter and human settlements problems; promoting greater international cooperation in order to increase the resources available to all developing countries; making appropriate recommendations to the Assembly through the Council on the basis of an analysis and synthesis of the information received and to inform the Commission on Sustainable Development; facilitating cooperation and partnerships among all countries and regions to achieve the goals of adequate shelter for all and sustainable human settlements development; promoting adequate shelter for all and sustainable human settlements development in harmony with the recommendations made by the United Nations Conference on Environment and Development, particularly chapter 7 of Agenda 21, taking into account, as appropriate, the relevant outcomes of other major United Nations conferences and summits; and continuing to give overall policy guidance to, and carry out supervision of, the operations of the United Nations Centre for Human Settlements (Habitat).⁵⁴⁹

⁵⁴⁸ Ibid.

⁵⁴⁹ Ibid.

143. That Centre was designated as a focal point for implementation of the Habitat Agenda and allotted a number of responsibilities, within its mandate, while fulfilling its primary function in furnishing substantive servicing for the Commission on Human Settlements and other intergovernmental bodies concerned with adequate shelter for all and sustainable human settlements development. Finally, outlined in the Habitat Agenda was a role for other subsidiary bodies of the Council to play, within their mandates, such as the Commission on Sustainable Development, the Commission for Social Development, the Commission on the Status of Women, the Commission on Human Rights and the Commission on Population and Development, as well as for the Committee on Economic, Social and Cultural Rights in monitoring those aspects of the Habitat Agenda that relate to compliance by States parties to the International Covenant on Economic, Social and Cultural Rights.⁵⁵⁰

144. At its fifty-first session, the General Assembly adopted resolution [51/177](#) in which it endorsed the Istanbul Declaration and the Habitat Agenda adopted by the United Nations Conference on Human Settlement. The Assembly reaffirmed that it and the Economic and Social Council, in accordance with the relevant provisions of the Charter of the United Nations and relevant resolutions, together with the Commission on Human Settlements, would constitute a three-tiered intergovernmental mechanism to oversee the coordination of activities for the implementation of the Habitat Agenda. The Assembly recommended that, at its special session to be convened from 23 to 27 June 1997 for the purpose of conducting an overall review and appraisal of Agenda 21, due attention should be given to the issue of human settlements in the context of sustainable development, and reaffirmed that consideration should be given to holding a special session of the General Assembly in the year 2001 for conducting an overall review and appraisal of the implementation of the outcome of Habitat II. The Assembly also reaffirmed that the Council may convene meetings of high-level representatives to promote international dialogue on the critical issues pertaining to adequate shelter for all and sustainable human settlements development, as well as on policies for addressing them through international cooperation, and consider dedicating before 2001 one high-level

⁵⁵⁰ Ibid.

segment to human settlements and the implementation of the Habitat Agenda.

145. As recommended by the Habitat Agenda,⁵⁵¹ and the Second Committee,⁵⁵² the General Assembly decided by its resolution 55/190 to hold a special session in 2001 for the purpose of conducting an overall review and appraisal of the implementation of the outcome of Habitat II⁵⁵³ and to include in the provisional agenda of its fifty-third session the sub-item entitled “Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II)”.⁵⁵⁴ It urged the Executive Director of the United Nations Centre for Human Settlements to take further action towards reform of the administrative and financial management of the Centre pursuant to the recommendations of the Office of Internal Oversight Services, as well as the relevant reports of the United Nations Board of Auditors and Commission on Human Settlements.⁵⁵⁵

146. For the remainder of the period under review, the Assembly adopted decisions regarding follow-up to and implementation of Habitat II.⁵⁵⁶

(h) *Women in development*

147. During the period under review, the principal organs continued to focus on issues relating to economic empowerment of women and the girl child in the context of the Beijing Declaration and Platform for Action⁵⁵⁷ and the system-wide medium-term plan for the advancement of women for the period 1996-2001.⁵⁵⁸

148. The adoption of the Beijing Declaration and Platform for Action⁵⁵⁹ by the Fourth World Conference on Women in 1995 was intended to accelerate the process of implementing the Nairobi Forward-looking

Strategies, for the Advancement of Women,⁵⁶⁰ subsequent to a report on the second review on those Strategies, which indicated that there had been a loss of momentum in their implementation. The Platform for Action dealt with 12 critical areas of concern for women’s full and equal participation in all spheres of life, including economic structures, power sharing and decision-making, placing new emphasis on women in poverty and on the feminization of poverty, keeping in mind the growing recognition that empowerment of women was often key to raising the standard of living of the population as a whole and contributed to economic growth. With respect to integrating women into the development process, the Platform for Action contained strategic objectives, such as the promotion of women’s economic rights, employment, access to market and trade, and the strengthening of women’s economic capacity.⁵⁶¹

149. The majority of the actions contained in the Platform for Action were addressed to Governments and other actors at the national level; General Assembly resolution 50/203 stated that Governments “... have the primary responsibility for implementing the Platform for Action ...” and called on them to establish or strengthen appropriate national machineries for the advancement of women. Nevertheless, the Platform for Action elaborated a central role for the Organization with regard to implementation at the international level, primarily under the General Assembly and the Economic and Social Council, in the context of their roles under the Charter of the United Nations and in accordance with General Assembly resolutions 45/264, 46/235 and 48/162, and carried out by the Commission on the Status of Women and other functional Commissions of the Economic and Social Council, the Committee on the Elimination of Discrimination against Women and other treaty bodies, the United Nations Secretariat, the International Research and Training Institute for the Advancement of Women, UNIFEM and United Nations specialized agencies and organizations.⁵⁶²

150. By resolutions 50/42 and 50/203, the General Assembly endorsed the adoption of the Platform for Action, which was aimed at removing obstacles to women’s active participation in all spheres of public

⁵⁵¹ Ibid., paras. 217 and 218.

⁵⁵² A/52/628/Add.5.

⁵⁵³ G A resolution 52/190, para.12.

⁵⁵⁴ Ibid., para. 15.

⁵⁵⁵ Ibid., para. 3.

⁵⁵⁶ G A resolutions 52/192, 53/180 and 54/209. By resolution 53/180, the General Assembly decided to hold the special session for an overall review and appraisal of the implementation of the outcome of Habitat II in June 2001.

⁵⁵⁷ A/CONF.177/20/Rev.1.

⁵⁵⁸ E S C resolution 1996/34. See E/1996/16, E/1996/26, and E/AC.5/1996/L.5/Add.34.

⁵⁵⁹ A/CONF.177/20/Rev.1.

⁵⁶⁰ A/CONF.116/28/Rev.1 (United Nations publication, Sales No. E.85.IV.10).

⁵⁶¹ A/CONF.177/20/Rev.1.

⁵⁶² Ibid., annex II, paras. 306-341.

and private life, and called for its effective implementation. By its resolution 50/203, the General Assembly the Economic and Social Council and the Commission on the Status of Women were designated as constituting a three-tiered intergovernmental mechanism that would play the primary role in the overall policymaking, follow-up and coordination for implementing and monitoring the Platform for Action.⁵⁶³ The Assembly requested⁵⁶⁴ the Secretary-General to submit a report on ways to enhance the capacity of the Organization and the United Nations system to support the follow-up to the 1995 Fourth World Conference on Women in the most integrated and efficient way⁵⁶⁵ and submit annual reports on the implementation of the Platform for Action.⁵⁶⁶

151. During the period under review, the Organization continued to pursue the goals of the Platform for Action. By its resolution 1996/6, the Economic and Social Council decided that the Platform for Action should be "... implemented through the work of all the bodies and organizations of the United Nations system during the period 1995-2000 ..." and noted that United Nations institutions devoted to the advancement of women were reviewing their work programmes in the light of the Platform for Action. In the same resolution,⁵⁶⁷ the Council decided that the Commission on the Status of Women should play a "... catalytic role in mainstreaming a gender perspective in policies and programmes ..." and adopted a multi-year programme of work for the Commission based on the critical areas of concern identified in the Platform for Action, with a view to ensuring its effective implementation. In addition, the Secretary-General of the United Nations was requested to prepare analytical reports⁵⁶⁸ on the thematic issues included in the Commission's multi-year programme of work. Thus, it was decided that the Commission, at its forty-first session in 1997, should discuss the following issues: (a) education and training of women; (b) women and the economy; (c) women in power and decision-

making; and (d) women and the environment.⁵⁶⁹ Subsequently, in resolution 1997/17, the Council endorsed the Commission's agreed conclusions on mainstreaming a gender perspective into the areas discussed,⁵⁷⁰ which contained recommendations on actions to be taken by, inter alia, Governments, civil society and the international community, including the United Nations system.

152. During the period under review, the Organization continued to make use of system-wide medium-term plans for the advancement of women as a general framework for the coordination of system-wide efforts. Prior to that period the Economic and Social Council, in resolution 1993/16, endorsed the system-wide medium-term plan for the advancement of women for the period 1996-2001 as a general framework for the coordination of system-wide efforts, inviting the Secretary-General in his capacity as ACC Chairman, to arrange for a revision of the system-wide medium-term plan for the period 1996-2001 in the light of the second review and appraisal of the Nairobi Forward-looking Strategies and the Platform for Action. A draft of the revised system-wide medium-term plan for the advancement of women, 1996-2001,⁵⁷¹ was submitted by the Secretary-General to the Commission on the Status of Women at its fortieth session in 1996. In a resolution, that Commission recommended, inter alia, that the Economic and Social Council may wish to adopt the revised draft plan, taking into account the Commission's resolution and its comments contained in an annex to that resolution. It also invited the Secretary-General to submit to the Council for its consideration of the draft plan the comments of ACC, and the Committee for Programme and Coordination, along with the comments of the Commission. The Commission recommended further that the Economic and Social Council, through the Commission, may wish to follow up the implementation of the plan and undertake a comprehensive midterm review of the implementation of the plan as a basis for future programming and coordination of activities for the advancement and empowerment of women by the United Nations system, including a review of progress in mainstreaming a gender perspective into all activities of the United Nations system. It recommended that the Council request the formulation

⁵⁶³ See also G A resolution 48/162 and E S C resolution 1996/6.

⁵⁶⁴ G A resolution 51/69.

⁵⁶⁵ See A/51/322, A/52/28, A/53/308 and A/54/264. See also E/1997/64.

⁵⁶⁶ See E/1998/53 and E/1999/54. See also E/1997/64. See E/CN.6/1997/2; E/CN.6/1998/2 and Add.1 and Add.2; and E/CN.6/1999/2 and Add.1.

⁵⁶⁷ E S C resolution 1996/6.

⁵⁶⁸ E/CN.6/1997/3 and E/CN.6/1999/4.

⁵⁶⁹ E S C resolution 1996/6.

⁵⁷⁰ E/1997/27-E/CN.6/1997/9.

⁵⁷¹ E/CN.6/1996/CRP.2.

of a new system-wide medium-term plan for the advancement of women to cover the period 2002-2005 and that the Secretary-General, in his capacity as ACC Chairman, submit a new draft plan to the Council at its substantive session of 2000, and that the draft proposal be submitted to the Commission on the Status of Women at its forty-fourth session for comment.⁵⁷²

153. At the nineteenth Ad Hoc Inter-Agency Meeting on Women in March 1995, the organizations of the United Nations system agreed on a procedure and timetable for revising the plan. At the ensuing twentieth meeting, the organizations refined the plan and agreed on its structure and the methodology for its preparation. Written input from the participating entities formed the basis for the preparation of drafts, which were circulated to the organizations of the United Nations system for further input and comment. Each organization was asked to indicate the approach that it intended to take to achieve the objectives set out in the Platform for Action and to support actions at the national, regional and international levels, including the main significant outputs to be produced during the period and the methods to be used. During the preparatory phase, informal meetings took place at United Nations Headquarters, and the presence of a large number of focal points at the Fourth World Conference on Women, held in Beijing in September 1995, enabled further consultations. With the Division for the Advancement of Women serving as secretariat and coordinator in the preparation of the plan, the first outline of the structure and approach of the plan was prepared, information compiled, various drafts prepared and circulated and inter-agency meetings organized to finalize the plan. The structure of the plan adhered to the critical areas of concern in the Platform for Action, with actions to be carried out by the United Nations system clustered by type of action under each of those critical areas.⁵⁷³

154. By resolution 1996/34, the Council endorsed the revised system-wide medium-term plan,⁵⁷⁴ taking into account the Commission's comments⁵⁷⁵ and the conclusions and recommendations of the Committee for Programme and Coordination.⁵⁷⁶ Pursuant to the

⁵⁷² E/1996/16, intro.

⁵⁷³ Ibid.

⁵⁷⁴ E/1996/16.

⁵⁷⁵ E/1996/26-E/CN.6/1995/15, chap. I, sect. C, and Commission resolution 40/10, annex.

⁵⁷⁶ E/AC.5/1996/L.5/Add.34.

request of the Economic and Social Council at the same session,⁵⁷⁷ the Secretary-General submitted a progress report on the plan's midterm review,⁵⁷⁸ summarizing information provided by the United Nations system in 1996 and 1997 on the implementation of the plan's activities and the obstacles encountered. In connection with the critical area of strengthening the capacity and catalytic role of national machinery for the advancement of women, it was noted that the activities undertaken had "... focused on the development of gender-sensitive performance indicators, increased visibility and inclusion of gender issues in policies and programmes, and gender-sensitive development planning".⁵⁷⁹ With regard to the girl child, the report further noted the support for programmes addressing illiteracy and advocacy for the rights of the girl child, education and girls in the workplace.

155. In the same report,⁵⁸⁰ the Secretary-General proposed recommendations that could further a coordinated and cohesive approach to the work of the United Nations system in relation to the system-wide medium-term plan and the Platform for Action in the second half of the plan's term, building, inter alia, on the agreed conclusions 1997/2 of the Economic and Social Council on gender mainstreaming.⁵⁸¹ Subsequently, the Council adopted resolution 1998/11⁵⁸² thus endorsing the Secretary-General's recommendations and stressing in particular the importance of mainstreaming a gender perspective into the formulation and implementation of operational activities for development of the United Nations system. A 1998 report⁵⁸³ by the Secretary-General on the follow-up to and implementation of the Beijing Declaration and the Platform for Action noted that the Inter-agency Committee on Women and Gender Equality,⁵⁸⁴ at its third session, made further progress in improving coordination and strengthening cooperation in support of the implementation of both the Platform for Action and gender mainstreaming.

⁵⁷⁷ E S C resolution 1996/34.

⁵⁷⁸ E/CN.6/1998/3.

⁵⁷⁹ Ibid.

⁵⁸⁰ Ibid.

⁵⁸¹ A/52/3/Rev.1, chap. IV, sect. A.

⁵⁸² See also E/1998/27-E/CN.6/1998/12, chap. I, sect. B.

⁵⁸³ E/CN.6/1998/53.

⁵⁸⁴ See also E/1997/54 and *Repertory, Supplement No. 9*, vol. IV, under Article 64.

156. By resolution 1999/16, the Council invited the Secretary-General to submit in 2001 a new system-wide medium-term plan for the advancement of women for the period 2002-2005 in two phases. The first phase would consist of an assessment of activities undertaken by the United Nations system and obstacles encountered, as well as lessons learned from the current plan and its system-wide implementation. The second phase should consist of a new plan that reflected the growing emphasis on action and delivery.⁵⁸⁵

157. The principal organs examined numerous aspects pertaining to the advancement of women and the goals of the Platform for Action. For example, the Council decided that the Commission, at its forty-second session in 1998, should discuss, inter alia, the issue of the girl child.⁵⁸⁶ By resolution 53/127, the General Assembly called on States and international and non-governmental organizations to implement the conclusions adopted by the Commission in respect of the education and empowerment of the girl child.⁵⁸⁷ In 1999, the Commission discussed, inter alia, institutional mechanisms for the advancement of women.⁵⁸⁸ By its agreed conclusions, endorsed by Council resolution 1999/17, the Commission recognized that "... gender mainstreaming is a tool for effective policy-making at all levels and not a substitute for targeted, women-specific policies and programmes, equality legislation, national machineries for the advancement of women and the establishment of gender focal points". On several occasions, the Assembly noted the importance of a life cycle perspective when implementing the Platform for Action. Thus, by resolution 50/154, the Assembly recalled that "... the advancement and empowerment of women throughout their life-cycle must begin with the girl child ..." and that discrimination against the girl child was identified as a critical area of concern in the Platform for Action.⁵⁸⁹ Further, in resolution 54/148, the General Assembly stressed the importance of a "... substantive assessment of the implementation of the Platform for Action with a life-cycle perspective so as to identify gaps and obstacles in the implementation process and to develop further actions

for the achievement of the goals of the Platform for Action". With regard to the girl child, the Assembly urged States to prepare programmes for the girl child as part of their national action plans in order to fully implement the Platform for Action⁵⁹⁰ and to base programmes and policies for the girl child on the rights of the child.⁵⁹¹

158. The improvement of the situation of women in rural areas remained a matter of concern for the Assembly throughout the period under review. By resolution 50/165, the Assembly invited Member States to integrate the issue of rural women into national development policies and programmes; increase their participation in the decision-making process; and undertake necessary measures to provide full and equal access to productive resources, including credit/capital and the right to, inter alia, inheritance and ownership of land. The Assembly also requested that the international community and the relevant United Nations organizations and bodies "... promote the realization of the programmes and projects aimed at the improvement of the situation of rural women ...".⁵⁹² In 1997, the Secretary-General submitted a report on the improvement of the situation of women in rural areas that paid attention to, inter alia, the role of women in agriculture and food security.⁵⁹³ The report underlined the importance of strengthening the productive and reproductive capacity of women farmers and entrepreneurs and noted that the development of "... legal measures, policies and administrative regulations to guarantee rural women equal and secure rights of access to land ..." was a priority. By resolution 52/93, the General Assembly invited Member States to design and revise laws to ensure that women have equal access to and control over land. Subsequently, in his 1999 report⁵⁹⁴ on the situation of women in rural areas, the Secretary-General noted that, based on replies from 14 Governments and 8 United Nations entities, most Governments had passed laws to secure the access of rural women to productive resources and that United Nations entities were engaged in supporting those national efforts. The report further outlined the impact of global trends and their policy implications for the

⁵⁸⁵ See also E S C resolution 1996/34 and G A resolutions 51/69 and 52/100.

⁵⁸⁶ E S C resolution 1996/6.

⁵⁸⁷ E/1998/27, chap. I, sect. B.IV.

⁵⁸⁸ E S C resolution 1996/6.

⁵⁸⁹ See A/CONF.177/20/Rev.1.

⁵⁹⁰ G A resolution 53/127.

⁵⁹¹ G A resolution 54/148.

⁵⁹² G A resolution 50/165.

⁵⁹³ A/52/326.

situation of rural women and showed that changing patterns of financial flows to developing countries forced countries to pursue policies such as privatization of productive assets, which tended to exacerbate the socioeconomic marginalization of rural women.

159. In recognizing that the existence of difficult socioeconomic conditions in many developing countries had resulted in rapid feminization of poverty, especially in rural areas and female-headed households, the Assembly stressed the importance of developing national strategies for the promotion of sustainable and productive entrepreneurial activities.⁵⁹⁵ In its follow-up resolution 1998/43 to its agreed conclusions 1997/2,⁵⁹⁶ the Economic and Social Council decided to pay particular attention to the feminization of poverty when reviewing in 1999 the theme of poverty eradication and to ensure a gender perspective when reviewing the implementation of and follow-up to major United Nations conferences and summits. In this regard, the Assembly endorsed the role of UNIFEM in strengthening women's economic capacity and encouraged women to become key economic players in combating the feminization of poverty, strengthening women's leadership and political empowerment.⁵⁹⁷

160. In the context of implementing gender perspectives into economic policies, the Assembly called on the United Nations system to support "... developing countries in their efforts to integrate gender concerns into national programmes and to implement those programmes, including by providing adequate resources for operational activities for development".⁵⁹⁸ By the same resolution,⁵⁹⁹ the Assembly further called on the United Nations system to integrate gender mainstreaming into all programmes and policies in accordance with the agreed conclusions 1997/2 on gender mainstreaming.⁶⁰⁰ In this connection, the principal organs commended the efforts of the International Research and Training Institute for the Advancement of Women to address all levels of poverty that hampered the advancement of women and

encouraged that Institute to develop active and close cooperation with the United Nations system.⁶⁰¹ Subsequently, in resolution 1998/43, the Council reaffirmed that its agreed conclusions 1997/2 should be implemented as a matter of urgency and called on all parts of the United Nations system to take immediate action in that regard. The Secretary-General submitted a report on the implementation of the Council's agreed conclusions 1997/2 in all policies and programmes in the United Nations system, so that the Council could take any action necessary to ensure their full implementation.⁶⁰²

161. A 1997 report of the Secretary-General on the effective mobilization and integration of women in development applied gender analysis to the unpaid sector of the economy, fiscal policies and trade liberalization policies.⁶⁰³ The report outlined principles that were a prerequisite for mainstreaming the gender perspective into economic policies and noted that such mainstreaming should be effected in line with specified conditions in conformity with the Platform for Action in addition to offering insights into macroeconomic policymaking.⁶⁰⁴ However, it was noted that, as gender analysis was still not a routine part of economic analysis and policymaking, the practical implications of gender analysis and other policy implications were still limited. The General Assembly took note of the report in resolution 52/195.

162. In connection with the new approach of gender-responsive development, the Assembly requested that Governments include priorities of women in, and that women fully participate in, decisions on public investment programmes for, inter alia, economic infrastructure, technology and water supply.⁶⁰⁵ In resolution 52/195, the General Assembly urged Governments to increase women's access to credit by instituting innovative lending practices and to "... provide outreach programmes to inform low-income women and poor-women ... of opportunities for market and technology access and to provide ... assistance in taking advantage of ..." opportunities, such as the promotion of strengthening of microenterprises, new small businesses, cooperative enterprises, the expansion of markets and other

⁵⁹⁴ A/54/123-E/1999/66. See also G A resolution 52/93.

⁵⁹⁵ G A resolution 50/104.

⁵⁹⁶ A/52/3/Rev.1, chap. IV, sect. A.

⁵⁹⁷ G A resolution 52/94.

⁵⁹⁸ G A resolution 52/195.

⁵⁹⁹ Ibid.

⁶⁰⁰ A/52/3/Rev.1. See also G A resolution 54/210.

⁶⁰¹ G A resolution 50/163 and E S C resolution 1996/39.

⁶⁰² E/1998/64.

⁶⁰³ A/52/345.

⁶⁰⁴ Ibid. See also G A resolution 50/104.

⁶⁰⁵ See G A resolutions 52/195 and 54/210.

employment opportunities.⁶⁰⁶ The Assembly also stressed the need to ensure that women and girls had full and equal access to education, vocational training and retraining programmes to improve their employment opportunities, as well as access to new technologies for their empowerment.⁶⁰⁷

163. By decision 1997/319, the Council decided that the high-level meeting of the operational segment of its substantive session of 1998 would be devoted to the advancement of women: implementation of the Platform for Action and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development. Pursuant to a request by the informal meeting of delegations prior to the Council's substantive session of 1998, the Secretary-General submitted a report, taking into account decisions and consultations on gender and information received from resident coordinators/representatives and Governments.⁶⁰⁸ Subsequent to the high-level meeting, the Council stressed that national programming of operational activities for development within the United Nations system should be country-driven and that gender analysis and perspectives should be fully incorporated therein.⁶⁰⁹ The General Assembly further emphasized the important work of UNIFEM⁶¹⁰ relating to the Platform for Action on the issues of empowering women and mainstreaming gender issues, and requested continued efforts by UNIFEM with regard to operational activities.⁶¹¹

164. At the high-level segment of its 1999 substantive session, entitled "The role of employment and work in poverty eradication: the empowerment and advancement of women", the Council adopted a

⁶⁰⁶ G A resolution 52/195.

⁶⁰⁷ G A resolution 54/210.

⁶⁰⁸ See E/1998/54 and Corr.1.

⁶⁰⁹ E S C resolution 1998/26.

⁶¹⁰ See G A resolution 39/125 on the establishment of UNIFEM as a separate and identifiable entity in autonomous association with UNDP.

⁶¹¹ G A resolution 54/136.

ministerial communiqué by which ministers and heads of delegations affirmed their commitment to adopting effective poverty-eradication strategies that addressed employment creation and gender-specific policies.⁶¹² The communiqué noted that "... an effective development strategy could include targeting key economic sectors for employment-intensive growth, including agriculture and non-traditional sectors". The communiqué also recognized that "... strategies for stimulating the development of small and medium-sized enterprises as well as other forms of self-employment, including through entrepreneurial training, especially for women, can encourage employment creation and lead to poverty eradication". The outcome of the high-level segment's consideration was transmitted to the Assembly as an input for the five-year review of the Fourth World Conference on Women and the World Summit for Social Development.⁶¹³

165. By resolution 52/231, the Assembly decided that the high-level plenary review to appraise and assess the progress achieved in the implementation of the Nairobi Forward-looking Strategies⁶¹⁴ and the Platform for Action should be held as a special session of the General Assembly from 5 to 9 June 2000, entitled "Women 2000: gender equality, development and peace for the twenty-first century". Subsequently, by resolution 54/148 the Assembly requested that the rights and needs of the girl child also be duly taken into account and integrated into all activities in preparations for the special session.

**2. ROLE OF THE PRINCIPAL ORGANS OF
THE UNITED NATIONS IN RESPECT OF
PROMOTING INTERNATIONAL EDUCATION
AND CULTURAL COOPERATION

⁶¹² A/54/3/Rev.1.

⁶¹³ E S C resolution 1999/55.

⁶¹⁴ A/CONF.116/28/Rev.1.

II. HUMAN RIGHTS

166. The presentation and organization of the material in the present study follows the pattern established in the previous studies of Article 55 of the *Repertory* and its *Supplements*. As in the previous *Supplements* to the

Repertory, the study is divided into a "general survey" and an "analytical summary of practice". The general survey furnishes 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 *Supplements Nos. 6, 7 and 8*, the analytical summary provides an understanding of the functional work of the General Assembly and the Economic and Social Council, as well as the Secretary-General on the agenda items relevant to the goals of Article 55 (c) and is divided into five parts: (a) the question of the meaning of the phrase “respect for, and observance of”; (b) the question of the meaning of the term “human rights and fundamental freedoms”; (c) the question of the meaning of the term “shall promote”, the implementation procedures for the promotion and protection of human rights and fundamental freedoms; (d) the question of the meaning of the expression “for all without distinction as to race, sex, language, or religion”; and (e) the question of the meaning of the term “universal” and the territorial scope of the provisions relating to human rights.

A. General survey

1. GENERAL REMARKS

167. During the period covered by the present *Supplement to the Repertory*, the General Assembly and the Economic and Social Council pursued 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 was made to the interpretation of Article 55. Nonetheless, in multiple instances, the decisions of the principal organs made frequent reference to the responsibility of the Organization under that Article.⁶¹⁵

168. During the period under review, the General Assembly and the Economic and Social Council continued to make recommendations related to the United Nations Human Rights Programme. For example, at its fifty-third session the Assembly reviewed the implementation of the recommendations adopted by the World Conference on Human Rights, which was held in Vienna in 1993. By its resolution [53/166](#), the Assembly welcomed the agreed conclusions 1998/2 of the Council on the coordinated follow-up to and implementation of the Vienna

⁶¹⁵ See, e.g., G A resolutions 50/174, 52/18, 53/22, 53/118 and 53/140, which reported annually on this matter to the Commission on Human Rights, the Economic and Social Council and the General Assembly.

Declaration and Programme of Action⁶¹⁶ and called for their full implementation.

169. The period covered by the present *Supplement to the Repertory* has been particularly rich for the United Nations Human Rights Programme, which is coordinated by the Office of the United Nations High Commissioner for Human Rights in accordance with General Assembly resolution [48/141](#). One of the important objectives of the United Nations in establishing the position of the United Nations High Commissioner for Human Rights was to ensure more effective coordination of the numerous human rights activities throughout the system, and to increase the efficiency and strengthen the impact of the United Nations human rights machinery.⁶¹⁷ The various and complex mandates based on the recommendations of the World Conference on Human Rights, the human rights challenges at the national and international levels and the demand by Member States for more efficient action on human rights situations led to considerable substantive and organizational changes within the Office of the United Nations High Commissioner for Human Rights.⁶¹⁸

170. For the purpose of improving the effective enjoyment of human rights and fundamental freedoms of specific categories of individuals, or a specific country or group of countries, the principal organs continued, as in the past, to act for the realization of the objectives set forth in the Charter of the United Nations and in various international instruments on human rights. In that regard, they continued to affirm the need to enhance international cooperation in the field of human rights,⁶¹⁹ 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 their own socioeconomic and political systems.

171. Those organs also continued to make recommendations to States and Governments that they

⁶¹⁶ See E/1999/83. See also A/CONF.157/23.

⁶¹⁷ See E/CN.4/1995/98, para. 139 and A/50/36, para. 106. See also A/50/36, A/51/36, A/52/36, A/53/36 and A/54/36.

⁶¹⁸ For more details, see the section in the present *Supplement* related to the Office of the United Nations High Commissioner for Human Rights, paras. 480-492.

⁶¹⁹ See, e.g., G A resolutions 51/100, 52/134, 53/154 and 54/181.

ensure full enjoyment of human rights through the ratification or accession to the international instruments in this field; give equal attention and urgent consideration to the implementation of civil and political rights and of economic, social and cultural rights, which are indivisible, interrelated and interdependent; recognize the right to development as an inalienable human right; continue to accord priority to the search for solutions to mass and flagrant violations of the human rights of peoples; promote the rights to education, work, health and adequate food and housing through the adoption of national and international measures, including the establishment of a new international economic order; base the promotion, protection and full realization of all human rights and fundamental freedoms, as legitimate concerns of the global community, on the principles of non-selectivity, impartiality and objectivity, and not use human rights for political ends,⁶²⁰ or adopt or implement any unilateral measures that could impede the full realization of the rights set forth in the Universal Declaration of Human Rights.⁶²¹

172. In the exercise of their functions related to human rights, the General Assembly and the Economic and Social Council continued to be assisted by their subsidiary organs and other organs, such as the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Office of 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 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.

⁶²⁰ See G A resolutions 50/174, 51/105, 52/131, 53/149 and 54/174. In the preamble of those resolutions, the General Assembly reaffirmed the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, as affirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993.

⁶²¹ G A resolutions 51/103, 52/120, 53/141 and 54/172.

2. STANDARD-SETTING ACTIVITIES

173. During the period under review, the principal organs adopted 10 instruments, whereas in the previous period⁶²² they had adopted 17, with the aim of setting standards to address specific human rights issues or concerns. Those international instruments were as follows: the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism;⁶²³ the Guidelines for Action on Children in the Criminal Justice System;⁶²⁴ the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice;⁶²⁵ the International Convention for the Suppression of Terrorist Bombings;⁶²⁶ the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;⁶²⁷ the Declaration and Programme of Action on a Culture of Peace;⁶²⁸ the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;⁶²⁹ the International Convention for the Suppression of the Financing of Terrorism;⁶³⁰ and the optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict⁶³¹ and on the

⁶²² See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 228, 250-262.

⁶²³ G A resolution 51/210.

⁶²⁴ E S C resolution 1997/30. In para. 1 of that resolution, the Economic and Social Council welcomed the Guidelines for Action on Children in the Criminal Justice System annexed to the resolution and invited all parties concerned to make use of the guidelines in the implementation of the Convention on the Rights of the Child with regard to juvenile justice. ST/HR/1/Rev. 6 (vol. I/part 1), p. 387.

⁶²⁵ G A resolution 52/86.

⁶²⁶ G A resolution 52/164. United Nations, *Treaty Series*, vol. 2149, No. 37517.

⁶²⁷ G A resolution 53/144. ST/HR/1/Rev.6 (vol. I/part 2), p. 473.

⁶²⁸ G A resolution 53/243.

⁶²⁹ G A resolution 54/4. United Nations, *Treaty Series*, vol. 2131, No. 20378.

⁶³⁰ G A resolution 54/109. United Nations, *Treaty Series*, vol. 2178, No. 38249.

⁶³¹ G A resolution 54/263. United Nations, *Treaty Series*, vol. 2173, No. 27531.

sale of children, child prostitution and child pornography.⁶³²

174. Some of the standard-setting work in the process of elaboration during the period covered by the previous *Supplement to the Repertory*⁶³³ had been finalized during the period under review, including the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and the two optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

175. Pursuant to established procedures, those instruments were elaborated by the subsidiary organs of the Economic and Social Council and the General Assembly. Furthermore, during this period work continued concerning the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

3. STANDARD-IMPLEMENTATION ACTIVITIES

176. During the period under review, the new orientation of the United Nations human rights programme was largely inspired by the Vienna Declaration and Programme of Action. The “Vienna+5” report of the Secretary-General to the Economic and Social Council⁶³⁴ presented information on the progress made and policy measures taken to integrate human rights into the activities of the United Nations system.⁶³⁵ The increasing emphasis that the United Nations system placed on the social dimension of development was a key factor towards achieving an integrated approach to democracy, development and human rights. Particular attention was focused on economic, social and cultural rights, including the right to development, and on extreme poverty. Progress in the implementation of the Vienna Declaration and Programme of Action included also the mainstreaming

of a gender dimension and women’s rights into the activities of the United Nations system, with particular attention being paid to vulnerable groups, such as indigenous peoples, minorities, migrants, children and persons with disabilities, among others.⁶³⁶ As racism and racial discrimination continued to represent a major obstacle to ensuring universal respect for human rights and fundamental freedoms, the General Assembly decided to convene in 2001 the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.⁶³⁷

177. The principal organs continued to urge all States that had not done so to become as soon as possible, parties to relevant United Nations instruments on human rights,⁶³⁸ thus reaffirming the importance of the full and effective implementation of United Nations human rights instruments to the efforts of the Organization to promote universal respect for, and observance of, human rights and fundamental freedoms.⁶³⁹ They also continued to consider the status of various United Nations instruments on human rights, notably the reports of treaty bodies established under the relevant provisions of those instruments, the effective functioning of which represented an important concern of the United Nations.⁶⁴⁰ In that connection, the General Assembly reaffirmed its responsibility to ensure the effective functioning of those treaty bodies and the importance of securing sufficient financial, human and information resources to overcome existing difficulties and of addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights.⁶⁴¹

178. With regard to the reporting obligations of States parties to United Nations human rights instruments, the General Assembly continued to recognize that the effective implementation of those instruments, involving periodic reporting to the relevant treaty bodies, and the efficient functioning of the treaty bodies themselves not only enhanced international accountability but also provided States parties with a

⁶³² G A resolution 54/263. United Nations, *Treaty Series*, vol. 2171, No. 27531.

⁶³³ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 230 and 231.

⁶³⁴ See E/1998/60.

⁶³⁵ For more details on activities implemented by the United Nations agencies and programmes on human rights, see E/1999/83, paras. 1 and 2.

⁶³⁶ See E/1999/83.

⁶³⁷ See, e.g., G A resolution 52/111.

⁶³⁸ See, e.g., G A resolutions 50/171, 51/80, 52/107, 53/118 and 54/156.

⁶³⁹ G A resolutions 50/170, 51/87, 52/118 and 53/138.

⁶⁴⁰ See, e.g., G A resolution 50/171 and E S C decision 1999/287.

⁶⁴¹ G A resolutions 50/170, 51/87, 52/118 and 53/138.

valuable opportunity to review policies and programmes affecting the promotion and protection of human rights and to make appropriate adjustments.⁶⁴²

179. The General Assembly expressed concern about the increasing backlog of reports on implementation by States parties to United Nations human rights instruments and about delays in the consideration of those reports by the treaty bodies. It urged States parties to make every effort to meet their reporting obligations and to assist, individually and through the meetings of States parties, in enhancing coordination and information flow between the treaty bodies and the relevant United Nations bodies, including specialized agencies. It welcomed the continuing efforts of treaty bodies that were aimed at streamlining, rationalizing and avoiding duplication in improving reporting procedures. It noted with appreciation the initiative of a number of those treaty bodies to elaborate early-warning measures and urgent procedures within their mandates with a view to preventing the occurrence, or reoccurrence, of serious human rights violations.⁶⁴³

180. The General Assembly welcomed the emphasis that persons chairing the human rights treaty bodies placed on the need for the enjoyment of the 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 revised *Manual on Human Rights Reporting*⁶⁴⁴ was translated into all the official languages of the United Nations by 31 December 2000 at the latest. The Assembly called on the Secretary-General to complete the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, 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 on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. That study was being prepared with a view to identifying duplication of the reporting required under those instruments.⁶⁴⁵

⁶⁴² Ibid.

⁶⁴³ Ibid., United Nations publication, sales No. G.V.E. 97.0.16.

⁶⁴⁴ United Nations publication, Sales No. G.V.E.97.0.16.

⁶⁴⁵ See G A resolutions 51/87, 52/118 and 53/138.

181. Following the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,⁶⁴⁶ the Assembly welcomed the signature or ratification of, or accession to, the Convention by several Member States⁶⁴⁷ and expressed the hope that it would enter into force at an early date,⁶⁴⁸ noting that, pursuant to article 87 of the Convention, only eight ratifications or accessions were still needed for it to enter into force.⁶⁴⁹

182. With regard to matters dealing with human rights under both country and thematic special procedure mechanisms established by the Commission on Human Rights, the principal organs continued to endorse, authorize or approve the decisions of that Commission to appoint or extend the work of mandate holders and ad hoc working groups and often approved the Commission's requests to the Secretary-General to furnish all necessary assistance to enable the accomplishment of those mandates.

183. In addition to the countries covered by the previous *Supplement to the Repertory*,⁶⁵⁰ the human rights situation in Burundi, the Democratic Republic of the Congo (former Zaire), East Timor, Lebanon and Nigeria was examined during the period under review.

184. During the period under review, nine new⁶⁵¹ thematic mandates were established on the following human rights issues: adverse effects on the enjoyment of human rights of the illicit movement and dumping of toxic and dangerous products and wastes;⁶⁵² human rights and income distribution;⁶⁵³ systematic rape and sexual slavery during periods of armed conflict;⁶⁵⁴ indigenous land rights;⁶⁵⁵ effects of foreign debt on the full enjoyment of economic, social and cultural

⁶⁴⁶ See G A resolution 45/158.

⁶⁴⁷ G A resolutions 50/169, 51/85, 52/115, 53/137 and 54/158.

⁶⁴⁸ G A resolutions 50/168, 50/169, 51/85, 52/115, 53/137 and 54/158.

⁶⁴⁹ G A resolution 54/158.

⁶⁵⁰ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 483-522.

⁶⁵¹ During the previous period 20 mandates had been created. See *Repertory, Supplement No. 8*, vol. IV, under Article 55, para. 528.

⁶⁵² E S C decision 1995/288. See also E S C decision 1998/242.

⁶⁵³ E S C decision 1995/295.

⁶⁵⁴ E S C decision 1996/291. See also E S C decision 1999/252.

⁶⁵⁵ E S C decision 1997/289.

rights,⁶⁵⁶ right to education,⁶⁵⁷ human rights and terrorism;⁶⁵⁸ human rights of migrants;⁶⁵⁹ and the concept and practice of affirmative action.⁶⁶⁰

185. As in the past,⁶⁶¹ human rights activities continued to be implemented under the advisory services and technical cooperation programme, including support for the establishment of national and regional institutions for the promotion and protection of human rights, providing the victims of human rights violations with advice and financial assistance and facilitating public access to international human rights instruments. The World Public Information Campaign for Human Rights launched in 1988⁶⁶² and the implementation of the United Nations Decade for Human Rights Education (1995-2004) were important means to broaden the scope of public information and awareness activities and to encourage the incorporation of human rights into teaching curricula during the review period.⁶⁶³

186. Throughout the period under review, the Economic and Social Council also continued to approve the requests of the Commission on Human Rights to the Secretary-General to appoint or extend the mandate of experts assisting some Governments in the field of human rights and to provide them with the necessary support. Countries benefiting from such expertise included for example Afghanistan,⁶⁶⁴ Cambodia,⁶⁶⁵ East Timor,⁶⁶⁶ Equatorial Guinea,⁶⁶⁷ Guatemala,⁶⁶⁸ Haiti,⁶⁶⁹ Rwanda⁶⁷⁰ and Somalia.⁶⁷¹

187. While women's rights, the role of women in society, the advancement of the status of women, violence against migrant women workers, violence against women in general and traffic in women and girls were the focus of discussions in the previous and present *Supplements to the Repertory*,⁶⁷² the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice were adopted during the period under review.

188. Concerning the rights of the child, issues examined during both the previous and the current periods were related to street children, children affected by armed conflicts, sale of children, child prostitution and child pornography. Some innovative issues covered in the present study include the exploitation of child labour, refugee and displaced children, children with disabilities, the girl child and the adoption of the two optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, and the adoption of the Guidelines for Action on Children in the Criminal Justice System.

189. Additional issues covered in the present study include, inter alia, the rights relating to privacy and to honour and reputation; freedom of expression; rights relating to cultural life, the arts and scientific advancement; measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the right to a fair trial; human rights and state of emergency; the right to adequate food; rights relating to the environment; human rights and extreme poverty; traditional practices affecting the health of women and children; and the United Nations Voluntary Fund for Indigenous Populations. The few issues discussed during the previous period and not developed in the present study include the right to own

⁶⁵⁶ E S C decision 1998/249.

⁶⁵⁷ E S C decision 1998/253.

⁶⁵⁸ E S C decision 1998/278.

⁶⁵⁹ E S C decision 1999/239.

⁶⁶⁰ E S C decision 1999/253.

⁶⁶¹ See, for example, *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 536-550.

⁶⁶² See *Repertory, Supplement No. 7*, vol. IV, under Article 55, para. 367.

⁶⁶³ See in the present study, paras. 493-499.

⁶⁶⁴ See E S C decisions 1997/273, 1998/267 and 1999/226. See also G A resolutions 50/189, 51/108, 52/145, 53/165 and 54/185.

⁶⁶⁵ See E S C decisions 1997/259, 1998/259 and 1999/247. See also G A resolutions 50/178, 51/98, 52/135, 53/145 and 54/171.

⁶⁶⁶ E S C decision 1999/293.

⁶⁶⁷ E S C decisions 1997/275 and 1999/233.

⁶⁶⁸ E S C decisions 1996/270 and 1997/261. See also G A resolutions 50/220, 51/198, 52/175, 53/93 and 54/99.

⁶⁶⁹ E S C decisions 1996/269, 1997/262 and 1999/248. See also G A resolutions 50/196, 51/110, 52/138 and 53/159.

⁶⁷⁰ E S C decisions 1995/292, 1996/281 and 1997/274. See also G A resolutions 50/200, 51/114, 52/146, 53/156 and 54/188.

⁶⁷¹ See, e.g., E S C decisions 1996/268 and 1997/258.

⁶⁷² See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 343-354. See also in the present study, paras. 291-313.

property,⁶⁷³ the rights relating to marriage and family,⁶⁷⁴ violence in the family⁶⁷⁵ and the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.⁶⁷⁶

190. During this period one of the major events to occur was the fiftieth anniversary of the Universal Declaration of Human Rights.⁶⁷⁷ During this period, the General Assembly proclaimed the first United Nations Decade for the Eradication of Poverty (1997-2006),⁶⁷⁸ observation of the year 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance⁶⁷⁹ and the period 2001-2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World.⁶⁸⁰

191. As in the previous period review and among the noticeable developments covered by the present study were the recommendations of the treaty bodies entrusted with the task of participating in the interpretation and implementation of existing norms on human rights. The Committee on Economic, Social and Cultural Rights issued several recommendations related to the economic, social and cultural rights of older persons; the right to adequate housing; forced evictions; the relationship between economic sanctions and respect for economic, social and cultural rights; the domestic application of the International Covenant on Economic, Social and Cultural Rights; the role of national human rights institutions in the protection of economic, social and cultural rights; plans of action for primary education; the right to adequate food; and the right to education. The Human Rights Committee formulated some recommendations on participation in public affairs and the right to vote; freedom of movement; and the continuity of obligations. The Committee on the Elimination of Racial Discrimination also adopted several general recommendations related to racial segregation and apartheid; the elimination of racial discrimination in all its forms; the right to self-

⁶⁷³ See *Repertory, Supplement No. 8*, vol. IV under Article 55, paras. 314 and 315.

⁶⁷⁴ *Ibid.*, paras. 309-313.

⁶⁷⁵ *Ibid.*, para. 283.

⁶⁷⁶ *Ibid.*, para. 562.

⁶⁷⁷ See also the present study, para. 487.

⁶⁷⁸ *Ibid.*, para. 533.

⁶⁷⁹ *Ibid.*, para. 534.

⁶⁸⁰ *Ibid.*, para. 538. For more details on international days, years and decades, see also in the present study, paras. 529-540.

determination; refugees and displaced persons; and the rights of indigenous peoples. The issues of political and public life, women and health and the meeting time of the Committee were examined by the Committee on the Elimination of Discrimination against Women. During the period under review, the Committee against Torture made its first general comment on the issue of refoulement and communications.

192. Finally, the analytical summary of the present study reflects, as in the previous period the expansion of activities of the Office of the United Nations High Commissioner for Human Rights.⁶⁸¹

B. Analytical summary of practice

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

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

(a) *Human rights instruments adopted during the period under review*

193. During the period under review, the General Assembly and the Economic and Social Council adopted 10 instruments: 3 on international terrorism; 3 related to children’s rights; 2 on women’s rights; 1 related to peace; and 1 regarding the rights of human rights defenders.

194. By its resolution [51/210](#) the Assembly adopted the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism. It called on all States to adopt further measures in accordance with the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism.

195. By its resolution 1997/30 the Council recommended the Guidelines for Action on Children in the Criminal Justice System, which were elaborated by the expert group meeting on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice, which had been held in Vienna, from 23 to 25 February 1997 in response to Economic and

⁶⁸¹ See *Repertory, Supplement No. 8*, vol. IV under Article 55, paras. 530-535. See also in the present study, paras. 480-492.

Social Council resolution 1996/13; the guidelines were amended by the Commission on Crime Prevention and Criminal Justice at its sixth session. The Council invited all parties concerned to make use of the guidelines in the implementation of the provisions of the Convention on the Rights of the Child with regard to juvenile justice.⁶⁸²

196. By its resolution 52/86, the Assembly adopted the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice. It urged Member States to review and evaluate their legislation and legal principles, procedures, policies and practices relating to criminal matters, in a manner consistent with their legal systems, to determine if they had a negative impact on women and, if they had such an impact, to modify them in order to ensure that women were treated fairly by the criminal justice system. It urged the Member States to be guided by the model strategies and practical measures in developing and undertaking strategies and practical measures to eliminate violence against women and in promoting women's equality within the criminal justice system.⁶⁸³

197. By its resolution 52/164 the General Assembly adopted the International Convention for the Suppression of Terrorist Bombings and decided to open it for signature from 12 January 1998 to 31 December 1999. The Assembly urged all States to sign and ratify, accept or approve or accede to that convention.⁶⁸⁴

198. In resolution 53/144 the Assembly adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. It invited Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding, and requested the Secretary-General to include the text of the Declaration in the next edition

of *Human Rights: A Compilation of International Instruments*.⁶⁸⁵

199. In resolution 53/243 the Assembly adopted the Declaration and Programme of Action on a Culture of Peace, in which Member States recognized that peace not only was the absence of conflict, but also required a positive, dynamic participatory process where dialogue was encouraged and conflicts were solved in a spirit of mutual understanding and cooperation. It expressed deep concern about the persistence and proliferation of violence and conflict in various parts of the world.⁶⁸⁶

200. By its resolution 54/4, the Assembly adopted and opened for signature, ratification and accession the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It called on all States that had signed, ratified or acceded to the Convention to sign and ratify or to accede to the Protocol as soon as possible. It stressed that States parties to the Protocol should undertake to respect the rights and procedures provided by the Protocol and cooperate with the Committee on the Elimination of Discrimination against Women at all stages of its proceedings under the Protocol.⁶⁸⁷

201. In resolution 54/109 the Assembly adopted the International Convention for the Suppression of the Financing of Terrorism and requested the Secretary-General of the United Nations to open it for signature from 10 January 2000 to 31 December 2001. It urged all States to sign and ratify, or accede to that Convention.⁶⁸⁸

202. Finally, by its resolution 54/263, the Assembly adopted and opened for signature, ratification and accession two optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. It invited all States that had signed, ratified or acceded to the Convention on the Rights of the Child to sign and ratify or accede

⁶⁸² See also the section in the present study concerning the administration of justice, paras. 227-234.

⁶⁸³ Ibid.

⁶⁸⁴ See also the section of the present study concerning the right to peace, paras. 374-376.

⁶⁸⁵ See also the section of the present study regarding human rights defenders, paras. 355-358.

⁶⁸⁶ See also the section of the present study concerning the right to peace, paras. 374-376.

⁶⁸⁷ See also the section of the present study related to women's rights, paras. 291-313.

⁶⁸⁸ See also the section of the present study regarding the right to peace, paras. 374-376.

to the optional protocols as soon as possible in order to facilitate their early entry into force.⁶⁸⁹

(b) *Elaboration of human rights and fundamental freedoms*

(i) *Civil and political rights*

a. *Rights relating to the freedom and integrity of the person*

203. As in the previous review period,⁶⁹⁰ the principal organs continued to elaborate on the freedom of the individual and the right to life and integrity of the person and to reaffirm those rights with regard to several specific problems, such as summary or arbitrary executions, the death penalty, torture and other cruel, inhuman or degrading treatment or punishment and the question of enforced or involuntary disappearances.

Summary or arbitrary executions

204. Throughout the period under review, the General Assembly continued to recall Economic and Social Council resolution 1989/65 containing the Principles on the Effective Prevention and Investigation of Extrajudicial, Arbitrary and Summary Executions.⁶⁹¹ The Assembly also continued to strongly condemn all extrajudicial, summary or arbitrary executions that continued to take place throughout the world.⁶⁹² It demanded that all Governments ensure that that practice be brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms by conducting exhaustive and impartial investigations in to all suspected cases of extrajudicial, arbitrary or summary execution and by identifying and bringing to justice those responsible and granting adequate compensation to the victims or their families.⁶⁹³ The Assembly reiterated its position that the Special Rapporteur of the Commission on Human Rights needed to be able to respond effectively to credible and reliable information that came before him, and invited the Special Rapporteur to continue to seek the views and comments of all concerned, including Member States, in the elaboration of his

⁶⁸⁹ See also the section of the present study concerning the rights of the child, paras. 314-330.

⁶⁹⁰ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 263-283.

⁶⁹¹ *Ibid.*, paras. 264-267.

⁶⁹² G A resolutions 51/92 and 53/147.

⁶⁹³ *Ibid.* See also E S C decisions 1995/284 and 1998/265.

report, and to follow up communications and country visits.⁶⁹⁴ It strongly urged all Governments to respond to the communications transmitted to them by the Special Rapporteur, and urged them and all others concerned to cooperate with and assist the Special Rapporteur, including, where appropriate, by issuing invitations to the Special Rapporteur when he requested doing so.⁶⁹⁵ Finally, it urged the Special Rapporteur to continue to draw to the attention of the United Nations High Commissioner for Human Rights those situations of extrajudicial, summary or arbitrary executions that were of particularly serious concern to her or where early action might prevent further deterioration.⁶⁹⁶

Death penalty

205. In its resolution 1995/57, the Economic and Social Council invited Member States to provide the Secretary-General with information related to capital punishment and the implementation of the safeguards guaranteeing the protection of the rights of those facing the death penalty.⁶⁹⁷ It also noted that, during the period covered by the report of the Secretary-General,⁶⁹⁸ an increasing number of countries had abolished the death penalty and others followed a policy of reducing the number of capital offences and declared that they had not sentenced any offender to that penalty, while others retained it.

206. In its resolution 1996/15, the Council called on those Member States in which the death penalty had not been abolished to effectively apply the safeguards guaranteeing protection of the rights of those facing the death penalty.⁶⁹⁹ The resolution stated that capital punishment might be imposed for only the most serious crimes. The Council encouraged those Member States in which the death penalty had not been abolished to ensure that each defendant facing a possible death sentence was given all guarantees to ensure a fair trial, as contained in article 14 of the International Covenant on Civil and Political Rights.⁷⁰⁰

⁶⁹⁴ G A resolutions 51/92 and 53/147.

⁶⁹⁵ *Ibid.*

⁶⁹⁶ *Ibid.*

⁶⁹⁷ Report prepared in pursuance of E S C resolution 1990/51 and decision 1994/206.

⁶⁹⁸ E/CN.15/1996/19.

⁶⁹⁹ See E S C resolutions 1984/50, annex and 1989/64 on the implementation of the safeguards.

⁷⁰⁰ See also E/CN.15/1996/19 and E S C resolution 1995/57. At the end of the period under review, 41 Member States

Torture and other cruel, inhuman or degrading treatment or punishment

207. In its resolutions 1995/33 and 1996/22, the Economic and Social Council took note of resolutions of the Commission on Human Rights⁷⁰¹ and authorized an open-ended working group to meet for a period of two weeks prior to sessions of that Commission in order to continue the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁷⁰²

208. The General Assembly encouraged the above-mentioned open-ended working group to intensify its deliberations with a view to bringing its work to an early conclusion,⁷⁰³ and urged the Commission on Human Rights to complete as soon as possible a final text for submission to the General Assembly, through the Economic and Social Council, for consideration and possible adoption.⁷⁰⁴ It also called on all Governments to cooperate with and assist the Special Rapporteur of the Commission on Human Rights in the performance of his task on the question of torture and other cruel, inhuman or degrading treatment or punishment, to supply all necessary information requested by him, to react appropriately to his urgent appeals and to give serious consideration to his request to visit their countries and to the follow-up to his recommendations.⁷⁰⁵

209. With regard to the Guidelines for Action on Children in the Criminal Justice System, under guideline 48 access should be allowed to fair and adequate compensation for all child victims of violations of human rights, specifically torture and other cruel, inhuman or degrading treatment or punishment, including rape and sexual abuse, unlawful or arbitrary deprivation of liberty, unjustifiable detention and miscarriage of justice. Necessary legal representation to bring an action within an appropriate court or tribunal, as well as interpretation into the native

had ratified the second Optional Protocol to the International Covenant on Civil and Political Rights, which was aimed at the abolition of the death penalty.

⁷⁰¹ Commission on Human Rights resolutions 1995/33 and 1996/37.

⁷⁰² See also E S C resolutions 1997/49 and 1998/35 and decision 1999/237.

⁷⁰³ See, e.g., G A resolution 51/86.

⁷⁰⁴ *Ibid.*, and G A resolution 53/139.

⁷⁰⁵ *Ibid.*

language of the child, if necessary, should be available.⁷⁰⁶

Enforced or involuntary disappearances

210. Regarding the question of enforced or involuntary disappearances, the General Assembly continued as in the previous period⁷⁰⁷ to underline the importance of implementing the provisions of its resolution 33/173 concerning disappeared persons and its resolutions 46/125, 47/132 and 49/193 on the question of enforced or involuntary disappearances. The Assembly appealed to the Governments which had not replied to the communications transmitted by the Working Group on Enforced or Involuntary Disappearances to cooperate fully with it and, in particular, to reply promptly to its requests for information so that, while respecting its working methods based on discretion, it might perform its strictly humanitarian role.⁷⁰⁸

211. The General Assembly expressed gratitude to the many Governments that had cooperated with the working group and replied to its requests for information, and to the Governments that had invited the Working Group to visit their countries; it asked them to give all necessary attention to the recommendations of the Working Group.⁷⁰⁹ It reiterated its invitation to all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearance in keeping with the Declaration on the Protection of All Persons from Enforced Disappearance and to take action to that end at the national and regional levels and in cooperation with the United Nations, including through technical assistance. It called on Governments to take steps to ensure that, when a state of emergency was introduced, the protection of human rights would be ensured, in particular with regard to the prevention of enforced disappearances.⁷¹⁰ It reminded Governments of the need to ensure that their competent authorities conducted prompt and impartial inquiries in all circumstances whenever there was reason to believe that an enforced disappearance had occurred in the territory under their jurisdiction; it also urged the Governments concerned to take steps to protect the families of disappeared persons against any

⁷⁰⁶ E S C resolution 1997/30, annex, guideline 48.

⁷⁰⁷ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 274-282.

⁷⁰⁸ G A resolution 51/94.

⁷⁰⁹ G A resolutions 51/94 and 53/150.

intimidation or ill-treatment to which they might be subjected. It encouraged States to provide concrete information on measures that they had taken to give effect to the Declaration, as well obstacles encountered, as some had already done. It also requested the working group to pay the utmost attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify those children.⁷¹¹

212. The rights relating to the freedom and integrity of the person are included in the Guidelines for Action on Children in the Criminal Justice System. According to those guidelines, consideration should be given to the respect for human dignity of the child, compatible with the four general principles underlying the Convention on the Rights of the Child, namely non-discrimination, including gender-sensitivity; upholding the best interests of the child; the right to life, survival and development; and respect for the views of the child.⁷¹² Guideline 18 further adds that the practice of placing children in closed institutions should be reduced. Such placement of children should take place only in accordance with the provisions of article 37 (b) of the Convention and as a matter of last resort and for the shortest period of time. Corporal punishment should be prohibited in child justice and welfare systems.⁷¹³

b. *Rights relating to recognition before the law and protection of the law*

213. In conformity with its previous practice,⁷¹⁴ the principal organs made recommendations on the rights related to recognition before the law and protection of the law, which were examined from the perspective of the Second and Third Decades 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. During the period under review, those rights were also explored in resolutions related to the measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and in four international instruments.

⁷¹⁰ Ibid.

⁷¹¹ Ibid.

⁷¹² E S C resolution 1997/30, annex, guideline 8.

⁷¹³ Ibid., guideline 18.

⁷¹⁴ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 284-293.

Second Decade to Combat Racism and Racial Discrimination

214. In connection with the Second Decade to Combat Racism and Racial Discrimination, the General Assembly and the Economic and Social Council expressed regret that some of the activities scheduled for the Second Decade had not been implemented owing to a lack of adequate resources.⁷¹⁵ Both the Assembly and the Council called on the international community to provide the Secretary-General with appropriate financial resources for efficient action against racism and racial discrimination. They considered that voluntary contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination were indispensable for the implementation of the Programme. They strongly appealed therefore to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund and to that end requested the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions.⁷¹⁶

Third Decade to Combat Racism and Racial Discrimination

215. As in the past,⁷¹⁷ the General Assembly⁷¹⁸ and the Economic and Social Council,⁷¹⁹ noted with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades to Combat Racism and Racial Discrimination had not been attained and millions of human beings continued to be victims of varied forms of racism and racial discrimination. The General Assembly recalled with satisfaction the proclamation of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993, and requested the Secretary-General to conduct a further review of the Programme of Action with a view to making it more effective and action-oriented.⁷²⁰ It also requested the Secretary-General to submit annually to the Council a detailed report on all activities of United Nations bodies and specialized agencies, containing an analysis of information

⁷¹⁵ G A resolution 50/136 and E S C resolution 1995/59.

⁷¹⁶ Ibid.

⁷¹⁷ See also *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 285-286.

⁷¹⁸ G A resolution 50/136. See also G A resolutions 51/81, 52/111 and 53/132.

⁷¹⁹ E S C resolution 1995/59.

⁷²⁰ G A resolution 50/136.

received on activities to combat racism and racial discrimination.⁷²¹ In that context, the Council requested the Secretary-General to publish and distribute, as soon as possible, model legislation on racism and racial discrimination for the guidance of Governments in the enactment of further legislation against racial discrimination.

216. During the period under review, the Council also invited the Secretary-General to do his utmost to establish a focal point within the Centre for Human Rights of the Secretariat, which would be responsible for reviewing information concerning specific recommendations on activities to be undertaken.⁷²² In resolution 51/81, the Assembly requested the United Nations High Commissioner for Human Rights to give priority, through the Centre for Human Rights of the Secretariat, to the follow-up of programmes and activities for combating racism and racial discrimination. It also invited the Commission on Human Rights to consider at its fifty-third session as a matter of priority the question of a possible global conference to combat racism, racial discrimination, xenophobia and other related temporary forms of intolerance and to make appropriate recommendations through the Economic and Social Council to the General Assembly at its fifty-second session. In that context, the Assembly, by its resolution 52/111, requested the United Nations High Commissioner for Human Rights to take duly into account the repeated appeals of the Assembly and the Council for the establishment of a mechanism for coordinating all the activities of the Third Decade and further welcomed⁷²³ the formation of a project team on racism and requested the United Nations High Commissioner for Human Rights to continue to work towards full establishment of such a mechanism. The General Assembly also decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance not later than 2001 and requested the Secretary-General to designate the United Nations High Commissioner for Human Rights as Secretary-General of that Conference, who, in that capacity, would assume the main responsibility for the preparations for the Conference.⁷²⁴

Action against apartheid

⁷²¹ Ibid. See also A/51/541, A/52/528 and E/1996/83.

⁷²² E S C resolution 1995/59.

⁷²³ See also G A resolution 53/132.

⁷²⁴ Ibid.

217. The Committee on the Elimination of Racial Discrimination adopted a general recommendation at its forty-seventh session in 1995,⁷²⁵ and drew the attention of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination to the wording of article 3 of that Convention by which they undertook to prevent, prohibit and eradicate all practices of racial segregation and apartheid in territories under their jurisdiction. For the Committee, the reference to apartheid might have been directed exclusively to South Africa, but the article as adopted prohibited all forms of racial segregation in all countries. The Committee believed that the obligation to eradicate all practices of that nature included the obligation to eradicate the consequences of such practices undertaken or tolerated by previous Governments in the State or imposed by forces outside the State.

218. The Committee observed that while conditions of complete or partial racial segregation might have been created by governmental policies in some countries, a condition of partial segregation might also arise as an unintended by-product of the actions of private persons. In many cities residential patterns were influenced by group differences in income, which were sometimes combined with differences in race, colour, descent and national or ethnic origin, so that inhabitants could be stigmatized and individuals could suffer a form of discrimination in which racial grounds were mixed with other grounds. The Committee therefore affirmed that a condition of racial segregation could also arise without any initiative or direct involvement by public authorities. It invited States parties to the Convention to monitor all trends which could give rise to racial segregation, to work for the eradication of any negative consequences that ensued and to describe any such action in their periodic reports.⁷²⁶

Protection against discrimination

219. At its forty-eight session in 1996,⁷²⁷ the Committee on the Elimination of Racial Discrimination recalled that article 5 of the International Convention on the Elimination of All Forms of Racial

⁷²⁵ See HRI/GEN/1/Rev.8, Committee on the Elimination of Racial Discrimination, general comment XIX on article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, pp. 251-252.

⁷²⁶ Ibid.

Discrimination contained the obligation of States parties to the Convention to guarantee the enjoyment of civil, political, economic, social and cultural rights and freedoms without racial discrimination. It also recalled that the rights and freedoms mentioned in article 5 did not constitute an exhaustive list. According to the Committee, article 5 of the Convention, apart from requiring a guarantee that the exercise of human rights should be free from racial discrimination, did not of itself create civil, political, economic, social or cultural rights, but assumed the existence and recognition of those rights. The Convention obliged States to prohibit and eliminate racial discrimination in the enjoyment of such human rights.

220. For that Committee, whenever a State imposed a restriction upon one of the rights listed in article 5 of the Convention which applied ostensibly to all within its jurisdiction, that State should ensure that neither in purpose nor effect was the restriction incompatible with article 1 of the Convention as an integral part of international human rights standards. To ascertain whether that was the case, the Committee was obliged to inquire further to make sure that any such restriction did not entail racial discrimination. Many of the rights and freedoms mentioned in article 5, such as the right to equal treatment before tribunals, were to be enjoyed by all persons living in a given State; others were the rights of citizens, such as the right to participate in elections, to vote and to stand for election.⁷²⁸

221. According to the Committee, the rights and freedoms to which article 5 of the Convention referred and any similar rights should be protected by a State party to the Convention. Such protection might be achieved in different ways: through the use of public institutions or through the activities of private institutions. In any case, it was the obligation of the State party to ensure the effective implementation of the Convention and to report thereon under article 9 of the Convention. To the extent that private institutions influenced the exercise of rights or the availability of opportunities, the State party to the Convention should ensure that the result

⁷²⁷ Ibid.

⁷²⁸ Ibid.

had neither the purpose nor the effect of creating or perpetuating racial discrimination.⁷²⁹

Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

222. Further to its resolution 49/147, the General Assembly⁷³⁰ welcomed the reports of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.⁷³¹ It requested the Special Rapporteur to continue his exchange of views with relevant mechanisms, related United Nations organs and specialized agencies. It also encouraged all States, in accordance with the conclusions and recommendations contained in the reports of the Special Rapporteur, to include in their educational curricula and social programmes, at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries. It recognized that Governments should implement and enforce legislation to prevent acts of racism and racial discrimination and finally urged them to cooperate fully with the Special Rapporteur, with a view to enabling him to fulfil his mandate.⁷³²

223. In resolution 52/109,⁷³³ the Assembly noted that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, held that the prohibition of the dissemination of ideas based on racial superiority or racial hatred was compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention. It also recognized that the increasing gravity of different manifestations of racism, racial discrimination and xenophobia in various parts of the world required a more integrated and effective approach on the part of the relevant mechanisms of United Nations human rights machinery.⁷³⁴

⁷²⁹ Ibid., general comment XX on article 5 of the Convention, pp. 252 and 253.

⁷³⁰ See G A resolutions 50/135, 51/79, 52/109 and 53/133.

⁷³¹ See A/50/476, A/51/301, A/52/471 and A/53/269.

⁷³² G A resolutions 50/135, 51/79, 52/109 and 53/133.

⁷³³ See also G A resolution 53/133.

⁷³⁴ Ibid.

*International Convention for the Suppression of Terrorist Bombings*⁷³⁵

224. During the period under review, the rights related to recognition before the law and protection of the law were also elaborated in different instruments. According to article 7 of the International Convention for the Suppression of Terrorist Bombings,⁷³⁶ the State party to the Convention in whose territory the offender or alleged offender is present shall take the appropriate measures under its domestic law so as to ensure that person's presence for the purpose of prosecution or extradition. The alleged offender shall be entitled (a) to communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is stateless, the State in the territory of which that person habitually resides; (b) to be visited by a representative of that State; and (c) to be informed of his or her rights. With respect to article 12, nothing in the Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of those reasons. According to article 13.1 (a), a person who is being detained or is serving a sentence in the territory of one State party whose presence in another State party is requested for purposes of testimony, identification or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences under this Convention may be transferred if the person freely gives his or her informed consent. With regard to article 14, any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to the Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions

⁷³⁵ See also G A resolution 54/109, annex.

⁷³⁶ G A resolution 52/164, annex.

of international law, including international human rights law.⁷³⁷

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

225. According to article 12.3 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.⁷³⁸

Guidelines for Action on Children in the Criminal Justice System

226. With regard to the Guidelines for Action on Children in the Criminal Justice System, guideline 49 specifies that child witnesses need assistance in the judicial and administrative processes. States should review, evaluate and improve, as necessary, the situation for children as witnesses of crime in their evidential and procedural law to ensure that the rights of children are fully protected. In accordance with the different law traditions, practices and legal framework, direct contact between the child victim and the offender should be avoided as much as possible during the process of investigation and prosecution, as well as during trial hearings. The identification of the child victim in the media should be prohibited, where necessary, to protect the privacy of the child. Where prohibition is contrary to the fundamental legal principles of Member States, such identification should be discouraged.⁷³⁹

⁷³⁷ Ibid., articles 2, 7 and 12-14. See also G A resolution 54/109, annex, articles 2, 6, 9 and 15-17.

⁷³⁸ G A resolution 53/144, annex, article 12, paras. 2 and 3.

⁷³⁹ E S C resolution 1997/30, annex, guideline 49.

c. *Rights relating to the administration of justice*

227. During the period under review, the principal organs of the United Nations adopted decisions aimed at 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 Guidelines for Action on Children in the Criminal Justice System and the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice. The right to a fair trial, as well as human rights and state of emergency, are new issues covered in the present study.

Guidelines for Action on Children in the Criminal Justice System

228. By its resolution 1997/30, the Economic and Social Council recommended the Guidelines for Action on Children in the Criminal Justice System and invited all parties concerned to make use of the guidelines in the implementation of the Convention on the Rights of the Child, with regard to its implementation. It also invited Member States to use and apply the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”), the United Nations Guidelines for the Prevention of Juvenile Delinquency (“The Riyadh Guidelines”),⁷⁴⁰ and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,⁷⁴¹ which together are referred to in the guidelines as United Nations standards and norms in juvenile justice. The guidelines are divided into three parts: the aims, objectives and basic considerations; the plans for the implementation of the Convention on the Rights of the Child, the pursuit of its goals and the use and application of international standards and norms in juvenile justice; and the plans concerned with child victims and witnesses.

229. The aims of the Guidelines for Action on Children in the Criminal Justice System are to provide a framework to implement the Convention on the Rights of the Child and to pursue the goals set forth in the Convention with regard to children in the context of the administration of juvenile justice, as well as to use and apply the United Nations standards and norms in juvenile justice and other related instruments. With

⁷⁴⁰ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, para. 294.

⁷⁴¹ *Ibid.*

regard to plans for the implementation of the Convention on the Rights of the Child, the guidelines state, inter alia, that the importance of a comprehensive and consistent national approach in the area of juvenile justice should be recognized, with respect for the interdependence and indivisibility of all the rights of the child;⁷⁴² that measures relating to policy, decision-making, leadership and reform should be taken, with the goal of ensuring that the principles and provisions of the Convention on the Rights of the Child and the United Nations standards and norms in juvenile justice are fully reflected in national and local legislation policy and practice.⁷⁴³ The guidelines further add that, in the light of existing international standards, States should establish mechanisms to ensure a prompt, thorough and impartial investigation into allegations against officials that they deliberately violated the fundamental rights and freedoms of children. States should equally ensure that those found responsible are duly sanctioned;⁷⁴⁴ that juvenile justice should be given due attention internationally, regionally and nationally, including within the framework of United Nations system-wide action.⁷⁴⁵ With regard to the plans concerned with child victims and witnesses, the guidelines stress, inter alia, that judicial and administrative mechanisms should be established and strengthened where necessary to enable child victims to obtain redress through formal or informal procedures that are prompt, fair and accessible.⁷⁴⁶

Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice

230. By its resolution 52/86 the General Assembly adopted the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice. The Assembly emphasized that those model strategies and practical measures should be applied as guidelines in a manner consistent with relevant international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, with a view to furthering their fair and effective

⁷⁴² ESC resolution 1997/30, annex, guideline 10.

⁷⁴³ *Ibid.*, guideline 11.

⁷⁴⁴ *Ibid.*, guideline 25.

⁷⁴⁵ *Ibid.*, guideline 26.

⁷⁴⁶ *Ibid.*, guideline 47.

implementation. The Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice are divided into 11 parts: I. criminal law; II. criminal procedure; III. police; IV. sentencing and corrections; V. victim support and assistance; VI. health and social services; VII. training; VIII. research and evaluation; IX. crime prevention measures; X. international cooperation; and XI. follow-up activities.

231. The Assembly continued to affirm the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice and reiterated its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure full implementation of those standards.⁷⁴⁷ The 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 and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights.⁷⁴⁸ It also acknowledged the important role of the regional commissions, specialized agencies and United Nations institutes in the areas of human rights, crime prevention and criminal justice, and of other organizations in 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.⁷⁴⁹

232. The Economic and Social Council also dealt with matters relating to the administration of justice. It recognized the desirability of preparing a draft manual or manuals on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, on the understanding that the Secretary-General of the United Nations would seek the views of Member States on the draft manual or manuals and would report on those views to the Commission on Crime Prevention and Criminal Justice. The Council recommended that that work be undertaken, taking into account the different legal systems and practices of each State, by expert group meetings to be convened in cooperation with the institutes comprising the United Nations Crime

Prevention and Criminal Justice Programme Network, the World Society of Victimology and other entities, and with the support of the Secretary-General. Finally, it recommended that the expert group meetings explore the feasibility of establishing a database on promising practices and legislation on victim-related issues, as a supplement to the manual or manuals.⁷⁵⁰

Right to a fair trial

233. By its decision 1995/299, the Economic and Social Council approved the endorsement by the Commission on Human Rights, in its decision 1995/110, of the request made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities that two Special Rapporteurs publish their compiled report on the right to a fair trial and a remedy, and requested the Secretary-General to provide all necessary assistance for the compilation and publication of the updated study.⁷⁵¹

Human rights and state of emergency

234. The General Assembly called on Governments to take steps to ensure that, when a state of emergency was declared, the protection of human rights would be ensured, in particular with regard to the prevention of enforced disappearances.⁷⁵² In resolution 1996/21,⁷⁵³ the Economic and Social Council approved the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Special Rapporteur of the Commission on Human Rights to fulfil his mandate on human rights and states of emergency, notably the updating of the lists of States that had proclaimed, extended or terminated a state of emergency, together with final conclusions on the protection of human rights during states of emergency and specific recommendations on how the question should be dealt with in the future. In decision 1998/279, the Council endorsed the decision of the Commission on Human Rights to request the Office of the United Nations High Commissioner for Human Rights to submit to the Sub-Commission at its fifty-first session, and every second year thereafter, a list of States in which a state of emergency had been proclaimed or was being continued during the reporting period.

⁷⁴⁷ See, e.g., G A resolutions 50/181, 52/124 and 54/163.

⁷⁴⁸ Ibid.

⁷⁴⁹ Ibid.

⁷⁵⁰ See, e.g., E S C resolution 1996/14.

⁷⁵¹ See also E S C decision 1997/285.

⁷⁵² G A resolution 51/94, para. 3.

⁷⁵³ See also E S C resolution 1995/34 and E S C decision 1997/286.

d. *Rights relating to privacy and to honour and reputation*

235. Rights relating to privacy and honour and reputation were explored in three instruments adopted during the period under review. According to the Guidelines for Action on Children in the Criminal Justice System, the responsiveness of judicial and administrative processes to the needs of child victims and witnesses should be facilitated by, inter alia, taking measures to minimize delays in the criminal justice process, protecting the privacy of child victims and witnesses and, when necessary, ensuring their safety from intimidation and retaliation.⁷⁵⁴

236. With regard to article 8 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, States parties to the Convention shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the Protocol at all stages of the criminal justice process, in particular by protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid inappropriate dissemination of information that could lead to the identification of child victims.⁷⁵⁵

237. In the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, Member States are urged to review, evaluate and revise their criminal procedure, as appropriate, in order to ensure that women subjected to violence have an opportunity to testify in court proceedings equal to that of other witnesses and that measures are available to facilitate such testimony and to protect their privacy and to develop investigative techniques that do not degrade women subjected to violence but do minimize intrusion, while maintaining standards for the collection of the best evidence.⁷⁵⁶

e. *Freedom of movement and residence*

238. As had been done in the previous period,⁷⁵⁷ the General Assembly examined freedom of movement and residence in connection with respect for the universal

freedom of travel and the vital importance of family reunification. In resolution 50/175,⁷⁵⁸ the Assembly called on all States to guarantee the universally recognized freedom of travel for all foreign nationals legally residing in their territory. It reaffirmed that all Governments, particularly those of receiving countries, had to recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants. It therefore called on all States to discourage and reverse legislation that adversely affected family reunification of those legal migrants.

239. With regard to the Guidelines for Action on Children in the Criminal Justice System, guideline 52 states that children displaced illegally or wrongfully retained across borders are, as a general principle, to be returned to the country of origin. Due attention should be paid to their safety, and they should be treated humanely and receive necessary assistance pending their return. They should be returned promptly to ensure compliance with the Convention on the Rights of the Child. Upon the return of the child, the country of origin should treat the child with respect, in accordance with international principles of human rights, and offer adequate family-based rehabilitation measures.⁷⁵⁹

240. During the period under review, freedom of movement was also examined by the Human Rights Committee at its sixty-seventh session in 1999.⁷⁶⁰ According to that Committee, enjoyment of that right should not be made dependent on any particular purpose or reason for the person wanting to move or to stay in a place, and the State party should ensure that the rights guaranteed in article 12 are protected not only from public but also from private interference. Subject to the provisions of article 12, paragraph 3, the right to reside in a place of one's choice within the territory included protection against all forms of forced internal displacement. It also precluded preventing the entry or stay of persons in a defined part of the territory.

⁷⁵⁴ E S C resolution 1997/30, annex, guideline 51.

⁷⁵⁵ G A resolution 54/263, annex II, article 8.1 (e).

⁷⁵⁶ See G A resolution 52/86, annex, parts II and III, points 7 and 8.

⁷⁵⁷ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, para. 297.

⁷⁵⁸ See also G A resolutions 51/89, 52/121 and 53/143. See also E S C decision 1995/276.

⁷⁵⁹ E S C resolution 1997/30, annex, guideline 52.

⁷⁶⁰ See HRI/GEN/1/Rev.8, Human Rights Committee, general comment No. 27: Article 12 of the International Covenant on Civil and Political Rights (Freedom of movement), pp. 213-218.

241. The Committee added that, in order to enable the individual to enjoy the rights guaranteed by article 12, paragraph 2, obligations were imposed both on the State of residence and on the State of nationality. Since international travel usually required appropriate documents, in particular a passport, the right to leave a country should include the right to obtain the necessary travel documents. The application of the restrictions permissible under article 12, paragraph 3, needed to be consistent with the other rights guaranteed in the International Covenant on Civil and Political Rights and with the fundamental principles of equality and non-discrimination. In examining State reports, the Committee had on several occasions found that measures preventing women from moving freely or from leaving the country by requiring them to have the consent, or the escort, of a male person constituted a violation of article 12.⁷⁶¹

242. According to the Committee, the right of a person to enter his or her own country recognized the special relationship of a person with that country. The right to return was of the utmost importance for refugees seeking voluntary repatriation. It also implied prohibition of enforced population transfers or mass expulsions to other countries. In no case might a person be arbitrarily deprived of the right to enter his or her own country. The Committee considered that there were few, if any, circumstances in which deprivation of the right to enter one's own country could be reasonable. A State party should not, by stripping a person of nationality or by expelling an individual to a third country, arbitrarily prevent that person from returning to his or her own country.⁷⁶²

f. *Right of asylum and related rights*

243. As in the past,⁷⁶³ the right of asylum and related rights were examined in connection with the activities of the Office of the United Nations High Commissioner for Refugees, as well as the question of mass exoduses and the situation of internally displaced persons.

⁷⁶¹ Ibid.

⁷⁶² Ibid.

⁷⁶³ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 298-308.

Office of the United Nations High Commissioner for Refugees

244. In its resolution 50/152,⁷⁶⁴ the General Assembly strongly reaffirmed the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the United Nations High Commissioner for Refugees in providing international protection for refugees, and the need for States to cooperate fully with that Office in order to facilitate the effective exercise of that function, in particular by acceding to and fully and effectively implementing the relevant international and regional refugee instruments. The Assembly called on all States to uphold asylum as an indispensable instrument for the protection of refugees, to ensure respect for the principles of refugee protection, including the fundamental principle of non-refoulement, as well as the humane treatment of asylum seekers and refugees in accordance with internationally recognized human rights and humanitarian norms. It also reiterated the relationship between safeguarding human rights and preventing refugee situations; it recognized that the effective promotion and protection of human rights and fundamental freedoms were essential in order for States to fulfil their humanitarian responsibilities in reintegrating returning refugees.

245. In subsequent resolutions,⁷⁶⁵ the General Assembly deplored the fact that in certain situations refugees, returnees and displaced persons of concern to the Office of the United Nations High Commissioner for Refugees had been subjected to armed attack, murder, rape, threats to their personal security and to their other fundamental rights. It called upon States of refuge, in cooperation with international organizations where appropriate, to take all necessary measures to ensure that the civilian and humanitarian character of refugee camps and settlements was maintained, and to facilitate the discharge of the mandated functions of the Office of the United Nations High Commissioner for Refugees, as well as those of other humanitarian organizations. Finally, it urged all States and relevant organizations to support the search by that office for durable solutions to refugee problems, including voluntary repatriation, integration in the country of asylum and resettlement in a third country, as

⁷⁶⁴ See also G A resolutions 51/75, 52/103, 53/125 and 54/146.

⁷⁶⁵ G A resolution 51/75. See also G A resolutions 52/103, 53/125 and 54/146.

appropriate. It reaffirmed that voluntary repatriation was the ideal solution to refugee problems and called on countries of origin, countries of asylum, the Office of the United Nations High Commissioner for Refugees and the international community as a whole to do everything possible to enable refugees to exercise their right to return home in safety and dignity.

246. Concerning assistance to unaccompanied refugee minors, the General Assembly emphasized that such minors were among the most vulnerable refugees and required special assistance and care.⁷⁶⁶ It expressed deep concern at the continued plight of those children and emphasized once again the urgent need for their early identification and for timely, detailed and accurate information on their numbers and whereabouts. It condemned all acts of exploitation of unaccompanied refugee minors, 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. The Assembly also requested the Office of the United Nations High Commissioner for Refugees, all United Nations organizations and other international organizations and non-governmental organizations concerned to take appropriate steps to mobilize resources commensurate with the needs and interests of the unaccompanied refugee minors and for their reunification with their families. It further encouraged the Special Representative of the Secretary-General for Children and Armed Conflict in his efforts to raise awareness worldwide and to mobilize official and public opinion for the protection of children affected by armed conflict, including refugee minors.⁷⁶⁷

Human rights and mass exoduses

247. Concerning human rights and mass exoduses, the General Assembly continued to be deeply disturbed by the escalating scale and magnitude of exoduses of refugees and displacements of populations in many regions of the world and by the human suffering of millions of refugees and displaced persons.⁷⁶⁸ The Assembly also noted that gross violations of human rights, including armed conflicts, were among the multiple and complex factors leading to displacement of people. It also noted that a comprehensive approach

⁷⁶⁶ G A resolutions 50/150, 51/73, 52/105, 53/122 and 54/145.

⁷⁶⁷ Ibid. See also in the present study, para. 319.

⁷⁶⁸ G A resolutions 50/182, 52/132 and 54/180.

needed to be taken by the international community in order to address the root causes and effects of movements of refugees and other displaced persons and to strengthen emergency preparedness and response mechanisms. The General Assembly strongly deplored ethnic and other forms of intolerance as one of the major causes of forced migratory movements and urged States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities. It welcomed the continuing efforts of the United Nations High Commissioner for Refugees to meet the protection and assistance needs of refugees and other persons of concern to her Office worldwide. During the review period, the Assembly requested the United Nations High Commissioner for Human Rights, in accordance with his mandate, as set out in Assembly resolution 48/141, and in cooperation with the United Nations High Commissioner for Refugees, to pay attention to situations that caused or threatened to cause mass exoduses and to address effectively such situations through emergency preparedness and response mechanisms, including information-sharing with United Nations early warning mechanisms, and the provision of technical advice, expertise and cooperation.⁷⁶⁹

248. The Assembly welcomed the continuation of inter-agency consultations on early warning of mass flows of refugees, pursuant to the decision of ACC, for the purpose of both prevention of and preparedness for humanitarian emergencies. It recognized the complementarity between the systems for the protection of human rights and for humanitarian action and that the work of humanitarian agencies made an important contribution to the achievement of human rights.⁷⁷⁰

Internally displaced persons

249. During the period under review, the General Assembly also continued to be deeply disturbed by the growing number of internally displaced persons throughout the world who received inadequate protection and assistance; it was conscious of the serious problems that that situation was creating for the international community.⁷⁷¹ It invited Governments, United Nations humanitarian assistance and

⁷⁶⁹ Ibid.

⁷⁷⁰ G A resolutions 52/132 and 54/180.

⁷⁷¹ G A resolutions 50/195, 52/130 and 54/167.

development organizations concerned to establish frameworks of cooperation with the Representative of the Secretary-General in order to provide him with all possible assistance and support in the implementation of his programme of activities, and invited the Representative to report thereon to the United Nations Commission on Human Rights.⁷⁷²

250. The Assembly welcomed Commission on Human Rights resolution 1997/39, which encouraged the Representative of the Secretary-General to continue, on the basis of his compilation and analysis of legal norms, to develop a comprehensive framework for the protection of internally displaced persons, and took note of his preparations for guiding principles to that end.⁷⁷³ It further noted the development by that Representative, on the basis of his compilation and analysis of legal norms, of a comprehensive framework for the protection of internally displaced persons, in particular the Guiding Principles on Internal Displacement.⁷⁷⁴ It welcomed the fact that the Representative had made use of those principles in his dialogue with Governments and intergovernmental and non-governmental organizations, and requested him to continue his efforts in this regard.⁷⁷⁵

251. The right of asylum and related rights were also examined by the Committee on the Elimination of Racial Discrimination at its forty-ninth session in 1996.⁷⁷⁶ The Committee drew the attention of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination to article 5 of that Convention, as well as the Committee's general recommendation XX (48) on article 5, and reiterated its position that the Convention obliged States parties to prohibit and eliminate racial discrimination in the enjoyment of civil, political, economic, social and cultural rights and freedoms. In this respect the Committee emphasized that refugees and displaced persons had the right to return freely to their homes of origin under conditions of safety; that States parties were obliged to ensure that the return of refugees and displaced persons was voluntary and to

observe the principle of non-refoulement and non-expulsion of refugees; that refugees and displaced persons had, after their return to their homes of origin, the right to have restored to them property of which they had been deprived in the course of conflict and to be compensated appropriately for any such property that could not be restored to them and that refugees and displaced persons had, after their return to their homes of origin, the right to participate fully and equally in public affairs at all levels and to have equal access to public services and to receive rehabilitation assistance.

252. The right of asylum and related rights were also included in the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism⁷⁷⁷ which emphasizes that States should take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum seeker had not participated in terrorist acts, considering in this regard relevant information as to whether the asylum seeker was subject to investigation for, or charged with, or had been convicted of, offences connected with terrorism and, after granting refugee status, for the purpose of ensuring that that status would not be used for the purpose of preparing or organizing terrorist acts intended to be committed against other States or their citizens.⁷⁷⁸ States Members of the United Nations emphasized that asylum seekers who are awaiting the processing of their applications for asylum may not thereby avoid prosecution for terrorist acts.⁷⁷⁹

253. Finally, throughout the period under review, the General Assembly recognized that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, had important capabilities to address human rights violations that caused movements of refugees and displaced persons or prevented durable solutions to their plight.⁷⁸⁰ In that regard, it requested all United Nations bodies, including human rights treaty bodies, acting within their mandates, the specialized agencies and governmental, intergovernmental and non-governmental organizations to cooperate fully with all mechanisms of the

⁷⁷² Ibid.

⁷⁷³ G A resolution 52/130.

⁷⁷⁴ See G A resolution 54/167 and E/CN.4/1998/53/Add.2.

⁷⁷⁵ G A resolution 54/167.

⁷⁷⁶ See HRI/GEN/1/Rev.8, Committee on the Elimination of Racial Discrimination, general comment XXII on article 5 of the Convention on Refugees and Displaced Persons, pp. 254 and 255.

⁷⁷⁷ G A resolution 51/210, annex.

⁷⁷⁸ Ibid., article 3.

⁷⁷⁹ Ibid., article 4.

⁷⁸⁰ G A resolutions 50/182, 52/132 and 54/180.

Commission on Human Rights and, in particular, to provide them with all relevant information in their possession on the human rights situations that were creating or affecting refugees and displaced persons.⁷⁸¹

**g. *Right to a nationality*

**h. *Rights relating to marriage and family*

**i. *Right to own property*

j. *Freedom of thought, conscience and religion*

254. Concerning freedom of thought, conscience and religion, the General Assembly made similar recommendations as in the previous period.⁷⁸² It analysed freedom of thought, conscience and religion in connection with the elimination of all forms of religious intolerance. In its resolution 50/183, for example, the Assembly reaffirmed that discrimination against human beings on the grounds of religion or belief constituted an affront to human dignity and a disavowal of the principles of the Charter of the United Nations. The Assembly was alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious extremism, occurred in many parts of the world and threatened the enjoyment of human rights and fundamental freedoms. It urged States to ensure that their constitutional and legal systems afforded adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without discrimination, including the provision of effective remedies in cases where the right to freedom of religion or belief was violated.⁷⁸³

255. The Assembly also urged States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respected different religions and beliefs and did not discriminate against persons professing other religions or beliefs. It called on all States, in accordance with their national legislation and in conformity with international human rights standards,

to exert utmost efforts to ensure that such places, sites and shrines were fully respected and protected.⁷⁸⁴

256. In that context, the Assembly encouraged the continuing efforts of the Special Rapporteur⁷⁸⁵ appointed to examine incidents and governmental actions in all parts of the world that were incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief,⁷⁸⁶ 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.⁷⁸⁷ It encouraged the Special Rapporteur to contribute effectively to the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance which was to be held in 2001, by transmitting to the United Nations High Commissioner for Human Rights his recommendations on religious intolerance which had a bearing on the Conference.⁷⁸⁸

k. *Freedom of expression*

257. By its decision 1996/266, the Economic and Social Council endorsed the decision of the Commission on Human Rights that the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression should be renewed for a period of three years,⁷⁸⁹ and that the Special Rapporteur should submit to the Commission at its fifty-sixth session a report covering activities relating to his mandate.⁷⁹⁰

l. *Freedom of peaceful assembly and association*

258. During the period under review, the right to freedom of peaceful assembly and association has been elaborated in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. According to article 5 of that Declaration, everyone has the right, individually and in association

⁷⁸¹ Ibid.

⁷⁸² See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 316-320.

⁷⁸³ See also G A resolutions 51/93, 52/122, 53/140 and 54/159.

⁷⁸⁴ G A resolutions 50/183, 51/93, 52/122, 53/140 and 54/159.

⁷⁸⁵ See A/54/386.

⁷⁸⁶ G A resolution 36/55.

⁷⁸⁷ G A resolutions 50/183, 52/122, 53/140 and 54/159.

⁷⁸⁸ G A resolution 54/159.

⁷⁸⁹ See also E S C decision 1999/238.

⁷⁹⁰ Ibid.

with others, at the national and international levels, to meet or assemble peacefully; to form, join and participate in non-governmental organizations, associations or groups; and to communicate with non-governmental or intergovernmental organizations.⁷⁹¹

m. *Right to take part in the government, right of access to public service and rights relating to the will of the people*

259. In conformity with its previous practice,⁷⁹² the General Assembly continued to express views on matters related to the right to take part in government, the right to access public service and rights relating to the will of the people. In this regard the General Assembly analysed questions in relation to periodic and genuine elections and the promotion of democratization. For example, it welcomed the support furnished by States to the electoral assistance activities of the United Nations, inter alia, through the provision of experts and electoral observers, as well as through contributions to the United Nations Trust Fund for Electoral Observation. It commended the steps taken by the United Nations to ensure the continuation and consolidation of the democratization process in certain Member States requesting assistance, including the provision of assistance before and after elections and needs-assessment missions aimed at recommending programmes which might contribute to consolidation of the democratization process, and requested that such efforts be strengthened.⁷⁹³

260. During the period under review, the General Assembly also requested the Secretary-General to take further steps to support States which requested assistance by, inter alia, enabling the United Nations High Commissioner for Human Rights, in accordance with his mandate and through the Centre for Human Rights of the Secretariat, to support democratization activities related to human rights concerns. It recalled the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Observation, and called upon Member States to consider contributing to the Fund. Finally, it recommended that the Secretary-General consider ways to continue to improve coordination and to strengthen further the

efforts of the United Nations Electoral Assistance Division, the Centre for Human Rights, UNDP and the United Nations system in general.⁷⁹⁴

261. Concerning respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes, the General Assembly continued to urge all States to respect those principles and to abstain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral processes in any country.⁷⁹⁵ 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 legislation, and that consequently States should establish the necessary mechanisms and means to guarantee full and effective popular participation in those processes.⁷⁹⁶ It reaffirmed that all countries had the obligation under the Charter of the United Nations to respect the rights of others to self-determination and to determine freely their political status and pursue their economic, social and cultural development.⁷⁹⁷

262. With regard to the support furnished by the United Nations system to Governments in assisting them to promote and consolidate new or restored democracies, the Assembly⁷⁹⁸ commended the Secretary-General and through him the United Nations system for the activities undertaken at the request of Governments to support their efforts to consolidate democracy.⁷⁹⁹ The Assembly recognized that the Organization had an important role to play in providing Governments with timely, appropriate and coherent support to achieve democratization within the context of their development efforts, bearing in mind that democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing.⁸⁰⁰ It encouraged Member States to promote democratization and make additional efforts

⁷⁹¹ G A resolution 53/144, annex, article 5.

⁷⁹² See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 324-330.

⁷⁹³ G A resolutions 50/185, 52/129 and 54/173.

⁷⁹⁴ G A resolutions 50/185, 52/129 and 54/173.

⁷⁹⁵ G A resolutions 50/172, 52/119 and 54/168.

⁷⁹⁶ Ibid.

⁷⁹⁷ Ibid.

⁷⁹⁸ See, e.g., G A resolutions 50/133, 51/31, 52/18, 53/31 and 54/36.

⁷⁹⁹ A/50/332 and Corr.1, A/51/512, A/52/513, A/53/554 and Corr.1 and A/54/492.

⁸⁰⁰ G A resolutions 50/133, 51/31, 52/18, 53/31 and 54/36.

to identify possible steps to support the efforts of Governments to promote and consolidate new or restored democracies.⁸⁰¹

263. With respect to article 8 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs. This right includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.⁸⁰² According to article 18, individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.⁸⁰³

264. The participation in public affairs and the right to vote were examined by the Human Rights Committee at its fifty-seventh session in 1996.⁸⁰⁴ The Committee recalled that article 25 of the International Covenant on Civil and Political Rights recognized and protected the right of every citizen to take part in the conduct of public affairs, the right to vote and be elected, and the right to have access to public services. Whatever form of constitution or government was in force, the Covenant requires States to adopt such legislative and other measures as might be necessary to ensure that citizens had an effective opportunity to enjoy the rights it protected. In contrast with other rights and freedoms recognized by the Covenant, which were ensured for all individuals within the territory and subject to the jurisdiction of the State, article 25 protected the rights of “every citizen”. State reports should outline the

⁸⁰¹ Ibid.

⁸⁰² G A resolution 53/144, annex, article 8.

⁸⁰³ Ibid., article 18.

⁸⁰⁴ See HRI/GEN/1/Rev.8, Human Rights Committee, general comment No. 25: article 25 of the International Covenant on Civil and Political Rights (Participation in public affairs and the right to vote), pp. 207-212.

legal provisions which defined citizenship in the context of the rights protected by article 25. According to the Committee, no distinctions were permitted between citizens in the enjoyment of those rights on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Distinctions between those who were entitled to citizenship by birth and those who acquired it by naturalization might raise questions of compatibility with article 25. State reports should indicate whether any groups, such as permanent residents, enjoyed those rights on a limited basis, for example, by having the right to vote in local elections or to hold particular public service positions.⁸⁰⁵

265. The Committee affirmed that, although the Covenant did not impose any particular electoral system, any system operating in a State party should be compatible with the rights protected by article 25 and should guarantee and give effect to the free expression of the will of the electors. The principle of “one person, one vote” should apply, and within the framework of each State’s electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely. The Committee concluded that the right to freedom of association, including the right to form and join organizations and associations concerned with political and public affairs, was an essential adjunct to the rights protected by article 25. Political parties and membership in parties played a significant role in the conduct of public affairs and the election process. States should ensure that, in their internal management, political parties respect the applicable provisions of article 25 in order to enable citizens to exercise their rights.⁸⁰⁶

(ii) *Economic, social and cultural rights*

266. The relationship between economic sanctions and respect for economic, social and cultural rights was examined by the Committee on Economic, Social and Cultural Rights at its seventeenth session in 1997.⁸⁰⁷

⁸⁰⁵ Ibid.

⁸⁰⁶ Ibid.

⁸⁰⁷ Ibid., general comment No. 8: The relationship between economic sanctions and respect for economic, social and cultural rights, pp. 51-55.

While the impact of sanctions varied from one case to another, the Committee was aware that sanctions almost always had a dramatic impact on the rights recognized in the Covenant. For example, they often caused significant disruption in the distribution of food, pharmaceuticals and sanitation supplies, jeopardized the quality of food and the availability of clean drinking water, severely interfered with the functioning of basic health and education systems and undermined the right to work. Although the Committee had no role to play in relation to decisions to impose or not impose sanctions, it had however a responsibility to monitor compliance by all States parties to the Covenant. When measures were taken which inhibited the ability of a State party to meet its obligations under the Covenant, the terms of sanctions and the manner in which they were implemented became appropriate matters of concern for the Committee.

267. The Committee also emphasized that the sole aim of adopting that general comment was to draw attention to the fact that the inhabitants of a given country did not forfeit their basic economic, social and cultural rights by virtue of any determination that their leaders had violated norms relating to international peace and security. The aim was not to give support or encouragement to such leaders, nor was it to undermine the legitimate interests of the international community in enforcing respect for the provisions of the Charter of the United Nations and the general principles of international law. Rather, it was to insist that lawlessness of one kind should not be met by lawlessness of another kind which paid no heed to the underlying fundamental rights that gave legitimacy to any such collective action.⁸⁰⁸

***a. Rights relating to work*

b. Rights relating to the standard of living and social security

268. Concerning rights to an adequate standard of living and social security, as in the previous period,⁸⁰⁹ the principal organs of the United Nations adopted certain resolutions concerning the right to adequate housing. During the period under review, human rights and extreme poverty and the right to adequate food also enriched the analysis of those rights.

⁸⁰⁸ Ibid.

⁸⁰⁹ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 331-337.

Adequate housing

269. The General Assembly recalled its resolution 43/181, in which it designated the Commission on Human Settlements as the United Nations intergovernmental body responsible for coordinating, evaluating and monitoring the Global Strategy for Shelter to the Year 2000,⁸¹⁰ and urged Governments, in connection with the implementation of their national plans of action on human settlements, to adopt or strengthen integrated national shelter strategies based on the enabling approach and sustainable development. It also 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 21.⁸¹¹ The Assembly recommended that Governments extend the application of urban and housing indicators to cities and rural settlements for monitoring the progress of their national shelter strategy and the performance of the shelter sector, taking into account local conditions and sensitivity to gender considerations. During the biennium 1998-1999,⁸¹² it adopted the plan of action for the implementation of the Global Strategy for Shelter to the Year 2000 and urged Governments, relevant United Nations and private sector organizations and intergovernmental and non-governmental organizations to prepare and implement their specific plans of action.⁸¹³

270. The right to adequate housing was also examined in connection with forced evictions by the Committee on Economic, Social and Cultural Rights at its sixteenth session in 1997.⁸¹⁴ The Committee recalled article 2.1 of the International Covenant on Economic, Social and Cultural Rights, which required States parties to use “all appropriate means”, including the adoption of legislative measures, to promote all the

⁸¹⁰ A/43/8/Add.1.

⁸¹¹ *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.1.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex II.

⁸¹² *Official Records of the General Assembly, Fifty-second Session, Supplement No. 8* (A/52/8/Add.1), annex.

⁸¹³ G A resolution 52/191.

⁸¹⁴ See HRI/GEN/1/Rev.8, Committee on Economic, Social and Cultural Rights, general comment No. 7: The right to adequate housing (article 11, para. 1 of the International Covenant on Economic, Social and Cultural Rights): Forced evictions, pp. 46-51.

rights protected under the Covenant. Although the Committee indicated in its general comment No. 3 (1990) that such measures might not be indispensable in relation to all rights, it was clear that legislation against forced evictions formed an essential basis upon which to build a system of effective protection. For the Committee, States parties should therefore review relevant legislation and policies to ensure that they were compatible with the obligations arising from the right to adequate housing and should amend any legislation or policies that were inconsistent with the requirements of the Covenant.

271. According to the Committee, the non-discrimination provisions of articles 2.2 and 3 of the Covenant imposed an additional obligation on Governments to ensure that, where evictions did occur, appropriate measures would be taken to ensure that no form of discrimination was involved. Forced eviction and house demolition as punitive measures were also inconsistent with the norms of the Covenant. Likewise, the Committee took note of the obligations enshrined in the Geneva Conventions of 1949 and Protocols thereto of 1977 concerning prohibitions on the displacement of civilian populations and the destruction of private property as those related to the practice of forced eviction.⁸¹⁵

272. The Committee emphasized that States parties should ensure, prior to carrying out any evictions and particularly evictions involving large groups, that all feasible alternatives had been explored in consultation with the persons affected, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be furnished to those who were affected by eviction orders. In cases where eviction was considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality. The Committee observed that the law should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances. It also indicated that relevant legislation should specify in detail the precise circumstances in which such interference might be permitted.

273. Finally, the Committee stressed that evictions should not result in individuals being rendered

⁸¹⁵ Ibid.

homeless or vulnerable to the violation of other human rights. Where those affected were unable to provide for themselves, the State party should take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, was available.⁸¹⁶

Human rights and extreme poverty

274. In resolution 51/97, the General Assembly reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity and that urgent national and international action was therefore required to eliminate both extreme poverty and exclusion from society. The Assembly noted with satisfaction that the Special Rapporteur on human rights and extreme poverty, in the process of preparing his final report,⁸¹⁷ had implemented the recommendations of the Commission on Human Rights by paying special attention to the efforts of the poorest people themselves and the conditions in which they could convey their experiences. It again called on States, specialized agencies, United Nations bodies and other international organizations, including intergovernmental organizations, to give the necessary attention to that problem and to the necessary follow-up to the recommendations of the Special Rapporteur as contained in his final report.

275. In another resolution,⁸¹⁸ the Assembly invited the United Nations High Commissioner for Human Rights, within the framework of the implementation of the United Nations Decade for the Eradication of Poverty, to give appropriate attention to the question of human rights and extreme poverty. It welcomed the appointment, for a period of two years, of an independent expert on the question of human rights and extreme poverty, whose mandate included, in particular, a contribution to the evaluation in 2000 of the World Summit for Social Development and whose work should continue to take into account the efforts of the poorest people themselves and the conditions in which they could convey their experiences.⁸¹⁹ The Assembly also noted with appreciation the specific action taken by UNICEF to mitigate the effects of extreme poverty on children and the efforts of UNDP

⁸¹⁶ Ibid.

⁸¹⁷ E/CN.4/SUB.2/1996/13.

⁸¹⁸ See G A resolution 53/146.

⁸¹⁹ Ibid.

to give priority to the search for some means of alleviating poverty within the framework of the relevant resolutions, and urged those agencies to continue that work.⁸²⁰

Right to adequate food

276. During the review period, the principal organs of the United Nations adopted certain resolutions concerning the right to food. In resolution 50/109, the General Assembly was convinced of the urgent need, at the highest political level, to marshal the global consensus and commitment required for the eradication of hunger and malnutrition and the achievement of food security for all, through the adoption of concerted policies and a plan of action for implementation by Governments, international institutions and all sectors of civil society. It welcomed the decision of the conference of the Food and Agriculture Organization of the United Nations (FAO) to convene the World Food Summit in Rome from 13 to 17 November 1996, at the level of Heads of State or Government. Finally, it recognized that the activities to ensure food security at all levels had to be carried out within the framework of sustainable development, as defined in Agenda 21, and that the World Food Summit would give due attention to the multifaceted nature of food security.

277. On the same matter, the Economic and Social Council, by its decision 1998/248, approved the decision of the Commission on Human Rights to endorse the proposal made by the Consultation on the Right to Adequate Food to have a follow-up meeting in 1998 to pursue the discussions on the content and means of implementation of the rights related to adequate food in order to provide the United Nations High Commissioner for Human Rights with a full set of recommendations concerning her response to the request of the World Food Summit;⁸²¹ the Council also approved the decision in that regard to invite the United Nations High Commissioner for Human Rights to promote and encourage broader participation by experts from Member States, relevant specialized agencies and programmes, in particular FAO, and non-governmental organizations.

278. The right to adequate food was examined by the Committee on Economic, Social and Cultural Rights at

⁸²⁰ See G A resolutions 51/97 and 53/146.

⁸²¹ See *Report of the World Food Summit, 13-17 November 1996* (WFS 96/REP), part one, appendix.

its twentieth session in 1999.⁸²² The Committee affirmed that the right to adequate food was indivisibly linked to the inherent dignity of the human person and was indispensable for the fulfilment of other human rights enshrined in the so-called International Bill of Human Rights.⁸²³ That right was also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented towards the eradication of poverty and the fulfilment of all human rights for all. The Committee considered that the core content of the right to adequate food implied the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances and acceptable within a given culture; the accessibility of such food in ways that were sustainable and that did not interfere with the enjoyment of other human rights; that the right to adequate food, just as any other human right, imposed three types or levels of obligation on States parties: the obligations to *respect*, to *protect* and to *fulfil*. In turn, the obligation to *fulfil* incorporated both an obligation to *facilitate* and an obligation to *provide*.

279. According to the Committee, the most appropriate ways and means of implementing the right to adequate food would inevitably vary significantly from one State party to another. Every State would have a margin of discretion in choosing its own approaches, but the Covenant clearly required that each State party took whatever steps were necessary to ensure that everyone was free from hunger and could enjoy the right to adequate food as soon as possible. Even where a State faced severe resource constraints, whether caused by a process of economic adjustment, economic recession, climatic conditions or other factors, measures should be undertaken to ensure that the right to adequate food was especially fulfilled for vulnerable population groups and individuals.⁸²⁴

⁸²² See HRI/GEN/1/Rev. 8, Committee on Economic, Social and Cultural Rights, general comment No. 12: The right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), pp. 63-71.

⁸²³ See G A resolution 217 A (III). That bill includes the Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights; and the International Covenant on Civil and Political Rights and its two optional protocols.

⁸²⁴ See HRI/GEN/1/Rev.8, Committee on Economic, Social and Cultural Rights, general comment No. 12: The right

280. Finally, the Committee affirmed that States parties should refrain at all times from food embargoes or similar measures which endangered conditions for food production and access to food in other countries; food should never be used as an instrument of political and economic pressure; States had a joint and individual responsibility, in accordance with the Charter of the United Nations, to cooperate in providing disaster relief and humanitarian assistance in times of emergency, including assistance to refugees and internally displaced persons.⁸²⁵

***c. Rights relating to motherhood and childhood*

d. Right to health

281. As in the previous period,⁸²⁶ the right to health continued to be explored by the principal organs in the context of the prevention and control of HIV/AIDS, and a new issue was also examined and related to the traditional practices affecting the health of women and children.

282. With regard to the prevention and control of HIV/AIDS, the Economic and Social Council, in recalling its resolution 1994/24 by which it endorsed the establishment of the Joint and Co-sponsored United Nations Programme on HIV/AIDS, requested the Secretary-General to transmit to the Council a concise initial report of the Executive Director of the Programme, prepared in collaboration with all relevant specialized agencies, the Secretariat and other organizations and bodies of the United Nations system, and to submit thereafter to the Council, on a biennial basis, a comprehensive report on the progress made in the fight against HIV/AIDS and its impact on the countries affected.⁸²⁷ In resolution 1997/52, the Council appealed to Governments and co-sponsors and encouraged other interested actors to broaden their programme activities in the area of HIV/AIDS in order to cover all aspects of the epidemic, in particular addressing its social and economic dimensions,

to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), pp. 63-71.

⁸²⁵ Ibid.

⁸²⁶ See also *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 340 and 341.

⁸²⁷ See also E S C resolution 1997/52. See also the reports of the Secretary-General: E/CN.4/1996/44, E/CN.4/1997/37 and E/CN.4/1999/76.

especially in developing countries, and emphasizing in that context a gender-based approach.

283. Concerning traditional or customary practices affecting the health of women and girls, the General Assembly reaffirmed that such practices constituted a definite form of violence against women and girls and a serious violation of their human rights. It expressed concern at the continuing existence of such practices on a large-scale basis; it welcomed the progress achieved by a number of Governments in their struggle, in particular against female genital mutilation, and encouraged those Governments to increase their efforts aimed at the eradication of those practices.⁸²⁸ The Assembly also called on all States to implement their international commitments in that field, to ratify the relevant human rights treaties, to intensify efforts to raise awareness of the harmful effects of female genital mutilation and other traditional or customary practices affecting the health of women and girls. It also urged all States to cooperate closely with the Special Rapporteur and relevant United Nations funds, programmes and specialized agencies in a joint effort to eradicate those practices.⁸²⁹

e. Right to education

284. As in the past,⁸³⁰ the General Assembly continued to examine the right to education in connection with International Literacy Year. For example, in resolution 50/143, the General Assembly took note of the report of the Secretary-General entitled "Progress made and problems encountered in the struggle against illiteracy: a mid-decade review",⁸³¹ and commended those Governments which had launched national literacy programmes and attained notable progress in meeting the objectives of the International Literacy Year and those set in the World Declaration on Education for All.⁸³² The Assembly further appealed⁸³³ to all

⁸²⁸ G A resolutions 52/99, 53/117 and 54/133. See also A/53/354 and A/54/341.

⁸²⁹ Ibid. See E S C decisions 1995/300, 1997/284 and 1999/249. See also E/CN.4/SUB.2/1995/6, E/CN.4/SUB.2/1996/6, E/CN.4/SUB.2/1997/10 and Add.1, E/CN.4/SUB.2/1998/11 and E/CN.4/SUB.2/1999/14.

⁸³⁰ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, para. 342.

⁸³¹ A/50/181-E/1995/65.

⁸³² *Final Report of the World Conference on Education for All: Meeting Basic Learning Needs, Jomtien, Thailand*,

Governments to step up their efforts to eradicate illiteracy and to direct education towards the full development of the human personality and to the strengthening of respect for all human rights and fundamental freedoms. It appealed anew to Governments and to economic and financial organizations and institutions, both national and international, to lend greater financial and material support to the efforts to increase literacy and achieve education for all. Finally, in resolution 54/122 the Assembly welcomed the convening of the World Education Forum, to be held in Senegal, in April 2000 with a view to assessing the implementation of the goals of education for all and adopting an agenda for education in the twenty-first century.

285. The plans of action for primary education were examined by the Committee on Economic, Social and Cultural Rights at its twentieth session in 1999.⁸³⁴ The Committee recalled that article 14 of the International Covenant on Economic, Social and Cultural Rights required each State party which had not been able to secure compulsory primary education, free of charge, to undertake, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory primary education free of charge for all. In spite of the obligations undertaken in accordance with article 14, a number of States parties had neither drafted nor implemented a plan of action for primary education that would be free and compulsory.

286. The Committee was fully aware that many diverse factors had made it difficult for States parties to fulfil their obligation to provide a plan of action. Those difficulties however could not relieve States parties of their obligation to adopt and submit a plan of action to the Committee, as provided in article 14 of the Covenant. The Committee called on every State party to which article 14 was relevant to ensure that its terms were fully complied with and that the resulting

plan of action was submitted to the Committee as an integral part of the reports required under the Covenant. Further, in appropriate cases, the Committee encouraged States parties to seek the assistance of relevant international agencies and called upon those agencies to assist States parties to the greatest extent possible to meet their obligations on an urgent basis.⁸³⁵

287. At its twenty-first session in 1999,⁸³⁶ the same Committee examined the right to education. It was aware that, for millions of people throughout the world, the enjoyment of the right to education remained a distant goal. Moreover, in many cases, that goal was becoming increasingly remote. According to the Committee, while the precise and appropriate application of the terms would depend upon the conditions prevailing in a particular State party, education in all its forms and at all levels should exhibit the interrelated and essential features of availability, accessibility, acceptability and adaptability. When considering the appropriate application of those “interrelated and essential features”, the best interests of the student should be a primary consideration. States parties should closely monitor education, including all relevant policies, institutions, programmes, spending patterns and other practices, so as to identify and take measures to redress any de facto discrimination.

288. According to the Committee, a State party which closed a university or other educational institution on grounds such as national security or the preservation of public order had the burden of justifying such a serious measure in relation to each of the elements identified in article 4. While the Covenant provided for progressive realization and acknowledged the constraints due to the limits of available resources, it also imposed on States parties various obligations which were of immediate effect. States parties had immediate obligations in relation to the right to education, such as the “guarantee” that the right “will be exercised without discrimination of any kind” (art. 2 (2)) and the obligation “to take steps” (art. 2 (1)) towards the full realization of article 13. For the Committee, coordinated efforts for the realization of the right to education should be maintained in order to improve coherence and interaction among all the actors concerned, including the various components of civil society. When examining the reports of States parties, the Committee would

5-9 March 1990, Inter-Agency Commission (UNDP, UNESCO, UNICEF, World Bank) for the World Conference on Education for All, New York, 1990, appendix 1.

⁸³³ See G A resolution 52/84.

⁸³⁴ See HRI/GEN/1/Rev. 8, Committee on Economic, Social and Cultural Rights, general comment No. 11: Plans of action for primary education (article 14 of the International Covenant on Economic, Social and Cultural Rights), pp. 60-63.

⁸³⁵ Ibid.

⁸³⁶ Ibid., general comment No. 13: The right to education (article 13 of that Covenant), pp. 71-86.

consider the effects of the assistance provided by all actors other than States parties on the ability of States to meet their obligations under article 13. The adoption of a human rights-based approach by United Nations specialized agencies, programmes and bodies would greatly facilitate implementation of the right to education.⁸³⁷

f. *Rights relating to cultural life, the arts and scientific advancement*

289. During the period under review, the General Assembly adopted resolutions related to cultural development. In resolution 51/179, the General Assembly noted that the Director General of UNESCO had sent the report of the World Commission on Culture and Development,⁸³⁸ entitled *Our Creative Diversity*,⁸³⁹ to the States members of that organization for their comments,⁸⁴⁰ as well as to many non-governmental and academic bodies, and requested the Secretary-General, in cooperation with the Director General of UNESCO, to stimulate further international debate on culture and development; the General Assembly also encouraged UNESCO to pursue its ongoing task of promoting throughout the United Nations system a greater awareness of the crucial relationship between culture and development, taking into account the diversity of cultures.⁸⁴¹ The General Assembly took note of the reports of the Secretary-General on the progress of the World Decade for Cultural Development during the period 1994-1997⁸⁴² and requested him, in the elaboration of the international development strategy for the next United Nations development decade, to include recommendations for the integration of cultural dimension in development activities.⁸⁴³

290. By its resolution 54/160 on human rights and cultural diversity, the Assembly recognized that cultural diversity and the pursuit of cultural development by all peoples and nations were a source of mutual enrichment for the cultural life of

humankind. It affirmed the importance for all peoples and nations to hold, develop and preserve their cultural heritage and traditions in a national and international atmosphere of peace, tolerance and mutual respect. It called on States, international organizations and United Nations agencies and invited civil society, including non-governmental organizations, for the purpose of advancing the objectives of peace, development and universally accepted human rights, to recognize and respect cultural diversity. Finally, It requested the Secretary-General, in the light of that resolution, to prepare a report on human rights and cultural diversity, taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, and to submit that report to the General Assembly at its fifty-fifth session.

(iii) *Rights of specific groups and individuals*

a. *Women's rights*

291. According to the provisions of the Universal Declaration of Human Rights,⁸⁴⁴ the Convention on the Elimination of All Forms of Discrimination against Women⁸⁴⁵ and other international instruments on human rights, the principal organs of the United Nations continued to make decisions concerning the rights of women, particularly with regard to the role of women in society, advancement of the status of women, violence against migrant women workers, violence against women in general and traffic in women and girls.⁸⁴⁶ Women's rights were also dealt with in connection with the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

292. In the preamble of the Optional Protocol,⁸⁴⁷ the General Assembly recalled the Convention on the Elimination of All Forms of Discrimination against Women, in which the States parties thereto condemned discrimination against women in all its forms and agreed to pursue by all appropriate means and without

⁸³⁷ Ibid., general comment No. 13: The right to education (article 13 of the International Covenant on Economic, Social and Cultural Rights), pp. 71-86.

⁸³⁸ See G A resolution 46/158.

⁸³⁹ For a summary version of the report, see A/51/451, annex.

⁸⁴⁰ See also G A resolution 52/197.

⁸⁴¹ G A resolutions 51/179, 52/197 and 53/184.

⁸⁴² See A/52/382 and A/53/321.

⁸⁴³ G A resolutions 52/197 and 53/184.

⁸⁴⁴ G A resolution 217 A (III).

⁸⁴⁵ G A resolution 34/180.

⁸⁴⁶ See also *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 343-354.

⁸⁴⁷ See G A resolution 54/4, annex. United Nations, *Treaty Series*, vol. 2131, No. 20378.

delay a policy of eliminating discrimination against women.

293. The Optional Protocol contains 21 articles related to the competence of the Committee on the Elimination of Discrimination against Women to receive and consider communications submitted by, or on behalf of, individuals or groups of individuals, under the jurisdiction of a State party.⁸⁴⁸

Role of women in society

294. With respect to the role of women in society, the General Assembly called on all Governments and all actors in society to implement the commitment made in Beijing to create an enabling environment through, inter alia, removing discriminatory barriers and ensuring the full and equal participation of women in economic activities and women's equal rights and access to economic resources.⁸⁴⁹

295. The General Assembly also adopted resolutions regarding improvement of the situation of women in rural areas by welcoming the reports of the Secretary-General⁸⁵⁰ and inviting Member States to attach greater importance to the improvement of the situation of rural women in their national, regional and global development strategies. It requested the international community and relevant United Nations organizations and bodies to promote further the realization of the programmes and projects aimed at improving the situation of rural women within the overall framework of integrated follow-up to previous global conferences.⁸⁵¹

Advancement of the status of women

296. With regard to the advancement of the status of women and implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, the General Assembly noted with satisfaction the successful conclusion of the Fourth World Conference on Women, held in Beijing from 4 to 15 September 1995, which culminated in the adoption of the Beijing Declaration⁸⁵² and the Platform for Action,⁸⁵³ which

were aimed at accelerating the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women⁸⁵⁴ to the year 2000. The General Assembly called on all States and bodies of the United Nations system and other international organizations, as well as non-governmental organizations, to take action for the effective implementation of the Beijing Declaration and the Platform for Action.⁸⁵⁵ It further called on States, the United Nations system and all other actors to implement the Platform for Action, in particular by promoting an active and visible policy of mainstreaming a gender perspective at all levels, including in the design, monitoring and evaluation of all policies, as appropriate, in order to ensure effective implementation of the Platform.⁸⁵⁶

297. The General Assembly decided that the Commission on the Status of Women, as a functional commission assisting the Economic and Social Council, should have a central role in monitoring the implementation of the Platform for Action within the United Nations system and in advising the Council thereon.⁸⁵⁷ It requested the Secretary-General to assume responsibility for the coordination of policy within the United Nations for the implementation of the Platform for Action and the mainstreaming of a system-wide gender perspective in all activities of the United Nations system.⁸⁵⁸ It urged Governments, the United Nations system, including the Bretton Woods institutions, relevant international organizations, non-governmental organizations and the private sector to empower women through concrete actions, policies and programmes, including integration of gender perspectives.⁸⁵⁹

298. On the same matter, the Economic and Social Council adopted resolution 1996/34, in which it endorsed the revised system-wide medium-term plan for the advancement of women, 1996-2001, as a basis for future programming and coordination of activities for the advancement and empowerment of women by the United Nations system, including a review of the

⁸⁴⁸ For more details, see G A resolution 54/4, annex, or United Nations, *Treaty Series*, vol. 2131, No. 20378.

⁸⁴⁹ G A resolution 50/104.

⁸⁵⁰ A/47/308-E/1992/97, annex, A/52/326 and A/54/123-E/1999/66.

⁸⁵¹ G A resolutions 50/165, 52/93 and 54/135.

⁸⁵² A/CONF.177/20, chap. I, resolution 1, annex I.

⁸⁵³ *Ibid.*, annex II.

⁸⁵⁴ A/CONF.177/20 and Add.1.

⁸⁵⁵ G A resolution 50/42.

⁸⁵⁶ See G A resolutions 50/203.

⁸⁵⁷ See G A resolutions 50/203, para. 25; 52/100; and 53/120. See also E S C resolution 1996/6.

⁸⁵⁸ See G A resolutions 50/203, 51/69, 52/100, 53/120 and 54/141.

⁸⁵⁹ See G A resolutions 51/69.

progress made in mainstreaming a gender perspective into all activities of the United Nations system.⁸⁶⁰

299. In 1998, the General Assembly decided that a special session be organized from 5 to 9 June 2000 to focus, inter alia, on obstacles encountered in implementation of the Platform for Action, as well as on strategies to overcome those obstacles, with a view to implementing fully the Platform and taking further actions and initiatives.⁸⁶¹ It also requested the Secretary-General to provide by the end of 1999 a compilation of updated statistics and indicators on the situation of women and girls in countries around the world by issuing, for example, a volume of *The World's Women*⁸⁶² containing such data.

300. In that context and by its resolution 53/120, the General Assembly took note of Economic and Social Council resolutions 1996/6 on the follow-up to the Fourth World Conference on Women, 1998/43 on mainstreaming the gender perspective into all policies and programmes in the United Nations system and 1998/26 on the implementation of the Platform for Action and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development.

Violence against women migrant workers

301. With regard to violence against migrant women workers, the General Assembly adopted several resolutions,⁸⁶³ in which it reiterated that acts of violence directed against women impaired or nullified the enjoyment of their human rights and fundamental freedoms. It called upon States Members of the United Nations to adopt measures for the effective implementation of the Declaration on the Elimination of Violence against Women, including applying them to women migrant workers, as well as all relevant measures emanating from previous global conferences. It also encouraged Member States to enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who were subjected to any form of violence, whether in the

home, the workplace, the community or society. The Assembly requested the United Nations High Commissioner for Human Rights, the Centre for Human Rights of the Secretariat and the Special Rapporteur, as well as all relevant bodies and programmes in the United Nations system, that, when addressing the issue of violence against women, particular attention be given to the issue of violence perpetrated against women migrant workers and reports on those matters be submitted to the General Assembly.

302. On the same issue, the Assembly welcomed the appointment of the Special Rapporteur on the human rights of migrants,⁸⁶⁴ took note of the reports of the Secretary-General on violence against women migrant workers⁸⁶⁵ and encouraged concerned Governments, in particular those of sending and receiving countries, to support training programmes for public officials dealing with the problem of violence against women migrant workers, in particular law enforcers, prosecutors and service providers, with a view to instilling among those public sector workers the necessary skills and attitudes to ensure the delivery of proper and professional interventions for women migrant workers who were subjected to abuse and violence.⁸⁶⁶

Violence against women

303. Concerning violence against women in general, the General Assembly adopted resolutions related to the role of UNIFEM in, inter alia, eliminating violence against women. It recognized the importance of cooperation with the Special Rapporteur on violence against women and reaffirmed the importance of developing a holistic and multidisciplinary approach to the task of promoting families, communities and States that were free from violence against women, and affirming the need for coordinated and strengthened international support for that approach.⁸⁶⁷ It also welcomed the operationalization of the Trust Fund in Support of Actions to Eliminate Violence against Women and requested UNIFEM to disseminate information on best practices and strategic interventions funded under that initiative which should

⁸⁶⁰ See also E S C decision 1995/289 and resolution 1999/16.

⁸⁶¹ See G A resolutions 52/231 and 53/120. See also G A resolution 54/142 and E S C resolution 1999/50.

⁸⁶² See also G A resolution 53/120.

⁸⁶³ See G A resolutions 50/168, 51/65, 52/97 and 54/138.

⁸⁶⁴ E S C decision 1999/239.

⁸⁶⁵ A/51/325, A/52/356 and A/54/342.

⁸⁶⁶ See G A resolutions 50/168, 51/65, 52/97 and 54/138.

⁸⁶⁷ See G A resolution 50/166. See also E S C resolution 1995/27.

contribute to the eradication of violence against women as an obstacle to development.⁸⁶⁸ It further commended the Trust Fund for its leadership role in convening United Nations inter-agency campaigns to end violence against women in Latin America and the Caribbean, Africa and Asia and the Pacific throughout 1998 and continuing in 1999 and beyond, and the United Nations inter-agency global videoconference *A World Free of Violence against Women*, which was held on 8 March 1999.⁸⁶⁹

304. On the same matter, the General Assembly reaffirmed Economic and Social Council resolution 1996/12⁸⁷⁰ on the elimination of violence against women and urged Member States to promote an active and visible policy of integrating a gender perspective into the development and implementation of all policies and programmes in the field of crime prevention and criminal justice, which might assist in the elimination of violence against women.⁸⁷¹ It called on Governments, international organizations and non-governmental organizations, as appropriate to translate *Strategies for Confronting Domestic Violence: A Resource Manual*⁸⁷² into local languages in order to ensure its wide dissemination for use in training and education programmes.

305. In the same resolution,⁸⁷³ the Assembly adopted the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, as a model for guidelines to be used by Governments in their efforts to address, within the criminal justice system, the various manifestations of violence against women.

Traffic in women and girls

306. As regards traffic in women and girls, the General Assembly took note with appreciation of the reports of the Secretary-General.⁸⁷⁴ It appealed to Governments to take appropriate measures to address the root factors, including external factors, that encouraged trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour, so as to eliminate

trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures. It encouraged Member States to consider signing and ratifying or acceding to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,⁸⁷⁵ international agreements on the suppression of slavery and other relevant international instruments. It also urged concerned Governments to support comprehensive, practical approaches by the international community to assist women and children victims of transnational trafficking to return home and be reintegrated into their home societies. Finally, it invited the Commission on Human Rights mechanisms to continue addressing those problems as a priority concern and to recommend, in their reports, measures to combat such phenomena and reiterated its call on the United Nations High Commissioner for Human Rights to include trafficking in women and girls among her priority concerns.⁸⁷⁶

307. In that context and by its resolution 51/66, the General Assembly welcomed the convening of the World Congress against Commercial Sexual Exploitation of Children in Stockholm from 27 to 31 August 1996 and called on all Governments to criminalize trafficking in women and girls in all its forms and to condemn and penalize all the offenders involved, including intermediaries, whether their offence was committed in their own or in a foreign country, while ensuring that the victims of those practices were not penalized. It further welcomed national, regional and international efforts to implement the recommendations of the World Congress and called on Governments to take further measures in that regard, and encouraged them to develop systematic data-collection methods and to continuously update information on trafficking in women and girls, including the analysis of the modus operandi of trafficking syndicates.⁸⁷⁷

308. As for the Economic and Social Council,⁸⁷⁸ it declared that the attention and resources of law enforcement authorities, in particular in the countries of destination for the women and children being

⁸⁶⁸ G A resolution 52/94.

⁸⁶⁹ G A resolution 54/136.

⁸⁷⁰ See also E S C resolution 1997/24.

⁸⁷¹ G A resolution 52/86.

⁸⁷² United Nations publication, Sales No. E.94.IV.1.

⁸⁷³ G A resolution 52/86.

⁸⁷⁴ A/50/369, A/51/309, A/52/355 and A/53/409.

⁸⁷⁵ G A resolution 317 (IV), annex.

⁸⁷⁶ G A resolutions 50/167, 51/66, 52/98 and 53/116.

⁸⁷⁷ See G A resolutions 52/98 and 53/116.

⁸⁷⁸ See E S C resolutions 1996/26 and 1998/20.

trafficked, should be directed towards preventing and punishing the activities of all those involved in organizing and facilitating such international trafficking. It decided that the ad hoc committee on the elaboration of a comprehensive international convention against transnational organized crime, to be established by the General Assembly, should hold discussions on the elaboration, as appropriate, of an international instrument addressing trafficking in women and children.

309. Concerning women's rights, the Committee on the Elimination of Discrimination against Women at its sixteenth session, in 1997, adopted⁸⁷⁹ a general recommendation on the political and public life of women. According to the Committee, the principle of equality of women and men had been affirmed in the constitutions and laws of most countries and in all international instruments. Nonetheless, in the last 50 years, women had not achieved equality and their inequality had been reinforced by their low level of participation in public and political life. Policies developed and decisions made by men alone reflected only part of human experience and potential. The just and effective organization of society demanded the inclusion and participation of all its members.

310. The Committee emphasized that no political system had conferred on women both the right to and the benefit of full and equal participation. While democratic systems had improved women's opportunities for involvement in political life, the many economic, social and cultural barriers they continued to face had seriously limited their participation. According to the Committee, States parties had an obligation to ensure that temporary special measures were clearly designed to support the principle of equality and therefore comply with constitutional principles which guaranteed equality for all citizens. The Convention on the Elimination of All Forms of Discrimination against Women obliged States parties in constitutions or legislation to take appropriate steps to ensure that women, on the basis of equality with men, enjoyed the right to vote in all

⁸⁷⁹ See HRI/GEN/1/Rev.8, Committee on the Elimination of Discrimination against Women, General recommendation No. 23: Political and public life, pp. 318-329.

elections and referendums, and to be elected. Those rights should be enjoyed both de jure and de facto.⁸⁸⁰

311. Finally, the Committee stressed that States parties had a further obligation to ensure that barriers to women's full participation in the formulation of government policy were identified and overcome. Those barriers included complacency when token women were appointed and traditional and customary attitudes discouraged women's participation. It was Government's fundamental responsibility to encourage those initiatives to lead and guide public opinion and change attitudes that discriminated against women or discouraged women's involvement in political and public life. States parties should explain the reason for, and the effect of, any reservations to articles 7 or 8 and indicate where the reservations reflected traditional, customary or stereotyped attitudes towards women's roles in society, as well as the steps that had been taken by the States parties to change those attitudes. States parties should keep the necessity for such reservations under close review and in their reports include a timetable for their removal.⁸⁸¹

312. At its twentieth session in 1999,⁸⁸² the Committee on the Elimination of Discrimination against Women adopted a general recommendation on women and health. According to the Committee, while biological differences between women and men might lead to differences in health status, there were societal factors that were determinative of the health status of women and men and could vary among women themselves. For that reason, special attention should be given to the health needs and rights of women belonging to vulnerable and disadvantaged groups, such as migrant women, refugee and internally displaced women, the girl child and older women, women in prostitution, indigenous women and women with physical or mental disabilities.

313. The Committee noted that the full realization of women's right to health could be achieved only when States parties fulfilled their obligation to respect, protect and promote women's fundamental human right to nutritional well-being throughout their lifespan by means of a food supply that was safe, nutritious and

⁸⁸⁰ Ibid.

⁸⁸¹ Ibid.

⁸⁸² Ibid., General recommendation No. 24: Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women (women and health), pp. 329-336.

adapted to local conditions. To this end, States parties should take steps to facilitate physical and economic access to productive resources, especially for rural women, and to otherwise ensure that the special nutritional needs of all women within their jurisdiction were met. According to the Committee, States parties should implement a comprehensive national strategy to promote women's health throughout their lifespan. That would include interventions aimed at both the prevention and treatment of diseases and conditions affecting women, as well as responding to violence against women, and would ensure universal access for all women to a full range of high-quality and affordable health care, including sexual and reproductive health services.⁸⁸³

b. *Rights of the child*

314. As in the previous period,⁸⁸⁴ the principal organs of the United Nations adopted certain resolutions concerning the rights of the child in connection with the issues of street children, children affected by armed conflicts, the sale of children, child prostitution and child pornography. New issues are also covered in the present study, namely exploitation of child labour, refugee and displaced children, children with disabilities, the girl child, as well as the adoption of three instruments, including the two optional protocols to the Convention on the Rights of the Child⁸⁸⁵ and the Guidelines for Action on Children in the Criminal Justice System.

Street children

315. Concerning street children, the General Assembly continued to express grave concern at the continued growth in the number of cases 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 for those children. It strongly urged all Governments to guarantee respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent measures to prevent the killing of street children

and to combat torture and violence against them and to ensure that legal and juridical processes respected children's rights in order to protect them against arbitrary deprivation of liberty, maltreatment and abuse.⁸⁸⁶

*Children affected by armed conflicts*⁸⁸⁷

316. In its resolution 50/153,⁸⁸⁸ the General Assembly took note of the report of the Secretary-General on concrete measures taken to alleviate the situation of children in armed conflict⁸⁸⁹ and expressed its support for the work of the expert designated by the Secretary-General to undertake a comprehensive study of the situation of children affected by armed conflicts, with the mandate established by the Assembly in its resolution 48/157. It urgently requested that appropriate measures could be taken by Member States and United Nations agencies, within the scope of their respective mandates, to facilitate the extension of humanitarian assistance and relief and humanitarian access to children in situations of armed conflict and in the immediate aftermath of such conflict. It further welcomed the reports of the expert of the Secretary-General⁸⁹⁰ and took note with appreciation of the recommendations included therein. It urged States and all other parties to armed conflict to adopt all necessary measures to end the use of children as soldiers and to ensure their demobilization and effective disarmament. Finally, it requested that appropriate measures be taken by Member States and United Nations agencies, within the scope of their respective mandates, to ensure humanitarian access to children affected by armed conflict, to facilitate the extension of humanitarian assistance, including education, and to ensure the physical and psychological recovery and reintegration into society of child soldiers, victims of landmines and victims of gender-based violence.⁸⁹¹

⁸⁸⁶ See G A resolutions 50/153, 51/77, 52/107, 53/128 and 54/149.

⁸⁸⁷ See in the present study, paras. 323-325.

⁸⁸⁸ See also G A resolutions 51/77, 52/107, 53/128 and 54/149.

⁸⁸⁹ A/50/672.

⁸⁹⁰ See A/51/306 and Add.1, A/53/482 and A/54/430, annex.

⁸⁹¹ See G A resolution 51/77. See also E S C decision 1998/271.

⁸⁸³ Ibid.

⁸⁸⁴ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 355-366.

⁸⁸⁵ G A resolution 44/25.

*Sale of children, child prostitution and child pornography*⁸⁹²

317. As regards the sale of children, child prostitution and child pornography, the General Assembly welcomed the reports of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography.⁸⁹³ It requested that all States supported efforts in the context of the United Nations system aimed at adopting efficient international measures for the prevention and eradication of all those practices. It also called upon States to review and revise, where appropriate, laws, policies, programmes and practices to eliminate the commercial sexual exploitation of children.⁸⁹⁴

Exploitation of child labour

318. Concerning the elimination of exploitation of child labour, the General Assembly encouraged Member States which had not yet done so to ratify the convention of ILO relating to the elimination of exploitation of child labour, in particular as it concerned forced or compulsory labour, the minimum age for admission to employment, the abolition of forced labour, as well as the prohibition of particularly hazardous work for children, and to implement the convention. It called on Governments to take legislative, administrative, social and educational measures to ensure the protection of children from economic exploitation, in particular protection from performing any work that was likely to be hazardous or to interfere with the child's education or to be harmful to the child's health. It urged Governments to take all necessary measures to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery.⁸⁹⁵ It further welcomed the adoption by ILO of the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO Convention No. 182) and encouraged all States to consider ratifying it as a matter of priority with a view to enabling its entry into force as soon as possible.⁸⁹⁶

⁸⁹² See also in the present study, paras. 326-329.

⁸⁹³ A/50/456, A/51/456, A/52/482, A/53/311, annex, and A/54/411.

⁸⁹⁴ G A resolutions 50/153, 51/77, 52/107, 53/128 and 54/149.

⁸⁹⁵ Ibid.

⁸⁹⁶ See G A resolution 54/149.

Refugee and internally displaced children

319. In recognizing the particular vulnerability of refugee and internally displaced children, the General Assembly called on States and United Nations bodies to protect both their safety and their development needs, including health, education and psychosocial rehabilitation.⁸⁹⁷ It also called on States and United Nations bodies and other organizations to ensure the early identification and registration of unaccompanied refugee and internally displaced children and to give priority to programmes for family tracing and reunification.⁸⁹⁸ It further invited the representative of the Secretary-General on internally displaced persons to take into account the situation of internally displaced children in his preparation of guiding principles which were to form part of a comprehensive framework for the protection of internally displaced persons.⁸⁹⁹

Children with disabilities

320. In its resolution 52/107,⁹⁰⁰ the General Assembly welcomed the increased attention given by the Committee on the Rights of the Child to the equal enjoyment of the rights of the child by children with disabilities. It called on all States to promote a full and decent life for children with disabilities, in conditions which ensured dignity, promoted self-reliance and facilitated the child's active participation in the community. It welcomed the decision by the Economic and Social Council⁹⁰¹ to request the Special Rapporteur on Disability of the Commission for Social Development, in monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, to pay special attention to children with disabilities, and the invitation to enhance the cooperation between the Special Rapporteur and the Committee on the Rights of the Child. It also requested the United Nations High Commissioner for Human Rights and UNICEF to work closely with him.

321. By its resolution 54/149, the Assembly welcomed the establishment of a working group, following the decision of the Committee on the Rights of the Child, the aim of which was to elaborate a plan of action on children with disabilities in close cooperation with the

⁸⁹⁷ G A resolutions 51/77, 52/107, 53/128 and 54/149.

⁸⁹⁸ Ibid.

⁸⁹⁹ Ibid., See also in the present study, para. 246.

⁹⁰⁰ See also G A resolutions 53/128 and 54/149.

⁹⁰¹ E S C resolution 1997/20.

Special Rapporteur on Disability of the Commission for Social Development and other relevant parts of the United Nations system.

The girl child

322. Concerning the girl child, the General Assembly reaffirmed the equal rights of women and men as enshrined in the Preamble to the Charter of the United Nations, and recalled also the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. It urged all States to eliminate all forms of discrimination against the girl child and to eliminate the violation of the human rights of all children, paying particular attention to the obstacles faced by the girl child. It also urged all States to eliminate all forms of violence against children, in particular the girl child, and to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage, to raise the minimum age for marriage where necessary, and to eliminate all barriers so as to enable girls to develop their full potential and skills through equal access to education and training. It further requested the Commission on Human Rights to pay particular attention to the human rights of the girl child.⁹⁰²

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

323. Further to a decision of the Economic and Social Council in 1994,⁹⁰³ an open-ended intersessional working group of the Commission on Human Rights drafted the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The General Assembly, by its resolution 54/263, adopted and opened for signature, ratification of and accession to the Optional Protocol.

324. In the preamble of the Optional Protocol, the General Assembly was encouraged by the overwhelming support for the Convention on the Rights of the Child. It noted the adoption of the Statute of the International Criminal Court⁹⁰⁴ and in particular its inclusion as a war crime the conscripting or enlisting children under the age of 15 years or using

them to participate actively in hostilities in both international and non-international armed conflicts. It also welcomed the unanimous adoption, in June 1999, of ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits, inter alia, forced or compulsory recruitment of children for use in armed conflict.

325. The Optional Protocol contains 13 articles which, inter alia, establish (a) the minimum age for the voluntary recruitment of persons into national armed forces and provide for their special protection; (b) measures to prevent recruitment of children or their use in hostilities by armed groups that are distinct from the armed forces of a State; and (c) methods for cooperation in the rehabilitation and social reintegration of persons who are victims of acts contrary to the Optional Protocol.

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

326. In taking note of Commission on Human Rights resolution 1995/78, the Economic and Social Council authorized the open-ended intersessional working group of the Commission on Human Rights to elaborate, as a matter of priority and in close cooperation with the Special Rapporteur of the Commission and with the Committee on the Rights of the Child (a) on the sale of children, child prostitution and child pornography and (b) a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on the basis of the guidelines contained in its report.^{905,906}

327. In its resolution 54/263, the General Assembly adopted and opened for signature, ratification and accession the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

328. In the preamble to the Optional Protocol, the Assembly considered that, in order to further achieve the purposes of the Convention on the Rights of the Child and the implementation of its provisions, especially articles 1, 11, 21 and 32 to 36 of that

⁹⁰² G A resolutions 50/154, 51/76, 52/106, 53/127 and 54/148.

⁹⁰³ E S C decision 1994/10.

⁹⁰⁴ A/CONF.183/9.

⁹⁰⁵ E/CN.4/1995/95, annex I.

⁹⁰⁶ E S C resolution 1995/35 and decision 1998/271. See also in the present study, paras. 326-329.

Convention, it would be appropriate to extend the measures that States parties should undertake in order to guarantee the protection of children from sale, prostitution and use in child pornography.

329. The 17 articles of the Optional Protocol contain, inter alia, measures to establish national jurisdiction over the offences; extraditable offences and conditions; measures for the seizure, confiscation or closing of materials or premises used to commit those offences; appropriate measures to protect the rights and interests of child victims of the practices prohibited under the Optional Protocol at all stages of the criminal justice process; legal, administrative measures, social policies and programmes to prevent those offences; and international cooperation for the prevention, detection, investigation, prosecution and punishment of those offences and for assistance to child victims.

Guidelines for Action on Children in the Criminal Justice System

330. The Economic and Social Council addressed the Guidelines for Action on Children in the Criminal Justice System to the Secretary-General and relevant United Nations agencies and programmes, States Parties to the Convention on the Rights of the Child, with regard to their implementation, as well as to Member States with regard to the use and application of United Nations standards and norms in juvenile justice. Guideline 17 emphasizes that appropriate action should be ensured to alleviate the problem of children in need of special protection measures, such as children working or living on the streets or children permanently deprived of a family environment; children with disabilities; children of minorities, immigrants and indigenous peoples; and other vulnerable groups of children.⁹⁰⁷ Guideline 36 adds, inter alia, that the placement of such children in institutions should be proscribed as much as possible and measures of social protection should be developed in order to limit the risks of criminalization for these children.⁹⁰⁸

c. Rights of minorities

331. With respect to the right of minorities, the Economic and Social Council, by its resolution 1995/31,⁹⁰⁹ decided to authorize the Sub-Commission

⁹⁰⁷ E S C resolution 1997/30, annex, guideline 17.

⁹⁰⁸ Ibid., guideline 36.

⁹⁰⁹ See also E S C decision 1998/246.

on Prevention of Discrimination and Protection of Minorities to establish an intersessional working group, consisting of five of its members, which would meet annually for five working days, initially for a three-year period, in order to promote the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.⁹¹⁰

332. On the same matter, the General Assembly took note with appreciation of the reports of the Secretary-General⁹¹¹ and urged States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures necessary to promote and give effect to the principles contained in that Declaration. The Assembly reaffirmed the obligation of States to ensure that persons belonging to minorities could exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, in accordance with the Declaration. It recognized that respect for human rights and the promotion of understanding and tolerance by Governments as well as between and among minorities was central to the protection and promotion of the rights of persons belonging to minorities. It called on the United Nations High Commissioner for Human Rights to promote, within his mandate, the implementation of the Declaration and to continue to engage in a dialogue with the Governments concerned for that purpose, and to resume inter-agency consultations with United Nations programmes and agencies on minority issues. It also urged those programmes and agencies to contribute actively to that process. Finally, it called on all Special Representatives, Special Rapporteurs and working groups of the Commission on Human Rights to continue to give attention, within their respective mandates, to situations involving minorities.⁹¹²

333. At its fifty-fifth session in 1999,⁹¹³ the Committee on the Elimination of Racial Discrimination

⁹¹⁰ See G A resolution 47/135. For more details on the Declaration, see also *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 368-370.

⁹¹¹ A/50/514, A/51/536, A/52/498 and A/54/303.

⁹¹² G A resolutions 50/180, 51/91, 52/123 and 54/162.

⁹¹³ See HRI/GEN/1/Rev. 8, Committee on the Elimination of Racial Discrimination, general comment XXIV concerning article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, p. 257.

stressed that, according to the definition given in article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention related to all persons who belonged to different races, national or ethnic groups or to indigenous peoples. If the Committee was to secure the proper consideration of the periodic reports of States parties, it was essential that States parties provided the Committee, as far as possible, with information on the presence within their territory of such groups.

334. It appeared from the periodic reports submitted to the Committee under article 9 of the Convention and from other information received by the Committee that a number of States parties recognized the presence on their territory of some national or ethnic groups or indigenous peoples, while disregarding others. Certain criteria should be uniformly applied to all groups, in particular the number of persons concerned, and their being of a race, colour, descent or national or ethnic origin different from the majority or from other groups within the population.⁹¹⁴

335. According to the Committee, some States parties failed to collect data on the ethnic or national origin of their citizens or of other persons living in their territory, but decided at their own discretion which groups constituted ethnic groups or indigenous peoples that were to be recognized and treated as such. The Committee believed that there was an international standard concerning the specific rights of people belonging to such groups, together with generally recognized norms concerning equal rights for all and non-discrimination, including those rights incorporated in the International Convention on the Elimination of All Forms of Racial Discrimination. At the same time, the Committee drew the attention of States parties to the application of different criteria to determine ethnic groups or indigenous peoples, leading to the recognition of some people and refusal to recognize others, might give rise to differing treatment for various groups within a country's population.⁹¹⁵

d. *Rights of indigenous populations*

336. Regarding the rights of indigenous populations, the Economic and Social Council welcomed the reports of the Special Rapporteur on the protection of the

heritage of indigenous people⁹¹⁶ and decided that the basic and comprehensive study prepared by the Special Rapporteur on the protection of the cultural heritage and intellectual property of indigenous people⁹¹⁷ should be published in all official languages and disseminated widely. The Council endorsed Commission on Human Rights resolution 1995/32, and authorized the establishment, as a matter of priority and from within existing overall resources, of an open-ended intersessional working group of the Commission on Human Rights, the sole purpose of which was to elaborate a draft declaration which considering the draft United Nations declaration on the rights of indigenous peoples annexed to resolution 1994/45 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The draft would be for the consideration and possible adoption by the General Assembly within the International Decade of the World's Indigenous People.⁹¹⁸ It also endorsed the recommendation made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities that the Centre for Human Rights of the Secretariat organize workshops on the possible establishment of a permanent forum for indigenous people, with the participation of representatives of Governments, organizations of indigenous people and independent experts.⁹¹⁹ It further endorsed the decision of the Commission on Human Rights to establish an open-ended intersessional ad hoc working group, from within existing overall United Nations resources, to elaborate and consider further proposals for the possible establishment of that permanent forum for indigenous people in the United Nations.⁹²⁰

337. Other steps taken by the principal organs concerning human rights of indigenous populations continued to be focused, inter alia, on the realization of studies on subjects in connection with the protection of those rights. It may be recalled that in the previous *Supplement to the Repertory*,⁹²¹ a Special Rapporteur

⁹¹⁶ E S C decisions 1995/297, 1997/287 and 1998/277. See also E/CN.4/SUB.2/1994/31 and E/CN.4/SUB.2/1995/26.

⁹¹⁷ E/CN.4/SUB.2/1993/28.

⁹¹⁸ E S C resolution 1995/32. For details related to the Decade, see *Repertory, Supplement No. 8*, vol. IV, Article 55, para. 594. See also in the present study, para. 535.

⁹¹⁹ E S C decisions 1995/262 and 1997/248.

⁹²⁰ E S C decisions 1998/247 and 1999/242.

⁹²¹ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 376-378.

⁹¹⁴ *Ibid.*

⁹¹⁵ *Ibid.*

carried out a study on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and States. During the period under review, the Economic and Social Council endorsed the recommendation of the Commission on Human Rights that the same Special Rapporteur make all possible efforts to submit his reports regarding treaties, agreements and other constructive arrangements between States and indigenous populations to the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.⁹²² It also approved the appointment of the Special Rapporteur on the protection of the heritage of indigenous people to prepare a working paper on indigenous people and their relationship to land, with a view to suggesting practical measures to address ongoing problems in that regard.⁹²³

338. Furthermore, the rights of indigenous peoples were examined by the Committee on the Elimination of Racial Discrimination at its fifty-first session in 1997.⁹²⁴ The Committee was aware that in many regions of the world indigenous peoples had been, and were still being, discriminated against and deprived of their human rights and fundamental freedoms and in particular that they had lost their land and resources to colonists, commercial companies and State enterprises. Consequently, the preservation of their culture and their historical identity had been and still was in jeopardy.

339. The Committee called States parties in particular to recognize and respect distinct indigenous culture, history, language and way of life as an enrichment of the State's cultural identity and to promote the preservation of such aspects; to ensure that members of indigenous peoples were free and equal in dignity and rights and free from any discrimination, in particular discrimination based on indigenous origin or identity; to provide indigenous peoples with conditions enabling sustainable economic and social development compatible with their cultural characteristics; to ensure

that members of indigenous peoples had equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests were taken without their informed consent; and to ensure that indigenous communities could exercise their rights to practise and revitalize their cultural traditions and customs and to preserve and to use their languages.⁹²⁵

340. The Committee called on States parties especially to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they had been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories. Only when that was not possible, the right to restitution should be substituted by the right to just, fair and prompt compensation. The Committee finally called on States parties with indigenous peoples in their territories to include in their periodic reports full information on the situation of such peoples, taking into account all relevant provisions of the Convention.⁹²⁶

e. *Migrants' rights*⁹²⁷

341. In its resolution 50/169, as well as in its subsequent resolutions,⁹²⁸ the General Assembly took note of the reports of the Secretary-General,⁹²⁹ recalled resolution 45/158 in which it had 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,⁹³⁰ called on all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority and expressed the hope the Convention would enter into force at an early date. The General Assembly expressed its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world. It also requested the Secretary-General to provide all facilities and

⁹²² E S C decisions 1995/298, 1996/293 and 1997/288.

See also E S C decisions 1995/263 and 1996/264 regarding the reports of the Working Group on Indigenous Populations.

⁹²³ E S C decision 1997/289.

⁹²⁴ See HRI/GEN/1/Rev. 8, Committee on the Elimination of Racial Discrimination, general comment XXIII on the rights of indigenous peoples, pp. 255-256.

⁹²⁵ Ibid.

⁹²⁶ Ibid.

⁹²⁷ See also in the present study, paras. 344-346.

⁹²⁸ G A resolutions 51/85, 52/115, 53/137 and 54/158.

⁹²⁹ A/50/469, A/51/415, A/52/359, A/53/230 and A/54/346.

⁹³⁰ For more details on this Convention, see *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 79-389.

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 invited the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention. It also welcomed the decision of the Commission on Human Rights, in its resolution 1999/44, to appoint a Special Rapporteur on the human rights of migrants to examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of that vulnerable group, and requested all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated.⁹³¹

342. As regards discrimination against migrant workers especially, during the period under review the General Assembly adopted a particular resolution⁹³² in which it called on all States to review and, where necessary, revise immigration policies with a view to eliminating all discriminatory policies and practices against migrants; it also reiterated the need for all States to protect fully the universally recognized human rights of migrants, especially women and children, regardless of their legal status, and to provide humane treatment, in particular with regard to assistance and protection.

343. Concerning the vital importance of family reunification,⁹³³ the General Assembly reaffirmed that all Governments, particularly those of receiving countries, had to recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants.

f. *Rights of aliens*⁹³⁴

344. During the period under study, 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.

345. In its resolution 51/62, the General Assembly recalled its resolution 48/102, in which, inter alia, it

condemned the practice of smuggling aliens in violation of international and national law and without regard to the safety, well-being and human rights of the migrants. It commended those States which had cooperated to combat the smuggling of aliens and to respond to specific incidents in which smuggled aliens needed to be dealt with according to international standards and the domestic laws and procedures of the States concerned. It also 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. The Assembly emphasized that international efforts to prevent the smuggling of aliens should not inhibit legal migration or freedom of travel or undercut the protection that international law afforded refugees.⁹³⁵

346. With regard to the universal freedom of travel, the General Assembly, in resolution 50/175,⁹³⁶ called on all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory.

g. *Rights of disabled persons*

347. The rights of disabled persons were examined in connection with the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities⁹³⁷ and of the Long-term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond. The General Assembly urged all Governments of Member States and organizations to continue to strengthen their efforts to implement the Standard Rules by appropriate legal, administrative and other measures, taking into account the integrated social development strategy set out in the Programme of Action of the World Summit for Social Development.⁹³⁸ It called on Governments, when implementing the World Programme of Action

⁹³¹ See G A resolutions 54/158 and 54/166.

⁹³² G A resolution 54/166.

⁹³³ See also in the present study, para. 238.

⁹³⁴ See also in the present study, paras. 341-343.

⁹³⁵ G A resolution 51/62.

⁹³⁶ See also G A resolutions 51/89, 52/121 and 53/143. See also E S C decision 1995/276.

⁹³⁷ G A resolution 48/96. See also *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 399 and 400.

⁹³⁸ G A resolution 50/144.

concerning Disabled Persons,⁹³⁹ to take into account the elements suggested in the Long-term Strategy.⁹⁴⁰

348. The Assembly also took note with appreciation of the report of the Secretary-General on the third quinquennial review and appraisal of the World Programme of Action concerning Disabled Persons,⁹⁴¹ and Economic and Social Council resolutions 1997/19 on equalization of opportunities for persons with disabilities and 1997/20 on children with disabilities. It further noted with appreciation the valuable work undertaken by the Special Rapporteur of the Commission for Social Development in monitoring the implementation of the Standard Rules and the cooperation of that Special Rapporteur with the Commission on Human Rights and especially with the Committee on the Rights of the Child. It invited Governments, concerned non-governmental organizations and the private sector to continue to support the United Nations Voluntary Fund on Disability, with a view to furnishing additional support for the implementation of the Standard Rules, including further assistance in national capacity-building and support for the work of the Special Rapporteur.⁹⁴²

349. In its resolution 54/121, the Assembly called on Governments to undertake all necessary measures to advance beyond the adoption of national plans for people with disabilities through, inter alia, the creation or reinforcement of arrangements for the promotion and awareness of disability issues and the allocation of sufficient resources for the full implementation of existing plans and initiatives, and emphasized the importance of supporting national efforts through international cooperation in that regard. It also encouraged Governments and intergovernmental and non-governmental organizations to take practical action, including public information campaigns by, for and with persons with disabilities, with a view to increasing disability awareness and sensitivity to disability issues, to combating and overcoming discrimination against persons with disabilities and to furthering their full and effective participation in society.⁹⁴³

⁹³⁹ See G A resolution 34/52.

⁹⁴⁰ A/49/435, annex.

⁹⁴¹ A/52/351. See also A/54/388 and Add.1.

⁹⁴² G A resolutions 52/82 and 54/121.

⁹⁴³ G A resolution 54/121.

h. *Rights of older persons*

350. The rights of older persons were examined in connection with the implementation of the International Year of Older Persons, the theme of which was "Towards a Society for All Ages".⁹⁴⁴ In its resolution 50/141, the General Assembly recalled Economic and Social Council resolution 1993/22, in which Member States were invited to strengthen their national mechanisms on ageing. The Assembly took note of the conceptual framework of a programme for the preparation and observance of that Year as contained in the report of the Secretary-General.⁹⁴⁵ In subsequent resolutions,⁹⁴⁶ the Assembly encouraged all States, the United Nations system and all other actors, in reaching out for a future society for all ages, to take advantage of the Year to increase awareness of the challenges posed by the demographic ageing of societies, the individual and social needs of older persons, the contribution of older persons to societies and the need for a change in attitudes towards older persons. In its resolution 54/24, the Assembly noted with satisfaction the successful celebration of the International Year of Older Persons and resolved to maintain the momentum created by the Year; finally it urged Governments to take appropriate action to combat discrimination based on age.

351. Furthermore, the rights of older persons were examined by the Committee on Economic, Social and Cultural Rights at its thirteenth session in 1995.⁹⁴⁷ The Committee was of the view that States parties to the International Covenant on Economic, Social and Cultural Rights were obligated to pay particular attention to promoting and protecting the economic, social and cultural rights of older persons; that the Committee's own role in that regard was rendered all the more important by the fact that, unlike the case of other population groups, such as women and children, no comprehensive international convention yet existed in relation to the rights of older persons and no binding supervisory arrangements had been attached to the various sets of United Nations principles in that area.

⁹⁴⁴ See also in the present study, para. 531.

⁹⁴⁵ A/50/114. See also A/53/294 and A/54/268.

⁹⁴⁶ See, e.g., G A resolutions 52/80, 53/109 and 54/24.

⁹⁴⁷ See HRI/GEN/1/Rev.8, Committee on Economic, Social and Cultural Rights, general comment No. 6: The economic, social and cultural rights of older persons, pp. 35-45.

352. The Committee noted that the great majority of reports of States parties continued to make little reference to that important issue. It therefore wished to indicate that, in the future, it would insist that the situation of older persons in relation to each of the rights recognized in the Covenant should be adequately addressed in all reports. The Committee also added that even in times of severe resource constraints, States parties had the duty to protect the vulnerable members of society; the methods that States parties used to fulfil the obligations that they had assumed under the Covenant in respect of older persons would be basically the same as those for the fulfilment of other obligations.

i. *Youth and human rights*

353. During the period under review, the question of youth and human rights was examined in resolutions related to the World Programme of Action for Youth to the Year 2000 and Beyond⁹⁴⁸ and the policies and programmes involving youth.

354. In its resolution 52/83, the General Assembly called upon all Member States to undertake all possible efforts to implement the World Programme of Action for Youth to the Year 2000 and Beyond. It stressed the importance of the active and direct participation of youth and youth organizations at the local, national, regional and international levels in promoting and implementing that Programme of Action and in evaluating the progress achieved and the obstacles encountered in its implementation and of the need to support the activities of youth mechanisms that had been set up by youth and youth organizations. In a subsequent resolution,⁹⁴⁹ the Assembly took note with appreciation of the report of the Secretary-General on the implementation of the World Programme of Action for Youth to the Year 2000 and Beyond⁹⁵⁰ and the Lisbon Declaration on Youth Policies and Programmes, adopted at the World Conference of Ministers Responsible for Youth.⁹⁵¹ It called upon all States, all United Nations bodies, the specialized agencies, the regional commissions and intergovernmental and non-governmental organizations to exchange knowledge and expertise on youth-related issues, and on setting up the ways and means to do so.

⁹⁴⁸ See G A resolution 50/81, annex.

⁹⁴⁹ See G A resolution 54/120.

⁹⁵⁰ A/54/59.

⁹⁵¹ See WCMRY/1998/28, chap. I, resolution 1.

j. *Human rights defenders*

355. 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, and the adoption of such a declaration. In this context, the Economic and Social Council authorized the open-ended working group of the Commission on Human Rights to meet prior to each session of the Commission to continue work on that draft declaration. It also requested the Secretary-General to extend all necessary facilities to the working group for its meetings.⁹⁵²

356. In its resolution 1998/35, the Council took note of Commission on Human Rights resolution 1998/7, in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and to protect universally recognized human rights and fundamental freedoms, and recommended the draft to the General Assembly for possible adoption during its fifty-third session.

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and to Protect Universally Recognized Human Rights and Fundamental Freedoms

357. By its resolution 53/144, the General Assembly, adopted that draft declaration and invited Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect for and understanding thereof. It also requested the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*. The Declaration recognizes, inter alia, different rights for individuals, groups or organs of society in promoting and protecting human rights; legislative, judicial, administrative and other appropriate measures to promote human rights; the teaching of human rights and fundamental freedoms at all levels of education and a training programme for public officials; the role and contributions of individuals, non-governmental organizations and relevant institutions; and duties towards and within the

⁹⁵² See, e.g., E S C resolutions 1996/25 and 1997/51.

community of individuals, groups, institutions and non-governmental organizations.

358. After the adoption of the Declaration, the Assembly further noted with deep concern that in many countries persons and organizations engaged in promoting and defending human rights and fundamental freedoms were facing threats, harassment and insecurity as a result of those activities; it called upon Governments, specialized agencies and relevant intergovernmental and non-governmental organizations to submit proposals and ideas that should contribute substantially to further work on the implementation of the Declaration.⁹⁵³

iv. *Rights relating to armed conflicts*

359. During the period under review, the General Assembly continued to express views on matters and rights relating to armed conflicts.⁹⁵⁴ For example, in its resolutions on the status of the additional Protocols to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of armed conflicts,⁹⁵⁵ the General Assembly, having considered the reports of the Secretary-General⁹⁵⁶ on the status of the additional Protocols⁹⁵⁷ to the Geneva Conventions of 1949⁹⁵⁸ and relating to the protection of victims of armed conflicts, 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 the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level. It appealed again to all States Parties to the Geneva Conventions of 12 August 1949 that had not yet done so to consider becoming parties to the additional Protocols thereto, of 1977, at the earliest possible date.

⁹⁵³ G A resolution 54/170.

⁹⁵⁴ See also in the present study, paras. 323-325.

⁹⁵⁵ G A resolutions 51/155 and 53/96.

⁹⁵⁶ A/51/215 and Corr.1 and Add.1 and A/53/287. See also E/CN.4/1998/87 and Add.1.

⁹⁵⁷ See United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

⁹⁵⁸ *Ibid.*, vol. 75, Nos. 970-973.

360. 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 with those conflicts, and urged all those parties to respect the Geneva Conventions of 12 August 1949 and the additional Protocols thereto, of 1977. The General Assembly expressed that concern with reference to Afghanistan,⁹⁵⁹ the Democratic Republic of the Congo,⁹⁶⁰ Federal Republic of Yugoslavia,⁹⁶¹ the Palestinian People and Other Arabs of Occupied Territories⁹⁶², the Republic of Bosnia and Herzegovina,⁹⁶⁴ Republic of Croatia⁹⁶⁴ and the Sudan⁹⁶³.

361. The General Assembly also urged Member States to condemn all violations of the human rights of women in situations of armed conflict, to recognize them as being violations of international human rights and humanitarian law and to call for a particularly effective response to violations of that kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy.⁹⁶⁴

v. *The right of peoples and nations to self-determination*

362. In conformity with its previous practice,⁹⁶⁵ the General Assembly continued to adopt resolutions related to the right of peoples and nations to self-determination, in general, and in connection with the struggle against international terrorism and the use of mercenaries.

363. Throughout the period under review, the Assembly 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.⁹⁶⁶ The Assembly took note of the reports of the

⁹⁵⁹ G A resolutions 50/189, 51/108, 52/145, 53/165 and 54/185.

⁹⁶⁰ G A resolutions 53/160 and 54/179.

⁹⁶¹ G A resolutions 50/193, 51/116, 52/147, 53/163 and 54/184.

⁹⁶² G A resolutions 50/29 A-D, 51/131, 51/134.

⁹⁶³ G A resolutions 50/197, 51/112 and 52/140.

⁹⁶⁴ GA resolution 52/86, annex, point 17 (b).

⁹⁶⁵ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 415-419.

⁹⁶⁶ G A resolutions 50/139, 51/84, 52/113, 53/134 and 54/155.

Secretary-General⁹⁶⁷ and 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. 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 people concerned. The 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 voluntarily in safety and honour.⁹⁶⁸

364. Throughout the period under review, the Assembly each year adopted a resolution on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,⁹⁶⁹ in which the General Assembly, *inter alia*, reaffirmed that Declaration and its determination to continue to take all necessary steps to bring about the complete and speedy eradication of colonialism and the faithful observance by all States of the relevant provisions of the Charter of the United Nations, the Declaration and the Universal Declaration of Human Rights.⁹⁷⁰

365. In connection with the struggle against international terrorism⁹⁷¹ and its relationship with the principle of self-determination of peoples as enshrined in the Charter of the United Nations, the Assembly reiterated its unequivocal condemnation of the acts, methods and practices of terrorism as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States. It called on States to take all necessary measures in accordance with international standards of human rights to prevent, combat and eliminate all acts of terrorism wherever and by whomever committed

and to enhance cooperation at the regional and international levels.⁹⁷² The Assembly welcomed the report of the Secretary-General⁹⁷³ and requested him to continue to seek the views of Member States on the possible establishment of a United Nations voluntary fund for victims of terrorism, as well as ways and means to rehabilitate the victims of terrorism and to reintegrate them into society.⁹⁷⁴

366. With regard to 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 Assembly took note of the reports of the Special Rapporteur of the Commission on Human Rights⁹⁷⁵ on the use of mercenaries and mercenary-related activities to topple sovereign Governments and to undermine the rights of peoples to self-determination, and reaffirmed that the use of mercenaries and their recruitment, financing and training were causes for grave concern to all States and violated the purposes and principles enshrined in the Charter of the United Nations. It called on all States which had not yet done so to consider taking necessary action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and requested the Centre for Human Rights of the Secretariat, as a matter of priority, to publicize the adverse effects of mercenary activities on the right to self-determination and, when requested where necessary, to render advisory services to States which were affected by the activities of mercenaries.⁹⁷⁶

367. By its decision 1995/254, the Economic and Social Council took note of Commission on Human Rights resolution 1995/5 and approved the Commission's decision to extend for three years the mandate of the Special Rapporteur on the question of the use of mercenaries; it also requested the Secretary-General to provide him with all necessary assistance.⁹⁷⁷

368. In addition, the right to self-determination was examined by the Committee on the Elimination of Racial Discrimination at its forty-eighth session in

⁹⁶⁷ A/50/485, A/51/414, A/52/485, A/53/280 and A/54/327.

⁹⁶⁸ G A resolutions 50/139, 51/84, 52/113, 53/134 and 54/155.

⁹⁶⁹ See G A resolution 1514 (XV).

⁹⁷⁰ G A resolutions 50/39, 51/146, 52/78, 53/68 and 54/91.

⁹⁷¹ See also in the present study, paras. 374-376.

⁹⁷² G A resolutions 50/186, 52/133 and 54/164.

⁹⁷³ A/54/439.

⁹⁷⁴ G A resolutions 50/186, 52/133 and 54/164.

⁹⁷⁵ A/50/390 and Add.1, A/51/392, A/52/495, A/53/338, annex and A/54/326.

⁹⁷⁶ G A resolutions 50/138, 51/83, 52/112, 53/135 and 54/151.

⁹⁷⁷ See also E S C decision 1998/241.

1996.⁹⁷⁸ The Committee noted that ethnic or religious groups or minorities frequently referred to the right to self-determination as a basis for an alleged right to secession. In that context, the Committee emphasized that the International Covenant on Civil and Political Rights provided for the rights of peoples to self-determination in addition to the right of ethnic, religious or linguistic minorities to enjoy their own culture, to profess and practise their own religion or to use their own language.

369. According to the Committee, two aspects had to be distinguished in respect of the self-determination of peoples. The right to self-determination of peoples had an internal aspect, namely the rights of all peoples to pursue freely their economic, social and cultural development without outside interference. In that respect, there existed a link with the right of every citizen to take part in the conduct of public affairs at any level, as referred to in article 5 (c) of the International Convention on the Elimination of All Forms of Racial Discrimination. In consequence, Governments were to represent the whole population without distinction as to race, colour, descent or national or ethnic origin. The external aspect of self-determination implied that all peoples had the right to determine freely their political status and their place in the international community based upon the principle of equal rights and exemplified by the liberation of peoples from colonialism and by the prohibition to subject peoples to alien subjugation, domination and exploitation.⁹⁷⁹

370. The Committee concluded that in accordance with article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international documents, Governments should be sensitive towards the rights of persons belonging to ethnic groups, particularly their right to lead lives of dignity, to preserve their culture, to share equitably in the fruits of national growth and to play their part in the Government of the country of which they were citizens. Governments should also consider, within their respective constitutional frameworks, vesting persons belonging to ethnic or linguistic groups comprised of their citizens, where appropriate, with the right to engage in activities which were particularly

relevant to the preservation of the identity of such persons or groups.⁹⁸⁰

vi. *Rights relating to development*

371. During the period under review, the General Assembly adopted resolutions related to the right to development, in which it reaffirmed the Declaration on the Right to Development,⁹⁸¹ which it proclaimed at its forty-first session. The Assembly reaffirmed the importance of the right to development for every human person and all peoples in all countries, in particular developing countries, as an integral part of fundamental human rights. It 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. The Assembly called on 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 on the Right to Development, taking into account the conclusions and recommendations of the Global Consultation on the Realization of the Right to Development as a Human Right, the reports of the Working Group on the Right to Development and the report of the Intergovernmental Group of Experts to elaborate a strategy for the implementation and promotion of the right to development.⁹⁸²

372. On the same matter, the Council approved the request that the Commission on Human Rights made to the Secretary-General⁹⁸³ to take steps to implement the recommendations made by the Working Group on the Right to Development, particularly by providing the Centre for Human Rights of the Secretariat with a focal unit with the specific task of following up on the Declaration on the Right to Development and its implementation.⁹⁸⁴ Consequently, the Assembly noted the efforts made by the United Nations High Commissioner for Human Rights within his mandate, and encouraged him to continue a programmatic

⁹⁷⁸ See HRI/GEN/1/Rev.8, Committee on the Elimination of Racial Discrimination, general comment XXI on the right to self-determination, pp. 253 and 254.

⁹⁷⁹ Ibid.

⁹⁸⁰ Ibid.

⁹⁸¹ G A resolution 41/128.

⁹⁸² G A resolutions 50/184, 51/99, 52/136, 53/155 and 54/175.

⁹⁸³ Regarding the reports of the Secretary-General on right to development, see A/50/729, A/51/539, A/52/473, A/53/268 and A/54/319.

⁹⁸⁴ E S C decision 1995/258.

follow-up to the establishment in the Centre for Human Rights of the Secretariat of a new branch, the primary responsibilities of which would include the promotion of the right to development, as part of the effort to implement the Vienna Declaration and Programme of Action.⁹⁸⁵

373. Further to the establishment of the Working Group on the Right to Development during the previous period,⁹⁸⁶ the General Assembly in its resolution 53/155 welcomed the establishment of a follow-up mechanism, initially for a three-year period, in accordance with Commission on Human Rights resolution 1998/72, consisting of an open-ended working group of the Commission and an independent expert, in order to make further progress towards the realization of the right to development.⁹⁸⁷ In a subsequent resolution,⁹⁸⁸ it invited the open-ended working group, inter alia, to consider the question of elaborating a convention on the right to development and called on Member States and the Office of the High Commissioner for Human Rights to ensure that the open-ended working group would convene its first session, as a matter of urgency, no later than 17 December 1999. It called on the independent expert on the right to development⁹⁸⁹ to submit comprehensive reports to the Assembly at its fifty-fifth session and the Commission on Human Rights at its fifty-sixth session on, inter alia, the effects of poverty, structural adjustment, globalization, financial and trade liberalization and deregulation on the prospects for enjoyment of the right to development in developing countries. It also recognized the vital role of civil society, including non-governmental organizations and the private sector, in the implementation of the right to development, and in that regard encouraged Member States and the United Nations system to foster partnerships and strengthen cooperation at the national level with civil society, as appropriate.⁹⁹⁰

vii. *Right to peace*

374. The General Assembly continued to express views on matters related to the right to peace and adopted two instruments. Furthermore, in its resolution

51/101 the General Assembly called for the promotion of a culture of peace based on the principles established in the Charter of the United Nations, and for respect for human rights, democracy, tolerance, dialogue, cultural diversity, etc., as an integral approach to preventing violence and conflicts and to contributing to the creation of conditions for peace and its consolidation.

Declaration and Programme of Action on a Culture of Peace

375. The General Assembly adopted the Declaration and Programme of Action on a Culture of Peace in 1999,⁹⁹¹ in which it recognized that peace not only was the absence of conflict, but also required a positive, dynamic participatory process where dialogue was encouraged and conflicts were solved in a spirit of mutual understanding and cooperation. That Declaration affirms that progress in the fuller development of a culture of peace comes about through values, attitudes, modes of behaviour and ways of life conducive to the promotion of peace among individuals, groups and nations; and that education at all levels is one of the principal means to build a culture of peace. In that context, human rights education is of particular importance. The Declaration also states that the United Nations should continue to play a critical role in the promotion and strengthening of a culture of peace worldwide. The Programme of Action describes the aims, strategies and main actors of a culture of peace, and how all relevant actors could strengthen actions to foster a culture of peace at the national, regional and international levels.⁹⁹²

Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism

376. By adopting resolution 51/210, the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, the General Assembly stressed the importance of States fully complying with their obligations under international law, including international human rights standards, and the need to further strengthen international cooperation between States in order to prevent, combat and eliminate terrorism in all its forms and manifestations.⁹⁹³

⁹⁸⁵ See G A resolution 51/99. See also A/CONF.157/23.

⁹⁸⁶ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 422 and 423.

⁹⁸⁷ See also E S C decision 1998/269.

⁹⁸⁸ G A resolution 54/175.

⁹⁸⁹ See also E/CN.4/1999/WG.18/2.

⁹⁹⁰ G A resolution 54/175.

⁹⁹¹ G A resolution 53/243.

⁹⁹² Ibid. See also in the present study, para. 199.

⁹⁹³ See also in the present study, paras. 194 and 252.

viii. *Rights relating to the environment*

377. By its decision 1995/288,⁹⁹⁴ the Economic and Social Council endorsed the decision of the Commission on Human Rights to appoint for a period of three years a Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights in order that she might undertake, in consultation with the relevant United Nations bodies and organizations and the secretariats of relevant international conventions, a global, multidisciplinary and comprehensive study of existing problems of and solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, in particular in developing countries, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate those phenomena.⁹⁹⁵

3. 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*

378. In conformity with previous practice,⁹⁹⁶ the principal organs of the United Nations took steps to promote standards of human rights and fundamental freedoms in the context of treaty-based mechanisms. Those steps were carried out mainly in 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.

⁹⁹⁴ See also E S C decision 1998/242.

⁹⁹⁵ See also E/CN.4/1996/17, E/CN.4/1997/19, E/CN.4/1998/10 and Add.1 and 2 and E/CN.4/1999/46 and Add.1.

⁹⁹⁶ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 429-481.

379. During the period under review, the work of the treaty bodies was enhanced with the adoption of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the two optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. The General Assembly approved the amendment to article 20, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the States parties to that Convention on 22 May 1995,⁹⁹⁷ which concerned allowing additional meeting time for the Committee.⁹⁹⁸ Finally, the Committee against Torture made its first general comment in 1996, on the implementation of article 3 of the Convention in the context of article 22 (Refolement and communications).

(i) *General remarks*

a. *Status of ratification of or accession to United Nations instruments on human rights*

380. With regard to both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,⁹⁹⁹ the General Assembly welcomed the fact that the total number of States parties to 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 those Covenants. In that regard, the 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.¹⁰⁰⁰

381. The General Assembly invited both the Secretary-General and the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States and assist them, at their request and through the programme of advisory

⁹⁹⁷ G A resolution 50/202.

⁹⁹⁸ G A resolutions 51/68, 53/118 and 54/137.

⁹⁹⁹ See G A resolution 2200 A (XXI), annex.

¹⁰⁰⁰ See G A resolution 2200 A (XXI), annex, for the Optional Protocol to the International Covenant on Civil and Political Rights, and G A resolution 44/128, annex, for the second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty.

services in the field of human rights, in becoming parties to the Covenants and in considering acceding to the optional protocols to the International Covenant on Civil and Political Rights.¹⁰⁰¹

382. Furthermore, the Assembly 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. It encouraged States parties to consider limiting the extent of reservations they lodged with regard to the International Covenants on Human Rights and to formulate any reservations as precisely and narrowly as possible, while ensuring that no reservation was incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law.¹⁰⁰² It also encouraged States parties to review regularly any reservations made in respect of the provisions of the Covenants with a view to withdrawing them.¹⁰⁰³

383. Concerning the International Convention on the Elimination of All Forms of Racial Discrimination,¹⁰⁰⁴ the Assembly reiterated the importance of the Convention, which was one of the most widely accepted human rights instruments adopted under the auspices of the United Nations, and requested those States which had not yet become parties to the Convention to ratify it or accede to it as soon as possible.¹⁰⁰⁵ The Assembly also called on the States parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention.¹⁰⁰⁶ It also encouraged States to limit the extent of any reservation they lodged only to that Convention and to formulate any reservation as precisely and as narrowly as possible while ensuring that no reservation was incompatible with the object and purpose of the Convention or otherwise contrary to international law,¹⁰⁰⁷ as well as to review regularly any reservations made in respect of the provisions of the Convention with a view to withdrawing them.¹⁰⁰⁸

384. With regard to the Convention on the Elimination of All Forms of Discrimination against Women,¹⁰⁰⁹ 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 possible¹⁰¹⁰ so that universal ratification of the Convention could be achieved by the year 2000. 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 for which there were 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. The Council and the Assembly encouraged States to consider limiting the extent of any reservation they lodged only to the Convention and to formulate any reservations as precisely and as narrowly as possible, while ensuring that no reservation was incompatible with the object and the purpose of the Convention or otherwise contrary to international law.¹⁰¹¹ They 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, and to withdraw reservations that are contrary to the object and purpose of the Convention or that are otherwise incompatible with international treaty law.¹⁰¹² The Assembly also noted with satisfaction that some States parties had modified or withdrawn their reservations.¹⁰¹³

385. By its resolution 54/4, the General Assembly adopted and opened for signature, ratification and accession the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.¹⁰¹⁴

386. With respect to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹⁰¹⁵ the General Assembly urged all States that had not yet done so to become parties to it as a

¹⁰⁰¹ G A resolutions 50/171, 52/116 and 54/157.

¹⁰⁰² *Ibid.*

¹⁰⁰³ *Ibid.*

¹⁰⁰⁴ See G A resolution 2106 A (XX).

¹⁰⁰⁵ G A resolutions 50/137, 51/80, 52/110 and 53/131.

¹⁰⁰⁶ G A resolutions 51/80 and 53/131.

¹⁰⁰⁷ G A resolutions 50/137, 51/80 and 53/131.

¹⁰⁰⁸ G A resolution 53/131.

¹⁰⁰⁹ See G A resolution 34/180.

¹⁰¹⁰ G A resolutions 51/68, 53/118 and 54/137 and E S C resolution 1995/29.

¹⁰¹¹ G A resolutions 51/68, 52/100, 53/118 and 54/137 and E S C resolution 1995/29.

¹⁰¹² *Ibid.*

¹⁰¹³ G A resolution 54/137.

¹⁰¹⁴ See in the present study, paras. 292 and 293.

¹⁰¹⁵ See G A resolution 39/46.

matter of priority.¹⁰¹⁶ It once again invited 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 20.¹⁰¹⁷ It also welcomed the progress made by the intersessional open-ended working group of the Commission on Human Rights on the development of a draft optional protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and urged that working group to complete as soon as possible a final draft text for submission to the General Assembly, through the Economic and Social Council, for consideration and possible adoption.¹⁰¹⁸

387. With regard to the Convention on the Rights of the Child,¹⁰¹⁹ the Assembly welcomed the increasing and significant number of States parties to the Convention and urged the States that had not done so to sign, ratify or accede to it as a matter of priority, with a view to reaching the goal of universal adherence.¹⁰²⁰ In addition, the Assembly was seriously concerned about those reservations to the Convention that were contrary to the object and purpose of the Convention¹⁰²¹ or otherwise contrary to international treaty law, and recalled that the Vienna Declaration and Programme of Action urged States to withdraw such reservations.¹⁰²² Finally, the 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 a view to withdrawing them.¹⁰²³

388. By its resolution 54/263, the General Assembly adopted and opened for signature, ratification and accession the two optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.¹⁰²⁴

¹⁰¹⁶ G A resolutions 51/86, 53/139 and 54/156.

¹⁰¹⁷ Ibid.

¹⁰¹⁸ Ibid.

¹⁰¹⁹ See G A resolution 44/25.

¹⁰²⁰ G A resolutions 50/153, 51/77, 52/107, 53/128 and 54/149.

¹⁰²¹ Ibid.

¹⁰²² G A resolutions 50/153 and 51/77.

¹⁰²³ Ibid.

¹⁰²⁴ See in the present study, paras. 323-329.

389. Regarding the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,¹⁰²⁵ the Assembly welcomed the signature or ratification of, or accession to, the Convention by some Member States¹⁰²⁶ and called on all Member States that had not done so to consider signing and ratifying or acceding to the Convention as a matter of priority. It expressed the hope that the Convention would enter into force at an early date¹⁰²⁷ and further noted that, pursuant to article 87 of the Convention, only eight ratifications or accessions were still needed for it to enter into force.¹⁰²⁸

b. *Obligations of States parties under United Nations instruments on human rights*

390. During the period under review, 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 Political Rights and, where applicable, the optional protocols to the International Covenant on Civil and Political Rights.¹⁰²⁹ It also made the same recommendation to States parties with regard to the Convention on the Elimination of All Forms of Discrimination against Women¹⁰³⁰ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹⁰³¹

391. Concerning the Convention on the Elimination of All Forms of Racial Discrimination, the 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.¹⁰³²

392. With regard to the International Covenant on Civil and Political Rights, the 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

¹⁰²⁵ See G A resolution 45/158.

¹⁰²⁶ G A resolutions 50/169, 51/85, 52/115, 53/137 and 54/158.

¹⁰²⁷ G A resolutions 50/168, 50/169, 51/85, 52/115, 53/137 and 54/158.

¹⁰²⁸ G A resolution 54/158.

¹⁰²⁹ G A resolutions 50/171, 52/116 and 54/157.

¹⁰³⁰ G A resolutions 51/68, 53/118 and 54/137.

¹⁰³¹ G A resolutions 51/86, 53/139 and 54/156.

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 the appropriateness of measures taken in those circumstances could be assessed.¹⁰³³

393. With regard to the Convention on the Rights of the Child, the Assembly called on States parties to the Convention to ensure that the education of the child should be carried out in accordance with article 29 of the Convention and also called on them, in accordance with their obligation under article 42 of the Convention, to make the principles and provisions of the Convention widely known to adults and children¹⁰³⁴ and to develop education and training activities on the rights of the child as a measure to ensure the protection of children affected by armed conflict.¹⁰³⁵ It also called on all States parties to fulfil their obligation under article 34 of the Convention and to support efforts in the context of the United Nations system aimed at adopting effective national, bilateral and multilateral measures for the prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography, in particular by criminalizing the sexual exploitation of children.¹⁰³⁶ The Assembly urged States parties to fulfil the obligations they had undertaken under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women to protect women and girls from all forms of violence, including domestic violence, sexual trafficking and child prostitution.¹⁰³⁷

394. Additionally, the Assembly expressed concern about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights. It expressed concern over 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.¹⁰³⁸ It 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 continue to ensure adequate financial arrangements and appropriate means to enable the functioning of the Committee and to invite those States parties which were in arrears to pay the amounts in arrears.¹⁰³⁹

395. To that end, the 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.¹⁰⁴⁰ In order to achieve those goals, the Assembly subsequently urged States parties to notify the Secretary-General, as depository of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by the States parties and by the General Assembly in its resolution 47/111,¹⁰⁴¹ for the purpose of funding the respective committees from the regular budget of the United Nations. The Assembly also called on all States parties to fulfil without delay and in full their financial obligations, including their arrears, under the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and requested the Secretary-General to continue to take the necessary measures to ensure that the two Committees meet as scheduled until the amendments entered into force.¹⁰⁴²

¹⁰³⁹ Ibid.

¹⁰⁴⁰ G A resolution 50/170.

¹⁰⁴¹ G A resolutions 50/137, 50/170, 51/80, 52/110 and 53/131.

¹⁰⁴² G A resolution 50/170.

¹⁰³² G A resolutions 50/137, 51/80, 52/110 and 53/131.

¹⁰³³ G A resolutions 50/171, 52/116 and 54/157.

¹⁰³⁴ G A resolutions 51/77, 52/107 and 53/128.

¹⁰³⁵ G A resolution 51/77.

¹⁰³⁶ G A resolutions 51/77, 52/107 and 53/128.

¹⁰³⁷ G A resolutions 51/76, 52/106, 53/127 and 54/148.

¹⁰³⁸ G A resolutions 50/137, 51/80, 52/110 and 53/131.

(ii) *Reporting procedures*a. *Reporting procedures in general under United Nations instruments on human rights*

396. During the period under review, 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 goal, steps continued to be taken towards the necessary lightening of those requirements. In that regard, 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. However, the Assembly expressed concern about the 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.¹⁰⁴³ It 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, rationalizing, avoiding duplication and otherwise improving reporting procedures,¹⁰⁴⁴ as well as enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies.

397. The Assembly also invited States parties unable to comply with the requirements to submit their initial report to avail themselves of technical assistance¹⁰⁴⁵ and urged States parties to address, as a matter of priority at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations.¹⁰⁴⁶ Finally, it urged all States parties the reports of which had been examined by treaty bodies to provide adequate follow-up to the

observations and final comments of the treaty bodies on their reports.¹⁰⁴⁷

398. The Assembly welcomed the continuing efforts of the treaty bodies, whose work was aimed at streamlining, rationalizing and otherwise improving reporting procedures, and urged them and the meetings of persons chairing the human rights treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on Member States.¹⁰⁴⁸ It noted with appreciation the initiatives taken by a number of treaty bodies to elaborate early-warning measures and urgent procedures within their mandates with a view to preventing the occurrence or reoccurrence of serious human rights violations.¹⁰⁴⁹ It also welcomed the emphasis that the meeting of persons chairing the human rights treaty bodies and the Commission on Human Rights placed on the importance of technical assistance and advisory services in the fulfilment of reporting obligations.

399. The General Assembly 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 committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, be made available in United Nations information centres in the countries submitting those reports.¹⁰⁵⁰ It also noted the emphasis that the persons chairing the human rights treaty bodies placed 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, in its examination of reports of States, placing emphasis on the implementation by States parties of their obligation regarding human rights education and the provision of public information on human rights.¹⁰⁵¹ The Assembly

¹⁰⁴³ G A resolutions 50/170, 51/87, 52/118 and 53/138.

¹⁰⁴⁴ *Ibid.*

¹⁰⁴⁵ G A resolutions 50/170, 51/87, 52/118 and 53/138.

¹⁰⁴⁶ G A resolutions 50/170 and 51/87.

¹⁰⁴⁷ G A resolutions 50/170, 51/87, 52/118 and 53/138.

¹⁰⁴⁸ *Ibid.*

¹⁰⁴⁹ *Ibid.*

¹⁰⁵⁰ *Ibid.*

¹⁰⁵¹ *Ibid.*

also welcomed all appropriate measures that the human rights treaty bodies might take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General of the United Nations and the competent bodies of the United Nations in the field of human rights.¹⁰⁵²

400. The Assembly encouraged the United Nations High Commissioner for Human Rights, in accordance with his mandate, to request the independent expert to finalize his interim report on possible long-term approaches to enhancing the effective operation of the human rights treaty system in time for the final report to be considered by the Commission on Human Rights, as requested by the General Assembly in resolution 48/120.¹⁰⁵³ It also requested the United Nations High Commissioner for Human Rights to ensure, from within existing resources, that the United Nations *Manual on Human Rights Reporting* be made available in all official languages at the earliest opportunity and that due regard would be paid to the recommendations concerning the manual made by the fifth meeting of persons chairing the human rights treaty bodies.¹⁰⁵⁴ Further, the Assembly welcomed the publication of the revised *Manual on Human Rights Reporting*.¹⁰⁵⁵ By its decision 1998/252, the Economic and Social Council approved the request of the Commission on Human Rights to the Office of the High Commissioner for Human Rights to take the necessary measures to ensure that the revised *Manual on Human Rights Reporting* would be translated into all the official languages of the United Nations by 31 December 2000 at the latest.

401. Finally, the General Assembly called on the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, 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 on the Rights of the Child, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the study was being prepared with a view

to identifying duplication of reporting required under those instruments.¹⁰⁵⁶

b. *Reporting procedures under each Committee*

Committee on Economic, Social and Cultural Rights

402. During the period under review, the Economic and Social Council, concerned that meeting arrangements for the Committee on Economic, Social and Cultural Rights no longer permitted the Committee to discharge fully its responsibilities under the International Covenant on Economic, Social and Cultural Rights and Council resolution 1985/17 in an efficient manner, (a) approved the holding of two additional three-week extraordinary sessions of the Committee, as well as two additional one-week meetings of the pre-session working group in 2000 and 2001, respectively, provided that additional funding was made available; (b) requested that the sessions be used entirely for the consideration of reports of the States parties in order to reduce the backlog of reports; and (c) requested the Committee to consider ways and means to improve the efficiency of its working methods and to report to the Council in 2001 on the actions taken in that regard.¹⁰⁵⁷

403. 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. The Assembly noted with concern the critical situation with regard to overdue reports from States parties to the International Covenants on Human Rights¹⁰⁵⁸ and urged States parties to fulfil in good time such reporting obligations under those Covenants as may be requested and to make use of gender-disaggregated data in their reports.¹⁰⁵⁹ 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 and the observations made by the Committee at the conclusion of the consideration of the reports. It further requested the Secretary-General to consider ways and means of assisting States parties to the Covenant in the

¹⁰⁵² Ibid.

¹⁰⁵³ Ibid.

¹⁰⁵⁴ G A resolutions 50/170 and 51/87.

¹⁰⁵⁵ G A resolutions 52/118 and 53/138.

¹⁰⁵⁶ G A resolutions 51/87, 52/118 and 53/138.

¹⁰⁵⁷ E S C decision 1999/287.

¹⁰⁵⁸ G A resolution 50/171.

¹⁰⁵⁹ G A resolutions 50/171, 52/116 and 54/157.

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.¹⁰⁶⁰

404. Domestic application of the Covenant on Economic, Social and Cultural Rights was examined by the Committee on Economic, Social and Cultural Rights at its nineteenth session in 1998.¹⁰⁶¹ According to the Committee, while the Covenant did not formally oblige States to incorporate its provisions into domestic law, such an approach was desirable. Direct incorporation would avoid problems that might arise in the translation of treaty obligations into national law, and would provide a basis for the direct invocation of the Covenant rights by individuals in national courts. For those reasons, the Committee strongly encouraged formal adoption or incorporation of the Covenant into national law. In general, legally binding international human rights standards should operate directly and immediately within the domestic legal system of each State party, thereby enabling individuals to seek enforcement of their rights before national courts and tribunals. In that respect, the rule requiring the exhaustion of domestic remedies reinforced the primacy of national remedies. For the Committee, the existence and further development of international procedures for the pursuit of individual claims was important, but such procedures were ultimately only supplementary to effective national remedies. The approach of States to the Covenant depended significantly upon the approach adopted to treaties in general in the domestic legal order.

405. According to the Committee, it was generally accepted that domestic law should be interpreted as far as possible in a way which conformed to a State's international legal obligations. Thus, when a domestic decision maker was faced with a choice between an interpretation of domestic law that would place the State in breach of the Covenant and one that would enable the State to comply with the Covenant, international law required choosing compliance with

¹⁰⁶⁰ Ibid.

¹⁰⁶¹ See HRI/GEN/1/Rev.8, Committee on Economic, Social and Cultural Rights, general comment No. 9: The domestic application of the Covenant on Economic, Social and Cultural rights, pp. 55-59.

the Covenant. Guarantees of equality and non-discrimination should be interpreted, to the greatest extent possible, in ways which facilitated the full protection of economic, social and cultural rights. Finally, the Committee requested that States parties provide details of any significant jurisprudence from their domestic courts that made use of the provisions of the Covenant.¹⁰⁶²

Human Rights Committee

406. With regard to 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 those States parties that had not yet done so to submit their reports as speedily as possible.¹⁰⁶³

407. 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, as well as the views adopted by the Committee under the first Optional Protocol to the International Covenant on Civil and Political Rights.¹⁰⁶⁴ It 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.

408. The General Assembly invited the Committee to identify specific needs of States parties that might be addressed through the advisory services and technical assistance programme of the Centre for Human Rights of the Secretariat, with the possible participation of members of the Committee where appropriate. It also welcomed the continuing effort of the Committee to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights and appealed to other bodies dealing with similar human rights questions to respect those

¹⁰⁶² Ibid.

¹⁰⁶³ G A resolutions 50/171, 52/116 and 54/157.

¹⁰⁶⁴ G A resolutions 52/116 and 54/157.

uniform standards, as expressed in the general comments of the Human Rights Committee.¹⁰⁶⁵

409. The General Assembly also noted with concern the critical situation with regard to overdue reports from States parties to the International Covenants on Human Rights¹⁰⁶⁶ and urged States parties to fulfil in good time such reporting obligations under the International Covenants on Human Rights as may be requested and to make use of gender-disaggregated data in their reports.¹⁰⁶⁷ It also invited States parties to give particular attention to the dissemination at the national level of the reports that they had submitted to the Committees, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of their consideration of the reports.¹⁰⁶⁸

410. The Assembly requested the Secretary-General to consider ways and means of assisting States parties to the International Covenants on Human Rights 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.¹⁰⁶⁹

411. The continuity of obligations of States parties was examined by the Human Rights Committee at its sixty-first session in 1997.¹⁰⁷⁰ According to the Committee, the International Covenant on Civil and Political Rights did not contain any provision regarding its termination and did not provide for denunciation or withdrawal. Consequently, the possibility of termination, denunciation or withdrawal should be considered in the light of applicable rules of customary international law which were reflected in the Vienna Convention on the Law of Treaties. On that basis, the Covenant was not subject to denunciation or withdrawal unless it had been established that the parties intended to admit the possibility of denunciation or withdrawal or a right to do so was

implied from the nature of the treaty. That the parties to the Covenant did not admit the possibility of denunciation and that it was not a mere oversight on their part to omit reference to denunciation was demonstrated by the fact that article 41 (2) of the Covenant did permit a State party to withdraw its acceptance of the competence of the Committee to examine inter-State communications by filing an appropriate notice to that effect while there was no such provision for denunciation of or withdrawal from the Covenant itself.¹⁰⁷¹

412. For the Committee it was clear that the Covenant was not the type of treaty which, by its nature, implied a right of denunciation. Together with the simultaneously prepared and adopted International Covenant on Economic, Social and Cultural Rights, the Covenant codified in treaty form the universal human rights enshrined in the Universal Declaration of Human Rights. As such, the Covenant did not have a temporary character typical of treaties where a right of denunciation was deemed to be admitted, notwithstanding the absence of a specific provision to that effect. The rights enshrined in the Covenant belonged to the people living in the territory of the State party. The Committee had consistently taken the view, as evidenced by its long-standing practice, that once the people were accorded the protection of the rights under the Covenant, such protection devolved with territory and continued to belong to them, notwithstanding change in government of the State party, including dismemberment in more than one State or State succession or any subsequent action of the State party designed to divest the people of the rights guaranteed by the Covenant. The Committee was therefore firmly of the view that international law did not permit a State which had ratified, acceded or succeeded to the Covenant to denounce it or withdraw from it.¹⁰⁷²

Committee on the Elimination of Racial Discrimination

413. The General Assembly was concerned that the amendment to the Convention on the Elimination of All Forms of Racial Discrimination regarding the financing of the Committee on the Elimination of Racial Discrimination, as decided at the fourteenth meeting of States parties to the International

¹⁰⁶⁵ G A resolution 50/171.

¹⁰⁶⁶ Ibid.

¹⁰⁶⁷ G A resolutions 50/171, 52/116 and 54/157.

¹⁰⁶⁸ Ibid.

¹⁰⁶⁹ Ibid.

¹⁰⁷⁰ See HRI/GEN/1/Rev.8, Human Rights Committee, general comment No. 26: Continuity of obligations, pp. 212-213.

¹⁰⁷¹ Ibid.

¹⁰⁷² Ibid.

Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992 and endorsed by the General Assembly in its resolution 47/111, had not yet entered into force.¹⁰⁷³ It urged States parties to accelerate their domestic ratification procedures with regard to that amendment and expeditiously notify the Secretary-General in writing of their agreement to it.¹⁰⁷⁴ It welcomed efforts of the Secretary-General to ensure interim financial arrangements for the financing of the expenses incurred by the Committee and requested him to continue to ensure adequate financial arrangements and appropriate means to enable the functioning of the Committee.¹⁰⁷⁵

414. The Assembly commended the Committee on the Elimination of Racial Discrimination for its work with regard to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and its contribution to the preparation for the Third Decade to Combat Racism and Racial Discrimination.¹⁰⁷⁶ It encouraged the Committee to contribute fully to the implementation of the Third Decade and its revised Programme of Action, including by the continued collaboration and flow of information between the Committee and the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.¹⁰⁷⁷

415. Furthermore, the General Assembly encouraged the use by the Committee of innovative procedures for reviewing the implementation of the Convention in those States the reports of which were overdue and the formulation of concluding observations on reports of States parties to the Convention.¹⁰⁷⁸ It called on States parties to fulfil their obligations under article 9, paragraph 1, of the Convention; to submit in due time their periodic reports on measures taken to implement the Convention; and to pay their outstanding

contributions.¹⁰⁷⁹ It also expressed its concern over the fact that a large number of reports were overdue and continued to be overdue, in particular initial reports, which constituted an obstacle to the full implementation of the Convention. It encouraged the Secretariat to extend technical assistance, upon request, in the preparation of reports, to those States the reports of which were seriously overdue.¹⁰⁸⁰

Committee on the Elimination of Discrimination against Women

416. During the period under review, the General Assembly noted that the number of reports to the Committee had increased as a result of the growing number of States parties to the Convention and that the annual session of the Committee had been the shortest of all the annual sessions of the human rights treaty bodies, thus creating a considerable backlog of reports submitted but not considered¹⁰⁸¹ and approved the request made by the Committee and supported by the States parties to the Convention for additional meeting time so as to enable the Committee to hold two sessions annually, each of three weeks' duration, preceded by a pre-session working group, for an interim period starting in 1997.¹⁰⁸²

417. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women¹⁰⁸³ deals with communications which may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State party. According to article 8, if the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention, the Committee shall invite that State party to cooperate in the examination of the information and to that end to submit observations with regard to the information concerned. In taking into account any observations that may have been submitted by the State party concerned, as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an

¹⁰⁷³ G A resolution 50/137.

¹⁰⁷⁴ G A resolutions 50/137, 50/170, 51/80, 52/110 and 53/131.

¹⁰⁷⁵ G A resolutions 50/137, 51/80, 52/110 and 53/131.

¹⁰⁷⁶ Ibid.

¹⁰⁷⁷ Ibid.

¹⁰⁷⁸ Ibid.

¹⁰⁷⁹ G A resolutions 50/137, 50/170, 51/80, 52/110 and 53/131.

¹⁰⁸⁰ G A resolution 53/131.

¹⁰⁸¹ G A resolution 51/68.

¹⁰⁸² Ibid. See also G A resolutions 53/118 and 54/137.

¹⁰⁸³ G A resolution 54/4, annex, especially arts. 2-12. See also in the present study, paras. 287 and 288.

inquiry and to report urgently to the Committee. Where warranted and with the consent of the State party, the inquiry may include a visit to its territory; each State party may, at any time, declare that it recognizes or does not recognize the competence of the Committee provided for in articles 8 and 9.

418. As previously mentioned, the Committee on the Elimination of Discrimination against Women¹⁰⁸⁴ at its fourteenth session in 1995, recommended that the States parties favourably consider amending article 20 of the International Convention on the Elimination of Discrimination against Women in respect of the meeting time of the Committee, so as to allow it to meet annually for such duration as was necessary for the effective performance of its functions under the Convention, with no specific restriction except for any that the General Assembly should decide. It recommended also that the General Assembly, pending the completion of an amendment process, authorize the Committee to meet exceptionally in 1996 for two sessions, each of three weeks' duration and each being preceded by meetings of pre-session working groups. It further recommended that the meeting of States parties receive an oral report from the chairperson of the Committee on the difficulties faced by the Committee in performing its functions; finally it recommended that the Secretary-General make available to the States parties at their meeting all relevant information on the workload of the Committee and comparative information in respect of the other human rights treaty bodies.

419. The General Assembly approved the resolution regarding amendment of article 20, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, which had been adopted by the States parties to the Convention on 22 May 1995,¹⁰⁸⁵ and urged States parties to the Convention to take appropriate measures so that acceptance by a two-thirds majority of States parties could be reached as soon as possible in order for that amendment to enter into force.¹⁰⁸⁶

¹⁰⁸⁴ See HRI/GEN/1/Rev.8, Committee on the Elimination of Discrimination against Women, General recommendation No. 22: Amending article 20 of the Convention on the Elimination of All Forms of Discrimination against Women, pp. 317 and 318.

¹⁰⁸⁵ G A resolution 50/202.

¹⁰⁸⁶ G A resolutions 50/202, 51/68, 53/118 and 54/137.

420. The Assembly invited States parties to the Convention to make all possible efforts to submit their reports on the implementation of the Convention in accordance with article 18 thereof and with the guidelines provided by the Committee on the Elimination of Discrimination against Women and to cooperate fully with the Committee in the presentation of their reports;¹⁰⁸⁷ it also invited States parties to the Convention to include information in their reports on measures taken to implement the Platform for Action of the Fourth World Conference on Women.¹⁰⁸⁸ It encouraged the Secretariat to extend technical assistance to States parties, on their request, in the preparation of reports, in particular initial reports, and invited Governments to contribute to those efforts.¹⁰⁸⁹ It welcomed the submission of reports by specialized agencies, at the invitation of the Committee, on the implementation of the Convention in areas falling within the scope of their activities and the contribution of non-governmental organizations to the work of the Committee.¹⁰⁹⁰ The Assembly further noted the elaboration and adoption by the Committee, at its twentieth session, of general recommendation 24 on article 12 of the Convention, on women and health.¹⁰⁹¹ It emphasized the need to ensure adequate financing and staff support for the effective functioning of the Committee, including for the dissemination of information.¹⁰⁹²

Committee against Torture

421. 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 that context, the General Assembly urged all States parties to the Convention to notify the Secretary-General as soon as possible of their acceptance of the amendments approved by the States parties and the General Assembly in its resolution 47/111 with regard to articles 17 and 18 of the Convention¹⁰⁹³ and requested the Secretary-General to continue to take the

¹⁰⁸⁷ G A resolutions 51/68, 53/118 and 54/137.

¹⁰⁸⁸ G A resolution 53/120.

¹⁰⁸⁹ G A resolutions 53/118 and 54/137.

¹⁰⁹⁰ Ibid.

¹⁰⁹¹ G A resolution 54/137. See also in the present study, paras. 312 and 313.

¹⁰⁹² G A resolutions 53/118 and 54/137.

¹⁰⁹³ G A resolutions 50/170, 51/86, 53/139 and 54/156.

necessary measures to ensure that the Committee meet as scheduled until the amendment entered into force.¹⁰⁹⁴

422. The General Assembly also urged States parties to comply strictly with their obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including their obligation to submit reports in accordance with article 19 of the Convention, in view of the high number of reports not submitted,¹⁰⁹⁵ and invited States parties, when submitting reports to the Committee, to incorporate a gender perspective¹⁰⁹⁶ and information concerning children and juveniles.¹⁰⁹⁷ It expressed its gratitude and appreciation to the Governments, organizations and individuals that had already contributed to the United Nations Voluntary Fund for Victims of Torture.¹⁰⁹⁸

423. At its sixteenth session in 1996,¹⁰⁹⁹ the Committee against Torture made its first general comment on the implementation of article 3 of the Convention in the context of article 22 (Refoulement and communications). The Committee noticed that most of the individual communications received under that article in previous years had to do with cases of persons under an order of expulsion, return or extradition who alleged that they would have been in danger of being subjected to torture if they were expelled, returned or extradited. The Committee felt that some guidance should be given to the States parties and to the authors of communications to enable them to apply correctly the provisions of article 3 in the context of the procedure set forth in article 22 of the Convention.

424. According to the Committee, application of article 3 was confined to cases where there were substantial grounds for believing that the author would be in danger of being subjected to torture, as defined in article 1 of the Convention. The Committee was of the

view that the phrase “another State” in article 3 referred to the State to which the individual concerned was being expelled, returned or extradited, as well as to any State to which the author might subsequently be expelled, returned or extradited. Pursuant to article 1, the criterion mentioned in article 3, paragraph 2, of “a consistent pattern or gross, flagrant or mass violations of human rights” referred only to violations by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

425. The Committee was of the opinion that it was the responsibility of the author to establish a prima facie case for the purpose of admissibility of his or her communication under article 22 of the Convention by fulfilling each of the requirements of rule 107 of the rules of procedure of the Committee. With respect to the application of article 3 of the Convention to the merits of a case, the burden was on the author to present an arguable case. This meant that there should be a factual basis for the author’s position sufficient to require a response from the State party. Bearing in mind that the State party and the Committee were obliged to assess whether there were substantial grounds for believing that the author would be in danger of being subjected to torture were he/she to be expelled, returned or extradited, the risk of torture should be assessed on grounds that would go beyond mere theory or suspicion. However, the risk did not have to meet the test of being highly probable. For the Committee, the author should establish that he/she would be in danger of being tortured and that the grounds for so believing were substantial in the way described, and that such danger was personal and present. All pertinent information might be introduced by either party to bear on this matter.¹¹⁰⁰

Committee on the Rights of the Child

426. During the period under review, the General Assembly called on States parties to take appropriate measures urgently so that acceptance of the amendment to paragraph 2 of article 43 of the Convention on the Rights of the Child by a two-thirds majority of States parties could be reached as soon as possible in order for the amendment to enter into force, thus increasing

¹⁰⁹⁴ G A resolution 50/170.

¹⁰⁹⁵ G A resolutions 51/86, 53/139 and 54/156.

¹⁰⁹⁶ G A resolution 53/139.

¹⁰⁹⁷ G A resolution 54/156.

¹⁰⁹⁸ G A resolutions 51/86, 53/139 and 54/156.

¹⁰⁹⁹ See HRI/GEN/1/Rev.8, Committee against Torture, general comment No. 1: Implementation of article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the context of article 22 (Refoulement and communications), pp. 346-348.

¹¹⁰⁰ Ibid.

the membership of the Committee from 10 to 18 experts.¹¹⁰¹

427. The General Assembly called on States parties to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee, and to include information on the situation and the needs of children with disabilities, including disaggregated data, and on the measures taken to ensure for such children their enjoyment of the rights under the Convention,¹¹⁰² and encouraged States parties to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention.¹¹⁰³

428. The Assembly encouraged States parties to the Convention, in preparing their reports to the Committee, to bear in mind the problems of street children and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of those children, in accordance with article 45 of the Convention.¹¹⁰⁴ It encouraged the Committee, UNICEF and other relevant bodies, to pay particular attention to the conditions of migrant children in all States and, as appropriate, to make recommendations to strengthen their protection.¹¹⁰⁵

429. The Assembly also requested the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee and took note of the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention.¹¹⁰⁶ It welcomed the efforts by the Committee in the area of child labour, took note of its recommendations and encouraged the Committee as well as other relevant human rights treaty bodies, within their respective mandates, to continue to monitor that growing problem when examining the reports of States parties.¹¹⁰⁷ It welcomed the increased attention given by the Committee to the realization of the highest attainable standards of health

and access to health care and to the rights of children affected by HIV/AIDS.¹¹⁰⁸

(b) *Special mechanisms and procedures*

430. During the period under review, special mechanisms and procedures continued to be established, especially through country and thematic mandates. Further to the situation in countries covered by the previous *Supplement to the Repertory*,¹¹⁰⁹ the human rights situation in Burundi, the Democratic Republic of the Congo (former Zaire), East Timor, Lebanon, and Nigeria was examined during the period under review and nine new thematic mandates were established.

(i) *Country mandates*

431. 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.

Equatorial Guinea

432. In conformity with its previous practice,¹¹¹⁰ the Economic and Social Council approved the request of the Commission on Human Rights to renew for one year the mandate of the Special Rapporteur on the situation of human rights in Equatorial Guinea¹¹¹¹ and approved the Commission's request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the discharge of his mandate.¹¹¹² The Council also approved the Commission's request to the Office of the United Nations High Commissioner for Human Rights to establish a technical cooperation programme for strengthening the national capacities of Equatorial Guinea in the field of human rights, and further approved the Commission's request to the same Office and for the Special Rapporteur to continue technical

¹¹⁰¹ G A resolutions 50/153, 51/77, 52/107, 53/128 and 54/149.

¹¹⁰² G A resolutions 52/107 and 53/128.

¹¹⁰³ Ibid. See also G A resolution 54/149.

¹¹⁰⁴ G A resolutions 50/153, 51/77, 52/107 and 53/128.

¹¹⁰⁵ G A resolution 54/149.

¹¹⁰⁶ G A resolutions 52/107, 53/128 and 54/149.

¹¹⁰⁷ G A resolutions 52/107 and 53/128.

¹¹⁰⁸ G A resolutions 52/107, 53/128 and 54/149.

¹¹⁰⁹ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 483-522. It should be noted that the situation of human rights in Chile, Estonia, Kuwait, Latvia and South Africa, was not discussed during the period under review.

¹¹¹⁰ Ibid., para. 486.

¹¹¹¹ E S C decisions 1995/282, 1996/273, 1997/275 and 1998/268.

assistance projects in partnership with the Government of Equatorial Guinea and in cooperation with UNDP and other United Nations agencies working in the field of human rights.¹¹¹³

Afghanistan

433. 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.¹¹¹⁴ The Assembly expressed its deep concern over the intensification of armed hostilities and the numerous and consistent reports of human rights abuses and violations of humanitarian law and human rights. It urged all the Afghan parties to work with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the cessation of armed confrontation and the eventual establishment of a democratic Government elected through free and fair elections based on the right to self-determination of the people of Afghanistan.¹¹¹⁵ It also called for the unconditional and simultaneous release of all prisoners of war, wherever they might be held, and called on the Afghan authorities to investigate thoroughly the fate of those persons who had disappeared during the conflict, to provide sufficient and effective remedies for the victims of grave violations of human rights and accepted humanitarian rules, and to bring their perpetrators to trial in accordance with international standards. It strongly urged all parties to the conflict to take all necessary measures to ensure the safety of all personnel of humanitarian organizations and representatives of the media in Afghanistan and finally invited the United Nations to offer, upon request of the Afghan authorities and with due regard for 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.¹¹¹⁶

¹¹¹² E S C decisions 1995/282, 1997/275 and 1998/268.

¹¹¹³ E S C decisions 1997/275 and 1999/233. See also E/CN.4/1995/68, E/CN.4/1996/67, E/CN.4/1997/54, E/CN.4/1998/73 and E/CN.4/1999/41.

¹¹¹⁴ See, e.g., A/50/567, A/51/481, A/52/453, A/53/539, annex, and A/54/422.

¹¹¹⁵ G A resolutions 50/189, 51/108, 52/145, 53/165 and 54/185.

¹¹¹⁶ *Ibid.*

434. In its resolution 53/165, the General Assembly invited the Secretary-General and the United Nations High Commissioner for Human Rights to proceed without delay to fully investigate reports of mass killings of prisoners of war and civilians, rape and other cruel treatment in Afghanistan and to give consideration to the proposal to deploy human rights observers and to make detailed recommendations to that effect to the General Assembly. In a subsequent resolution,¹¹¹⁷ the Assembly invited them to ensure that the ongoing process of deployment of the civilian affairs observers in Afghanistan would be completed as soon as possible and that gender issues and the rights of children were fully taken into account in their mission.

435. Throughout the period under review, the Assembly called on all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan and to refrain from interfering in that country's internal affairs. It also continued to urge the authorities in Afghanistan to extend their cooperation to the Commission on Human Rights and its Special Rapporteur. It also decided to keep the situation of human rights in that country under consideration, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.¹¹¹⁸

436. The Economic and Social Council adopted two resolutions related to the situation of women and girls in Afghanistan,¹¹¹⁹ in which it condemned the continuing violations of the human rights of women and girls, including all forms of discrimination against them, in all areas of Afghanistan, particularly in areas under the control of the Taliban. It urged all the Afghan parties, in particular the Taliban, to bring to an end without delay all violations of the human rights of women and girls; it also urged States to continue to pay special attention to the promotion and protection of the human rights of women in Afghanistan and to mainstream a gender perspective into all aspects of their policies and actions related to Afghanistan. Finally, it called on the Special Rapporteur to pay special attention to the human rights of women and

¹¹¹⁷ G A resolution 54/185. See also E S C decision 1999/226.

¹¹¹⁸ G A resolutions 50/189, 51/108, 52/145, 53/165 and 54/185. See also E S C decisions 1995/285, 1996/280, 1997/273, 1998/267 and 1999/226.

¹¹¹⁹ E S C resolutions 1998/9 and 1999/14.

girls and fully incorporate a gender perspective in his work.

Islamic Republic of Iran

437. With respect to the human rights situation in the Islamic Republic of Iran, the General Assembly took note of the interim reports of the Special Representative of the Commission on Human Rights,¹¹²⁰ welcomed the cooperation extended by the Government of the Islamic Republic of Iran to the Special Representative, who had been able to conduct a preliminary visit to the country, and decided to continue the examination of the human rights situation in that country in the light of additional elements provided by the Commission and the Economic and Social Council.¹¹²¹

438. Nonetheless, the Assembly expressed its concern over violations of human rights in that country and urged the Government of the Islamic Republic of Iran, as a State party to the International Covenants on Human Rights, to abide by its freely undertaken obligations under the Covenants and other international instruments on human rights and to ensure that all individuals within its territory and subject to its jurisdiction, including members of religious groups and persons belonging to minorities, enjoyed all the rights enshrined in those instruments.¹¹²²

439. In its resolution 51/107, the General Assembly welcomed the cooperation extended by the Government of the Islamic Republic of Iran to the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief and the Special Rapporteur of that Commission on freedom of opinion and expression, who had been able to visit that country. Bearing in mind the reports of those Special Rapporteurs on their visits,¹¹²³ the General Assembly called on that Government to implement fully the conclusions and recommendations of those Special Rapporteurs. In subsequent

resolutions,¹¹²⁴ it expressed concern over the lack of continuity in the cooperation of the Government with the mechanisms of the Commission on Human Rights and called on it to resume its cooperation with those mechanisms, in particular with the Special Representative by allowing him to continue his inquiry.

440. The Assembly noted with interest that presidential elections had been held in the Islamic Republic of Iran in 1997. It called on the Government to meet expectations for tangible progress concerning human rights and fundamental freedoms of all individuals¹¹²⁵ and welcomed the commitment made by the Government of the Islamic Republic of Iran to promote respect for the rule of law and more open debate on issues of governance and human rights.¹¹²⁶

441. The Assembly further welcomed the needs assessment mission to the Islamic Republic of Iran undertaken by the Office of the United Nations High Commissioner for Human Rights at the invitation of the Government, as well as its invitation to the Working Group on Enforced or Involuntary Disappearances to visit the country. It expressed the hope that the visit would take place soon. It further welcomed the efforts undertaken by the Government of the Islamic Republic of Iran to investigate the cases of disappearance and the killing of intellectuals and political activists, and called on the Government to continue its efforts to investigate the cases fully in due process of law and to bring the perpetrators to justice.¹¹²⁷

El Salvador

442. With regard to the situation of human rights in El Salvador, the General Assembly welcomed the continued commitment of the Government and people of El Salvador to the consolidation of the peace process. It paid tribute to the accomplishments of the Mission of the United Nations in El Salvador, under the authority of the Secretary-General and his Special Representative, and called on Member States and international institutions to continue to provide the Government and people of El Salvador with assistance and to lend support to the efforts of the Mission for the

¹¹²⁰ See A/50/661, A/51/479 and Add.1, A/52/472, annex, A/53/423 and Corr.1, annex, and A/54/365.

¹¹²¹ G A resolutions 50/188, 51/107, 52/142, 53/158 and 54/177.

¹¹²² Ibid.

¹¹²³ E/CN.4/1996/95/Add.2 and E/CN.4/1996/39/Add.2.

¹¹²⁴ G A resolutions 52/142, 53/158 and 54/177. See also E S C decisions 1995/279, 1996/287, 1997/264, 1998/273 and 1999/228.

¹¹²⁵ G A resolution 52/142.

¹¹²⁶ G A resolution 53/158.

¹¹²⁷ G A resolution 54/177.

purposes of peacebuilding and development.¹¹²⁸ The Assembly also welcomed the progress made towards a society characterized by democracy, the rule of law and respect for human rights.¹¹²⁹

Myanmar

443. The General Assembly expressed its appreciation to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim reports¹¹³⁰ and to the Secretary-General for his reports.¹¹³¹ It deplored the continued violations of human rights in that country and strongly urged the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation. It strongly urged the Government of Myanmar to take all appropriate measures 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 democratically elected representatives. It encouraged the Government of Myanmar to create the necessary conditions to ensure an end to the movement of refugees to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration in conditions of safety and dignity. It also strongly urged the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, and the protection of the rights of persons belonging to ethnic and religious minorities and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions.¹¹³²

444. Throughout the period under review, the General Assembly called on the Government of Myanmar to implement fully the recommendations made by the

¹¹²⁸ G A resolutions 50/7 and 51/199.

¹¹²⁹ G A resolution 51/199. See E/CN.4/1995/157, E/CN.4/1995/88 and A/51/917.

¹¹³⁰ See A/50/568, A/51/466, A/52/484, annex, A/53/364, annex, and A/54/440, annex.

¹¹³¹ See A/50/782, A/51/660, A/52/587, A/53/657 and A/54/499.

¹¹³² G A resolutions 50/194, 51/117, 52/137, 53/162 and 54/186.

Special Rapporteur. It also encouraged that Government to engage in a broader and more regular dialogue with the Secretary-General and to facilitate access by his representative to all sectors of society in Myanmar.¹¹³³

Iraq

445. With respect to the situation of human rights in Iraq, the General Assembly took note with appreciation of the interim reports of the human rights situation in Iraq¹¹³⁴ that had been submitted by the Special Rapporteur of the Commission on Human Rights, and the observations, conclusions and recommendations contained therein, noting that there had been no improvement in the human rights situation in the country. The Assembly expressed strong condemnation of the massive and extremely grave violations of human rights for which the Government of Iraq was responsible. It expressed its condemnation with regard to the violations of human rights and international humanitarian law and deplored the refusal of the Government of Iraq to cooperate with the United Nations human rights mechanisms, in particular by receiving a return visit of the Special Rapporteur to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights. Finally, it demanded that the Government of Iraq restore the independence of the judiciary, abrogate all laws granting impunity to specified forces or persons killing or injuring individuals and urged that Government to put an end without delay to the continuing enforced displacement of persons on discriminatory grounds.¹¹³⁵

Haiti

446. With regard to the human rights situation in Haiti, the General Assembly took note with appreciation of the reports of the independent expert of the Commission on Human Rights¹¹³⁶ and expressed its thanks for the efforts of the Secretary-General¹¹³⁷ and

¹¹³³ Ibid. See also E S C decisions 1995/283, 1996/285, 1997/272, 1998/261 and 1999/231.

¹¹³⁴ See A/50/734, A/51/496 and Add.1, A/52/476, A/53/433 and A/54/466.

¹¹³⁵ G A resolutions 50/191, 51/106, 52/141, 53/157 and 54/178. See also E S C decisions 1995/286, 1996/277, 1997/269, 1998/263 and 1999/229.

¹¹³⁶ See A/50/714, E/CN.4/1996/94, E/CN.4/1997/89, A/52/499, A/53/355, annex and A/54/366.

¹¹³⁷ See A/50/548, A/50/861, A/50/861 Add.1 and 2, A/51/703, A/52/687, A/53/564 and A/54/625.

his Special Representative for Haiti in favour of the consolidation of democratic institutions in Haiti and the respect for human rights in that country. The Assembly welcomed the establishment of the programme of technical cooperation prepared by the Centre for Human Rights of the Secretariat, which was aimed at strengthening institutional capacity in the field of human rights, particularly in the areas of legislative reform, training for justice administration personnel and human rights education. It also welcomed the satisfactory evolution of the political process in Haiti and the holding of presidential elections on 17 December 1995, which permitted the first transfer of power between two democratically elected Presidents. It further expressed its concern about persistent security challenges to Haitian society caused, *inter alia*, by difficult economic and social conditions, which threatened progress in the field of human rights and democratic stability in the country.¹¹³⁸

447. In 1998, the General Assembly noted with satisfaction the operationalization of the Office of the Ombudsman by the Government of Haiti and invited the United Nations High Commissioner for Human Rights to contribute to its strengthening through a programme of technical cooperation, so that it might develop into a national institution for the promotion of human rights, open to wide participation by civil society.¹¹³⁹

448. In its resolution 54/187, the General Assembly commended UNDP for its technical assistance to the Haitian National Police and the penitentiary system and called on the Government of Haiti to continue its structural reforms of the police and the judicial systems and improvement of the prison sector, to investigate properly politically motivated crimes and prosecute perpetrators of such crimes in accordance with Haitian law, to take vigorous action to eliminate any continuing human rights violations, including illegal arrests and detentions and to ensure due process within a reasonable time.

449. Finally, the General Assembly welcomed Economic and Social Council resolution 1999/11, which, *inter alia*, emphasized the need to establish the necessary mechanisms to develop on a priority basis a long-term strategy and programme of support for Haiti.

¹¹³⁸ G A resolutions 50/196, 51/110 and 52/138.

¹¹³⁹ G A resolution 53/159.

At the request of the President of Haiti, it decided to establish the International Civilian Support Mission in Haiti to consolidate the results achieved by the International Civilian Mission in Haiti, the United Nations Civilian Police Mission in Haiti and previous United Nations missions, in order to support, *inter alia*, the democratization process and assist the Haitian authorities with the development of democratic institutions and the efforts of the Government of Haiti aimed at the full observance of human rights and fundamental freedoms.¹¹⁴⁰

Cuba

450. The General Assembly expressed concern about continuing serious violations of human rights and fundamental freedoms in Cuba, the majority of which were violations of civil and political rights, as outlined in the interim report on the situation of human rights in Cuba that had been submitted to the General Assembly by the Special Rapporteur.¹¹⁴¹ It called on the Government of Cuba to cooperate fully with the Special Rapporteur by permitting him full and free access to establish contact with the Government and the citizens of Cuba so that he might fulfil the mandate entrusted to him.¹¹⁴² The Assembly urged the Government of Cuba to ensure freedom of expression and assembly and called on it to adopt measures proposed by the Special Rapporteur to bring the observance of human rights in Cuba into conformity with international law and international human rights instruments and to end all violations of human rights.

Sudan

451. The General Assembly expressed its deep concern about reports of grave human rights violations in the Sudan, particularly summary executions, detention without trial, forced displacement of persons and torture, as described in 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 execution and the Special Rapporteur on the question

¹¹⁴⁰ G A resolution 54/193. See also G A resolutions 50/86, 50/86 B, 50/86 C, 51/196, 52/174, 53/95 and 54/193 and E S C decisions 1995/281, 1996/269, 1997/262 and 1999/248.

¹¹⁴¹ See A/50/663, annex, A/51/460, annex, and A/52/479, annex.

¹¹⁴² G A resolutions 50/198, 51/113 and 52/143. See also E S C decisions 1995/277, 1996/275 and 1997/271.

of religious intolerance and the interim reports of the Special Rapporteur on the situation of human rights in the Sudan.¹¹⁴³ The Assembly urged the Government of the Republic of the Sudan to investigate without delay the cases of slavery, servitude, slave trade, forced labour and similar practices brought to its attention and to take all appropriate measures to put an immediate end to those practices. It deplored the continuing refusal of the Government to cooperate in any manner with the Special Rapporteur and the unacceptable threats against his person; it called on that Government to extend its full and unreserved cooperation to the Special Rapporteur on the situation of human rights in the Sudan and to the thematic Special Rapporteurs, and to assist them in the ongoing discharge of their mandates and, to that end, to take all necessary steps to ensure that the Special Rapporteurs had free and unlimited access to the whole territory of the Sudan and to any person in it with whom they wished to meet, with no threats or reprisals.¹¹⁴⁴

452. The General Assembly welcomed, inter alia, the visits by the Special Rapporteur on the elimination of all forms of religious intolerance and of discrimination based on religion or belief and that of the Special Rapporteur to the Sudan in February 1999 at the invitation of the Government of that country and the excellent cooperation extended by the Government in that regard. It also welcomed the visit to the Sudan in March 1999 by the Special Representative of the Secretary-General for Children and Armed Conflict; the cooperation extended by the Government to the needs assessment mission of the Office of the United Nations High Commissioner for Human Rights in September 1999.¹¹⁴⁵ Nevertheless, the Assembly expressed its deep concern over (a) the impact of the armed conflict on the situation of human rights and its adverse effects on the civilian population and (b) violations of human rights in areas under the control of the Government of the Sudan. It urged all parties to the continuing conflict in the Sudan, inter alia, to respect and protect human rights and fundamental freedoms; to stop immediately the use of weapons, including landmines, against the civilian

population; and to grant safe and unhindered access to international agencies and humanitarian organizations. Finally, it called on the Government to comply fully with its obligations under the international human rights instruments to which the Sudan was a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law.¹¹⁴⁶

Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia

453. Concerning the situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, the General Assembly commended both the former and the current Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and the Human Rights Field Operation in the former Yugoslavia for their continuing efforts and noted that the presence of the Special Rapporteur could be a positive factor towards reducing the instances of all human rights violations in the region.¹¹⁴⁷ The Assembly expressed its outrage at the instances of massive and systematic violations of human rights and humanitarian law. It demanded that all parties refrain from any action intended to destroy, alter, conceal or damage any evidence of violations of human rights and international humanitarian law and that they preserve such evidence. It expressed its complete support for the victims of violations of human rights and international humanitarian law, recognized the right of refugees and displaced persons freely to return to their homes of origin in safety and dignity.¹¹⁴⁸ It further expressed its outrage that the systematic practice of rape had been used as a weapon of war against women and children and as an instrument of "ethnic cleansing" and recognized that rape in that context constituted a war crime.¹¹⁴⁹ It also noted with concern that many of the previous recommendations of the Special Rapporteur 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, in particular the calls of those Special Rapporteurs. Finally, it called on all

¹¹⁴³ See A/50/569, annex, A/51/490, E/CN.4/1996/62, A/51/490, E/CN.4/1996/62, A/52/510, annex, and A/54/467, annex.

¹¹⁴⁴ G A resolutions 50/197, 51/112 and 52/140. See also E S C decisions 1995/287, 1996/278, 1997/268, 1998/264 and 1999/230.

¹¹⁴⁵ G A resolutions 51/112, 52/140 and 54/182.

¹¹⁴⁶ See, e.g., G A resolution 54/182.

¹¹⁴⁷ See E/CN.4/1998/63, E/CN.4/1999/42, E/CN.4/2000/39, A/53/322 and A/54/396.

¹¹⁴⁸ G A resolutions 50/193, 51/116, 52/147, 53/163 and 54/184.

¹¹⁴⁹ See also G A resolutions 50/192 and 51/115.

parties and States in the region to ensure that the promotion of human rights, including the fulfilment of their respective human rights obligations by the Parties to the General Framework Agreement for Peace in Bosnia and Herzegovina, as well as the strengthening of national institutions, would be a central element in the civilian structure implementing that Agreement.¹¹⁵⁰

Occupied Arab territories, including Palestine

454. In its resolution 51/132, the General Assembly reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, (Fourth Geneva Convention) of 12 August 1949, was applicable to the occupied Palestinian territories, including Jerusalem, and other Arab territories occupied by Israel since 1967. The Assembly also called on all States parties to that Convention, in accordance with article 1 common to the four Geneva Conventions, to exert all efforts in order to ensure respect for its provision by Israel, the occupying Power, in the occupied Palestinian territories, including Jerusalem, and other Arab territories occupied by Israel since 1967.¹¹⁵¹

Somalia

455. Concerning the situation of human rights in Somalia, the Economic and Social Council approved the request of the Commission on Human Rights for the independent expert to report¹¹⁵² to the Commission, within her mandate, and approved also the Commission's request to the Secretary-General to provide adequate resources to fund the advisory services and technical cooperation activities of the independent expert, the Centre for Human Rights of the Secretariat and the Office of the United Nations High Commissioner for Human Rights.¹¹⁵³

¹¹⁵⁰ G A resolutions 50/193, 51/116, 52/147, 53/163 and 54/184. See also E S C decisions 1995/264, 1995/290, 1996/276, 1997/266, 1998/272 and 1999/232.

¹¹⁵¹ See G A resolutions 50/29 A to D, 51/131 and 51/134. See *Repertory, Supplement No. 8*, vol. IV, under Article 55, para. 514. See also the reports of the Special Rapporteur E/CN.4/1994/4, E/CN.4/1995/19, E/CN.4/1996/18, E/CN.4/1997/16, E/CN.4/1998/17 and E/CN.4/1999/24.

¹¹⁵² See E/CN.4/1996/14 and Add.1, E/CN.4/1997/88, E/CN.4/1998/96, E/CN.4/1999/103 and Add.1.

¹¹⁵³ E S C decisions 1995/272, 1996/268, 1997/258 and 1999/246.

Cambodia

456. The General Assembly took note of the reports submitted by the Special Representative of the Secretary-General for human rights in Cambodia¹¹⁵⁴ and welcomed the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia.¹¹⁵⁵ The Assembly welcomed the efforts made by the Government of Cambodia to promote and protect human rights, in particular in the essential area of creating a functioning system of justice, but expressed grave concern about the atrocities that continued to be committed by the Khmer Rouge and the serious violations of human rights. It called on the Government of Cambodia to prosecute, in accordance with the due process of the law and international standards relating to human rights, all those who had perpetrated human rights violations and ensure the full observance of human rights for all persons within its jurisdiction in accordance with the International Covenants on Human Rights and other human rights instruments to which Cambodia was a party. It further noted with concern the lack of response by the Government of Cambodia to several of the recommendations contained in the previous reports of the Special Representative and urged that it respond as soon as possible.¹¹⁵⁶

457. The Assembly welcomed the holding of national elections by the Government of Cambodia on 26 July 1998 and its efforts to ensure the safety of national and international observers of the elections. It also welcomed the appointment by the Secretary-General, in response to the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law by the Khmer Rouge, of a group of experts to evaluate the existing evidence and propose further measures as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability.¹¹⁵⁷

458. The Economic and Social Council in its decision 1997/259¹¹⁵⁸ approved the request of the Commission on Human Rights to the Secretary-General through the

¹¹⁵⁴ A/50/681/Add.1, E/CN.4/1997/85 and E/CN.4/1998/95.

¹¹⁵⁵ G A resolutions 50/178, 51/98, 52/135, 53/145 and 54/171.

¹¹⁵⁶ *Ibid.*

¹¹⁵⁷ G A resolution 53/145.

¹¹⁵⁸ E S C decision 1995/271.

Special Representative of the Secretary-General for Human Rights in Cambodia, in collaboration with the Centre for Human Rights of the Secretariat, to assist the Government of Cambodia in ensuring the protection of human rights of all people in Cambodia, and to examine any request by the Government for assistance in responding to past serious violations of Cambodian and international law as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability.¹¹⁵⁹

Kosovo

459. The General Assembly strongly condemned the measures and practice of discrimination and the violations of the human rights of ethnic Albanians in Kosovo committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro). It then urged those authorities, inter alia, to take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, to release all political prisoners, to allow the establishment of genuine democratic institutions in Kosovo, to abrogate the official settlement policy as far as it was conducive to the heightening of ethnic tensions in Kosovo, to reopen the cultural and scientific institutions of ethnic Albanians and to pursue dialogue with the representatives of ethnic Albanians in Kosovo.¹¹⁶⁰ The Assembly also requested the Secretary-General to continue to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights¹¹⁶¹ and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the General Assembly. It welcomed the visits to Kosovo of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and her relevant reports, and called on her to continue to monitor closely the situation of human rights in Kosovo and to continue to pay due attention to that matter in her reporting.¹¹⁶²

¹¹⁵⁹ See also E S C decisions 1998/259 and 1999/247.

¹¹⁶⁰ G A resolutions 50/190, 51/111, 52/139, 53/164 and 54/183.

¹¹⁶¹ See E/CN.4/2000/7, E/CN.4/2000/10, A/50/767, A/51/556 and A/52/502.

¹¹⁶² G A resolutions 50/190, 51/111, 52/139, 53/164 and 54/183.

Rwanda

460. The General Assembly was deeply concerned by the reports of the Special Representative of the Commission on Human Rights on the human rights situation in Rwanda¹¹⁶³ and of the United Nations High Commissioner for Human Rights,¹¹⁶⁴ according to which genocide and systematic, widespread and flagrant violations of international humanitarian law, including crimes against humanity and grave violations and abuses of human rights, were committed in Rwanda. It condemned in the strongest terms the acts of genocide, violations of international humanitarian law and all violations and abuses of human rights that occurred during the tragedy in Rwanda, especially following the events of 6 April 1994. It recognized that effective action should be taken by all States concerned to ensure that the perpetrators of genocide and crimes against humanity were promptly brought to justice. It urged all States concerned to cooperate fully with 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 and 31 December 1994.¹¹⁶⁵

461. The Assembly also encouraged the Government of Rwanda, in a spirit of national reconciliation, to intensify efforts to protect and promote respect for human rights and fundamental freedoms and to create an environment conducive to the realization of civil, political, economic, social and cultural rights and the voluntary and safe return of refugees to their homes. It further welcomed the cooperation that the Government of Rwanda had extended to the United Nations High Commissioner for Human Rights, the Special Rapporteur and the Human Rights Field Operation in Rwanda.¹¹⁶⁶

462. The Economic and Social Council¹¹⁶⁷ approved the Commission's request to the Secretary-General to take appropriate steps to ensure adequate financial and human resources for the delivery of programmes of

¹¹⁶³ A/52/522, annex.

¹¹⁶⁴ See A/50/743, annex, A/52/486, annex, and A/52/486/Add.1/Rev.1, annex.

¹¹⁶⁵ G A resolutions 50/200, 51/114, 52/146, 53/156 and 54/188.

¹¹⁶⁶ Ibid.

¹¹⁶⁷ E S C decisions 1995/292, 1996/281 and 1997/274.

technical assistance and advisory services, especially in the field of the administration of justice, as requested by the Government of Rwanda.¹¹⁶⁸ In its decision 1997/274, the Economic and Social Council approved the request of the Commission on Human Rights to the Chairman of the Commission to appoint a special representative with the mandate to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation and effective functioning of an independent national human rights commission in Rwanda and also to make recommendations concerning situations in which technical assistance to the Government of Rwanda in the field of human rights might be appropriate.¹¹⁶⁹

463. In its resolution 53/156, the General Assembly deeply regretted that no agreement could be reached on a new mandate for the Human Rights Field Operation in Rwanda, which consequently led to the withdrawal of the Field Operation from Rwanda on 28 July 1998. Although it welcomed the decision of the Government of Rwanda to create a national human rights commission, and urged the Government to take appropriate action to enable such a commission to be fully established and to begin functioning independently. It also welcomed the commitment of the Government of Rwanda to continue to promote national unity and reconciliation and further welcomed the establishment, by legislation, of the National Unity and Reconciliation Commission as a basis for the promotion of tolerance and non-discrimination.¹¹⁷⁰

Nigeria

464. The human rights situation in Nigeria was considered by the General Assembly during the period under review. It expressed its deep concern about violations of human rights and fundamental freedoms in the country and called on the Government of Nigeria urgently to ensure their observance and to take immediate and concrete steps to restore democratic rule. It regretted that the Government of Nigeria had not enabled the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country before presentation of their report to the General Assembly. It urged the Government of Nigeria to cooperate fully with (a) the

Special Rapporteurs during their joint investigative mission to Nigeria that had been mandated by the Commission on Human Rights and (b) the relevant mechanisms of the Commission.¹¹⁷¹

465. In its resolution 52/144, the General Assembly welcomed the decision of the Commission on Human Rights to appoint a Special Rapporteur on the situation of human rights in Nigeria and the note by the Secretary-General concerning the discharge of his good offices mandate.¹¹⁷² It requested the Secretary-General to report on the possibilities for the international community to offer practical assistance to Nigeria in achieving the restoration of democratic rule and the full enjoyment of human rights. The Assembly expressed its deep concern at the continuing grave violations of human rights and fundamental freedoms, as well as the failure of the Government of Nigeria to respect due process of law and its past refusal to cooperate with the Commission on Human Rights and its mechanisms.

466. By its resolution 53/161, the General Assembly took note of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Nigeria,¹¹⁷³ noted with satisfaction the concrete steps that had been taken to date to implement the programme of transition, and looked forward to further measures in that regard. The Assembly stressed that the establishment and the strengthening of national structures and institutions in the field of human rights were of the utmost importance for the promotion and protection of human rights in Nigeria. It called on all States and the organizations of the United Nations system to support generously the ongoing transitional process in Nigeria, in particular the electoral process and the strengthening of national capacity in the field of human rights, and to respond positively to request for technical assistance and advisory services. Finally, it welcomed the invitation extended to the Special Rapporteur to visit the country.

467. As for the Economic and Social Council, it approved the request of the Commission on Human Rights to the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions, who

¹¹⁶⁸ E S C decision 1995/292.

¹¹⁶⁹ See also E S C decisions 1998/266 and 1999/234.

¹¹⁷⁰ G A resolution 54/188.

¹¹⁷¹ G A resolutions 50/199 and 51/109.

¹¹⁷² A/52/688.

¹¹⁷³ See A/53/366 and Add.1.

had requested a joint investigative visit to Nigeria, to submit to the Commission a joint report on their findings, along with any observations of other relevant mechanisms, in particular those of the Working Group on Arbitrary Detention.¹¹⁷⁴

Burundi

468. With regard to the human rights situation in Burundi, the General Assembly urged all political parties, military leaders, the media and civil society to dissociate themselves from extremist forces, to reject all extremism and all ethnic or political fanaticism, to settle disputes through negotiation and dialogue and to unite in order to bring about national reconciliation and respect for human rights. It expressed its conviction concerning the need to increase preventive action in Burundi without delay, in particular through the presence of human rights experts and through human rights training programmes, in full cooperation with the Government of Burundi.¹¹⁷⁵

Guatemala

469. The General Assembly welcomed the reports of the Secretary-General on 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,¹¹⁷⁶ and called on the Government of Guatemala to take effective action to implement the recommendations contained in the third and fourth reports of the Director of the Mission and to comply fully with their commitments under the Comprehensive Agreement on Human Rights and with the human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples. It urged the parties and all sectors of Guatemalan society to strengthen further the efforts towards consensus-building, reconciliation and development, with particular attention to the most vulnerable sectors of society. It further welcomed the progress made in implementing the peace agreements, in particular the previously adopted constitutional reforms, and stressed the need to ensure their broad acceptance by

¹¹⁷⁴ E S C decisions 1996/284, 1997/263 and 1998/262.

¹¹⁷⁵ G A resolution 50/159. See E S C decisions 1995/291, 1996/254, 1997/280, 1998/274 and 1999/227. See also A/50/541, A/51/459, A/52/505, A/53/490, E/CN.4/1995/66, E/CN.4/1996/16 and Add.1, E/CN.4/1997/12 and E/CN.4/1998/72.

¹¹⁷⁶ A/50/881, A/51/695-S/1996/998, A/52/554, A/52/946 and A/53/853, annex.

referendum. Finally, it called on the Government to follow up on the recommendations of the Guatemalan Commission for Historical Clarification, with a view to promoting national reconciliation, upholding the right to truth and providing redress, in accordance with Guatemalan law, for the victims of human rights abuses and violence committed during the 36-year armed conflict.¹¹⁷⁷

Lebanon

470. As for the human rights situation in Lebanon, the Economic and Social Council¹¹⁷⁸ approved the request of the Commission on Human Rights to the Secretary-General to bring those resolutions to the attention of the Government of Israel and to invite that Government to provide information concerning the extent of its implementation thereof, and to report to the General Assembly and the Commission.¹¹⁷⁹

Democratic Republic of the Congo

471. As for the human rights situation in the Democratic Republic of the Congo (formerly Zaire), the General Assembly took note of the reports of the Special Rapporteur on the situation there,¹¹⁸⁰ and of the Investigative Team of the Secretary-General charged with investigating serious violations of human rights and international humanitarian law in the Democratic Republic of the Congo.¹¹⁸¹ The Assembly expressed its concern over the deterioration of the human rights situation in that country, which was aggravated by the ongoing conflict and the continuing violations of human rights and international humanitarian law; it urged all parties to the conflict to take the necessary measures to prevent those violations. It welcomed the expressed commitment of the Government of the Democratic Republic of the Congo to reforming and restoring the efficacy of the judicial system and called on the Government to take all necessary measures in that regard. It also welcomed the activities of the Human Rights Field Office in the Democratic Republic

¹¹⁷⁷ G A resolutions 50/220, 51/198, 52/175, 53/93 and 54/99. See also E S C decisions 1995/268, 1996/270 and 1997/261.

¹¹⁷⁸ E S C resolutions 1995/67, 1996/68 and 1997/55.

¹¹⁷⁹ E S C decisions 1995/278 and 1996/274.

¹¹⁸⁰ E/CN.4/1996/66, E/CN.4/1997/6 and Add.1 and 2; E/CN.4/1998/65 and Corr.1, E/CN.4/1999/31, E/CN.4/2000/43, A/53/365 and A/54/361.

¹¹⁸¹ *Official Records of the Security Council, Fifty-third Year, Supplement for April, May and June 1998*, document S/1998/581, annex.

of the Congo and encouraged the Government to extend full cooperation for its operations. However, it regretted the Government's lack of cooperation with the Special Rapporteur and urged the Government to allow the Special Rapporteur to visit the country.¹¹⁸²

472. In its resolution 54/179, the General Assembly welcomed the two visits of the Special Rapporteur to the Democratic Republic of the Congo in February and in August/September 1999, which were undertaken at the invitation of the Government, and the cooperation of the Government in that regard. It also welcomed the appointment of the Minister of Human Rights within the Government and expressed the hope that that appointment would contribute to an improvement of the human rights situation. Nevertheless, the Assembly expressed its concern over the adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population; the preoccupying situation of human rights, in particular in the eastern parts of the country, and the continuing violations of human rights and international humanitarian law. It called on the Government of the Democratic Republic of the Congo, *inter alia*, to comply with its obligations under international human rights law, to promote and protect human rights and fundamental freedoms throughout its entire territory and to fulfil its responsibility to ensure that those responsible for human rights violations were brought to justice.¹¹⁸³

473. As for the Economic and Social Council, it endorsed the decision of the Commission on Human Rights to request the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to investigate allegations of massacres and other issues affecting human rights that arose from the situation prevailing in the eastern region of the country since 1996. It also requested the United Nations High Commissioner for Human Rights to facilitate the activities of the joint mission, in order to accelerate its

work, and to provide appropriate technical expertise to enable the mission to fulfil its mandate.¹¹⁸⁴

East Timor

474. In its decision 1999/293, the Economic and Social Council endorsed the call of the Commission on Human Rights for the Secretary-General of the United Nations to establish an international commission of inquiry in cooperation with the Indonesian National Commission on Human Rights and thematic Rapporteurs,¹¹⁸⁵ in order to gather and systematically compile information on possible violations of human rights and acts that might constitute breaches of international humanitarian law committed in East Timor since the announcement in January 1999 of the vote; to provide the Secretary-General with its conclusions with a view to enabling him to make recommendations on further action; and to make the report of the commission of inquiry available to the Security Council, the General Assembly and the Commission on Human Rights. The Council also took note of the decision of the Commission to request the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Representative of the Secretary-General on internally displaced persons, the Special Rapporteur on violence against women, its causes and consequences, and the Working Group on Enforced or Involuntary Disappearances to carry out missions to East Timor and report on their findings to the Commission and the General Assembly. Finally, it requested the United Nations High Commissioner for Human Rights to prepare a comprehensive programme of technical cooperation in the field of human rights, in cooperation with other United Nations activities, focusing especially on capacity-building and reconciliation with a view to achieving a durable solution to the problems in East Timor.

(ii) *Thematic mandates*

475. The Economic and Social Council made recommendations concerning the status of special rapporteurs. In decision 1998/297, it noted that a difference of opinion had arisen between the United Nations and the Government of Malaysia, regarding the meaning of section 30 of the Convention on the

¹¹⁸² G A resolutions 53/160 and 54/179.

¹¹⁸³ See also E S C decisions 1995/280, 1996/282, 1997/267, 1998/260 and 1999/244.

¹¹⁸⁴ See E S C decisions 1997/267 and 1999/244.

¹¹⁸⁵ See E/CN.4/1995/72, E/CN.4/1996/56, E/CN.4/1997/51, E/CN.4/1998/58, E/CN.4/1999/28, E/CN.4/2000/15 and A/54/660.

Privileges and Immunities of the United Nations,¹¹⁸⁶ with respect to the immunity from legal process of Dato' Param Cumaraswamy, the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers. The Council 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), an advisory opinion of 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 Dato' Param Cumaraswamy as Special Rapporteur of the Commission on Human Rights.¹¹⁸⁷ In its resolution 1999/64, the Economic and Social Council expressed its appreciation to the International Court of Justice for having given the advisory opinion on 29 April 1999, which stated, inter alia, that article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations was applicable in the case of Dato' Param Cumaraswamy as Special Rapporteur of the Commission on Human Rights, who had to be regarded as an expert on mission.

476. By its decision 1997/250,¹¹⁸⁸ the Economic and Social Council approved the request of the Commission on Human Rights to the Secretary-General to ensure, in implementing the United Nations budget for the biennium, the availability of the resources necessary for the effective implementation of all human rights thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs, representatives, experts and working groups by the appropriate United Nations organs.

477. In conformity with previous practice,¹¹⁸⁹ during the period under review thematic mandates were implemented by the renewal of old mandates and the creation of new mandates.

Renewal of mandates

478. During the period under review, the Economic and Social Council approved the renewal of the following thematic mandates: the Special Rapporteur on the sale of children, child prostitution and child

pornography;¹¹⁹⁰ the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;¹¹⁹¹ the Working Group on the Right to Development;¹¹⁹² 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;¹¹⁹³ the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;¹¹⁹⁴ the Working Group on Enforced or Involuntary Disappearances;¹¹⁹⁵ the Representative of the Secretary-General on internally displaced persons;¹¹⁹⁶ the Special Rapporteur on extrajudicial, summary or arbitrary executions;¹¹⁹⁷ the Special Rapporteur on traditional practices affecting the health of women and children;¹¹⁹⁸ the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;¹¹⁹⁹ the Special Rapporteur on the right to freedom of opinion and expression;¹²⁰⁰ the Special Rapporteur on the independence of judges and lawyers;¹²⁰¹ the Special Rapporteur on violence against women, its causes and consequences;¹²⁰² human rights and extreme poverty;¹²⁰³ the Working Group on Arbitrary Detention;¹²⁰⁴ the Special Rapporteur on the protection of the heritage of indigenous people;¹²⁰⁵ the Working Group on Minorities;¹²⁰⁶ and the Independent Expert on the effects of structural adjustment policies on the full enjoyment of human rights.¹²⁰⁷

Creation of new mandates

479. During the period under review, the Economic and Social Council endorsed the decisions of the Commission on Human Rights and the Sub-

¹¹⁸⁶ G A resolution 22 A (I).

¹¹⁸⁷ E S C decision 1998/297.

¹¹⁸⁸ See also E S C decision 1998/270.

¹¹⁸⁹ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 526-528.

¹¹⁹⁰ E S C resolution 1995/36 and decision 1998/271.

¹¹⁹¹ E S C decisions 1995/254 and 1998/241.

¹¹⁹² E S C decisions 1995/258 and 1998/269.

¹¹⁹³ E S C decisions 1995/260 and 1998/245.

¹¹⁹⁴ E S C decisions 1995/265 and 1998/254.

¹¹⁹⁵ E S C decisions 1995/266 and 1998/255.

¹¹⁹⁶ E S C decisions 1995/273 and 1998/257.

¹¹⁹⁷ E S C decisions 1995/284 and 1998/265.

¹¹⁹⁸ E S C decisions 1995/300, 1997/284 and 1999/249.

¹¹⁹⁹ E S C decision 1996/259 and resolution 1999/12.

¹²⁰⁰ E S C decisions 1996/266 and 1999/238.

¹²⁰¹ E S C decision 1997/246.

¹²⁰² E S C decision 1997/255.

¹²⁰³ E S C decision 1998/250.

¹²⁰⁴ E S C decision 1997/260.

¹²⁰⁵ E S C decision 1997/287.

¹²⁰⁶ E S C resolution 1995/31 and decision 1998/246.

¹²⁰⁷ E S C decisions 1996/289, 1997/283, 1998/276 and 1999/251.

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 the possibility of developing basic principles and guidelines about those rights. New thematic mandates were created on the following human rights issues: adverse effects on the enjoyment of human rights of the illicit movement and dumping of toxic and dangerous products and wastes;¹²⁰⁸ human rights and income distribution;¹²⁰⁹ systematic rape and sexual slavery during periods of armed conflict;¹²¹⁰ indigenous land rights;¹²¹¹ effects of foreign debt on the full enjoyment of economic, social and cultural rights;¹²¹² the right to education;¹²¹³ human rights and terrorism;¹²¹⁴ human rights of migrants;¹²¹⁵ and the concept and practice of affirmative action.¹²¹⁶

**** (iii) *Communications procedures***

(c) *Office of the United Nations High Commissioner for Human Rights*

480. Further to the recommendations of the World Conference on Human Rights in its Vienna Declaration and Programme of Action¹²¹⁷ and the mandate entrusted to the High Commissioner for Human Rights by the General Assembly, the United Nations Human Rights Programme underwent extensive transformations. The following sections outline the major substantive and organizational developments during the period under review.

(i) *Substantive reform*

481. General Assembly resolution 48/141 created the post of the United Nations High Commissioner for Human Rights.¹²¹⁸ That resolution also provided that

the High Commissioner is to carry out his/her duties 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 and other international instruments of human rights and international law, and that he/she is to be guided by the recognition that all human rights — civil, political, economic, social and cultural — are universal, indivisible, interdependent and interrelated.

482. In December 1996, the General Assembly adopted the medium-term plan for the Organization for the period 1998-2001, setting out priorities and objectives, among which was the promotion of human rights.¹²¹⁹ The specific objectives of the plan on human rights issues included, inter alia, enhancement of international cooperation to improve respect for human rights at the national level, through universal ratification of human rights treaties and their incorporation into domestic legislation, and the adoption by the United Nations system of a comprehensive and integrated approach to the promotion and protection of human rights.

483. In his Programme for Reform,¹²²⁰ the Secretary-General also stressed that human rights were integral to the promotion of peace and security, economic development and social equity and that a major task for the United Nations was to enhance its human rights programme and fully integrate it into the broad range of the Organization's activities. Pursuant to that reform, a number of United Nations agencies and funds adopted a human rights-based approach to their development cooperation and activities.

484. The creation of the Office of United Nations High Commissioner for Human Rights, the medium-term plan for the period 1998-2001 and the Programme for Reform of the Secretary-General relating to mainstreaming human rights into the substantive areas of the Organization's work programme, raised the world's expectations and increased the pressure on that Office, which was already confronted with financial and human constraints hindering its ability to respond

¹²⁰⁸ E S C decision 1995/288. See also E S C decision 1998/242.

¹²⁰⁹ E S C decision 1995/295.

¹²¹⁰ E S C decision 1996/291. See also E S C decision 1999/252.

¹²¹¹ E S C decision 1997/289.

¹²¹² E S C decision 1998/249.

¹²¹³ E S C decision 1998/253.

¹²¹⁴ E S C decision 1998/278.

¹²¹⁵ E S C decision 1999/239.

¹²¹⁶ E S C decision 1999/253.

¹²¹⁷ See A/CONF.157/23.

¹²¹⁸ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 530-535.

¹²¹⁹ See A/51/6/Rev.1. See also E/CN.4/1998/122, paras. 21-27.

¹²²⁰ See the report of the Secretary-General entitled "Renewing the United Nations: Programme for Reform", A/51/950.

properly to the requests of Governments or the concerns of victims of human rights violations.¹²²¹

485. Pursuant to General Assembly recommendations, the High Commissioner elaborated the 1995 programme of work of the Office on the basis of three main principles, namely international cooperation at all levels; a comprehensive and integrated approach to the promotion and protection of human rights; and the participation of all actors in the programmes, plans and projects to promote human rights at the international, national and local levels.¹²²² The policy of that Office was adjusted as from 1999 to reflect those principles through strategies designed to support the efforts of Governments and to promote regional and international cooperation for the promotion and protection of human rights. Particular attention has been given to national strategies and systems, the mainstreaming of human rights into development activities, the development of a universal culture of respect for human rights through education and public awareness activities, efforts for the protection of human rights, implementation of the rights of the child, promoting equality and combating discrimination, responding to emerging problems affecting the enjoyment of human rights and harnessing the energies of new actors in the global search to uphold respect for human rights.¹²²³

486. The United Nations High Commissioner for Human Rights undertook a series of actions with a view to implementing the Secretary-General's Programme for Reform,¹²²⁴ including: a review of the technical cooperation programme; strengthening and coordinating the substantive and technical support afforded to legislative bodies; treaty monitoring committees; and the special procedures mechanisms. Within the reform framework, the Office of the United Nations High Commissioner for Human Rights also participated in the Organization's activities in conflicts, potential conflicts or post-conflict situations that had a human rights dimension, by pursuing its cooperation with the Department of Peacekeeping Operations, and through its own human rights field operations in a number of countries.¹²²⁵

¹²²¹ See A/54/36 and E/CN.4/2000/5, sect. III.

¹²²² See E/CN.4/1995/98, para. 7.

¹²²³ See E/CN.4/1999/9, para. 2.

¹²²⁴ See A/52/36.

¹²²⁵ The human rights field activities increased considerably from 1 activity in 1992 to 19 in 1999. See A/54/36, paras. 36-39.

487. The fiftieth anniversary of the Universal Declaration of Human Rights in 1998 provided an important opportunity for United Nations bodies, agencies and programmes, especially for the Office of the United Nations High Commissioner for Human Rights, to highlight their efforts to strengthen human rights around the world.¹²²⁶ That year also marked the five-year review of the implementation of the Vienna Declaration and Programme of Action.¹²²⁷ Those two events afforded the principal organs¹²²⁸ and the Office of the United Nations High Commissioner for Human Rights the opportunity to review the progress of the United Nations in the field of human rights. That review showed the significant increase in global expectations for the effective protection and promotion of human rights, in particular economic, social and cultural rights, and the growing gap between the needs of the human rights programme and the resources allocated thereto in the United Nations budget.

488. During the period under review, despite the chronicled resource constraints the Office of the High Commissioner for Human Rights succeeded in meeting a number of objectives assigned to it, such as strengthening administrative support for treaty bodies and special procedures, increasing human rights field presences, increasing technical cooperation projects, furnishing advisory assistance to Governments in adopting national plans of action for human rights and for the establishment and strengthening of independent and effective national institutions, developing regional cooperation on human rights, promoting economic, social and cultural rights and the right to development, promoting the rights of specific groups, including women, children, indigenous people, minorities and migrants, among others.¹²²⁹

489. The prevailing challenges to human rights protection, especially armed conflicts, extreme poverty and the adverse consequences of globalization, reinforced the commitment of the Office to work towards the realization of economic, social and cultural rights and the right to development through a two-fold

¹²²⁶ See A/53/36, paras. 19-32. See also G A resolution 53/168.

¹²²⁷ See E/CN.4/1998/104 and Corr.1 and 2, E/CN.4/1999/9 and E/1998/60 and Corr.1. See also G A resolution 53/166.

¹²²⁸ See G A resolutions 53/168 and 53/166 and E/1998/60 and E/1999/83.

¹²²⁹ See A/54/36.

strategy: on one hand, enhancing its capacity-building programme with Governments, United Nations agencies, regional institutions, civil society organizations and the corporate sector;¹²³⁰ on the other, addressing in a systematic manner the issue of cooperation and coordination of the work of the human rights bodies and mechanisms competent in this field.¹²³¹

(ii) *Organizational reform*

490. Another significant aim of the above-mentioned reform of the Secretary-General was to provide the human rights programme with a solid institutional basis for ensuring effective and efficient action.¹²³²

491. It may be recalled that the Centre for Human Rights of the Secretariat, as an organizational structure, was established by the Secretary-General in 1982 in response to a request by the General Assembly to consider redesignating the then "Division of Human Rights" as the Centre for Human Rights. That decision was taken within the scope of the administrative authority of the Secretary-General under the Charter of the United Nations. Hence, the administrative arrangements proposed by the Secretary-General to increase the efficiency of the Secretariat enabled it to respond to new and challenging requirements of the General Assembly. At that juncture, the imperatives linked to the implementation of the Vienna Programme of Action, the medium-term plan, the High Commissioner's mandate and efficient management of resources supported the idea of a unified Secretariat structure servicing the human rights programme.¹²³³

492. In 1995, the High Commissioner initiated a process aimed at restructuring the programme of work and the organization of the Centre for Human Rights; that process was completed by September 1996.¹²³⁴ In conformity with the objectives of the reform programme of the United Nations,¹²³⁵ the Office of the United Nations High Commissioner for Human Rights and the Centre for Human Rights were consolidated into a single body in 1997: the Office of the United Nations High Commissioner for Human Rights.¹²³⁶ The

Secretary-General's bulletin approving the new structure of the Office of the United Nations High Commissioner for Human Rights¹²³⁷ clarified the responsibilities of the High Commissioner, who was accountable to the Secretary-General and responsible for all the activities and the administration of the Office of the United Nations High Commissioner for Human Rights, as well as for carrying out the functions, specifically assigned to him/her by the General Assembly in its resolution 48/141.¹²³⁸

(d) *Advisory services and technical cooperation*

493. During the period under review, advisory services and technical cooperation continued to be implemented through different approaches to assist countries in promoting and protecting all human rights at the national and regional levels.

494. In many instances, the General Assembly requested the Secretary-General to give high priority to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights,¹²³⁹ It also requested that priority be given to such requests for assistance on minority issues, including the prevention and resolution of disputes,¹²⁴⁰ as well as on democratization activities related to human rights concerns, including 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.¹²⁴¹

495. The General Assembly encouraged States and Governments to make full use of the technical assistance offered by the United Nations programmes of advisory services and technical assistance in order to strengthen national capacities and infrastructure in the field of the administration of justice,¹²⁴² in the field of the promotion and protection of the right to freedom

¹²³⁰ See E/1999/96.

¹²³¹ See A/54/36, paras. 59-75.

¹²³² See A/51/950, paras. 78-79 and A/52/584, paras. 23-26.

¹²³³ A/52/584.

¹²³⁴ See A/C.5/50/71. See also A/51/36, paras. 118 and 119.

¹²³⁵ A/51/950, para. 79.

¹²³⁶ See A/52/36, para. 8.

¹²³⁷ See ST/SGB/1997/10. See also ST/SGB/1997/5 and E/CN.4/1998/122, paras. 36 and 37.

¹²³⁸ See ST/SGB/1997/10, para. 3.2.

¹²³⁹ G A resolutions 50/176, 52/128 and 54/176.

¹²⁴⁰ G A resolutions 50/180, 51/91, 52/123 and 54/162.

¹²⁴¹ G A resolutions 50/185, 52/129 and 54/173.

¹²⁴² See e.g., G A resolutions 50/181 and 52/124.

of thought, conscience and religion;¹²⁴³ in their initiatives aimed at improving the situation of children living and/or working on the streets, in accordance with article 45 of the Convention on the Rights of the Child;¹²⁴⁴ and in organizing information 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.¹²⁴⁵

496. The General Assembly, bearing in mind that, in its resolution 48/141, it had entrusted the United Nations High Commissioner for Human Rights with, *inter alia*, providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights, noted that the programme of advisory services and technical assistance did not have funds sufficient to furnish 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.¹²⁴⁶ The Assembly took note with interest of the proposals contained in the reports of the Secretary-General¹²⁴⁷ for strengthening the programme of advisory services and technical assistance of the Centre for Human Rights of the Secretariat in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States to strengthen their institutions which upheld the rule of law. It also took note of the cooperation between UNDP and the Office of the United Nations High Commissioner for Human Rights in providing technical assistance, at the request of States, in the promotion of the rule of law. The Assembly encouraged the High Commissioner to continue to explore the possibility of further contact with and support of financial institutions, acting within their mandates, with a view to obtaining the technical and financial means to strengthen the capacity of her Office to provide national projects with assistance thereby enabling them to realize human rights and

maintain the rule of law. It requested the Secretary-General to submit a report to the General Assembly on the results of the contacts established in accordance with those resolutions, as well as on any other developments pertaining to the implementation of the pertinent recommendation of the World Conference on Human Rights.¹²⁴⁸

497. The General Assembly welcomed the efforts of the United Nations High Commissioner for Human Rights to contribute to the creation of an environment viable for the return of people in post-conflict societies through broad-based programmes of human rights education and the strengthening of local non-governmental organizations through programmes of advisory services and technical cooperation.¹²⁴⁹

498. The Economic and Social Council approved the requests of the Commission on Human Rights to the Secretary-General, in accordance with section II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights as an advisory body, to ensure more efficient management of the Voluntary Fund, strict and transparent project management rules, periodical evaluations of the programme and projects, and the dissemination of evaluation results, including programme implementation and financial accounting reports. It also approved the request to arrange for the holding of annual information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme.¹²⁵⁰ It approved also the Commission's request to the Board of Trustees to continue to exercise its full mandate as an advisory body to promote and solicit contributions to the Voluntary Fund and to continue to assist the United Nations High Commissioner for Human Rights in monitoring, reviewing and improving the implementation of technical cooperation projects, the conduct of comprehensive needs assessments and the monitoring of ongoing projects and evaluation of completed ones.¹²⁵¹

¹²⁴³ G A resolutions 50/183, 51/93, 52/122, 53/140 and 54/159.

¹²⁴⁴ G A resolutions 50/153, 51/77, 52/107, 53/128 and 54/149.

¹²⁴⁵ G A resolutions 51/102 and 53/148.

¹²⁴⁶ G A resolutions 50/179, 51/96, 52/125 and 53/142.

¹²⁴⁷ A/51/555, A/52/475 and A/53/309.

¹²⁴⁸ G A resolutions 50/179, 51/96, 52/125 and 53/142. See also E S C decisions 1995/270 and 1996/267.

¹²⁴⁹ G A resolutions 50/182, 52/132 and 54/180.

¹²⁵⁰ E S C decision 1995/269.

¹²⁵¹ E S C decision 1997/257.

499. Throughout the period under review, the Economic and Social Council also continued to approve the requests of the Commission on Human Rights to the Secretary-General to appoint or extend the mandate of experts assisting some Governments in the field of human rights and to provide those experts with all necessary support. Some countries benefited from that expertise, including for example Afghanistan,¹²⁵² Cambodia,¹²⁵³ East Timor,¹²⁵⁴ Equatorial Guinea,¹²⁵⁵ Guatemala,¹²⁵⁶ Haiti,¹²⁵⁷ Rwanda¹²⁵⁸ and Somalia.¹²⁵⁹

(e) *National and regional institutions or mechanisms for the protection and promotion of human rights*

National institutions

500. 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. The General Assembly welcomed the growing interest shown worldwide in the creation and strengthening of independent and pluralistic national institutions and encouraged Member States to establish or, where they already existed, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action. The Assembly noted the role of the coordinating committee created by national institutions at the second International Workshop on National Institutions for the Promotion and Protection of Human Rights in close cooperation with the Centre for Human Rights of the Secretariat to assist Governments and institutions, when requested, to

¹²⁵² See E S C decision 1997/273, 1998/267 and 1999/226. See also G A resolutions 50/189, 51/108, 52/145, 53/165 and 54/185.

¹²⁵³ See E S C decisions 1997/259, 1998/259 and 1999/247. See also G A resolutions 50/178, 51/98, 52/135, 53/145 and 54/171.

¹²⁵⁴ E S C decision 1999/293.

¹²⁵⁵ E S C decisions 1997/275 and 1999/233.

¹²⁵⁶ E S C decisions 1996/270 and 1997/261. See also G A resolutions 50/220, 51/198, 52/175, 53/93 and 54/99.

¹²⁵⁷ E S C decisions 1996/269, 1997/262 and 1999/248. See also G A resolutions 50/196, 51/110, 52/138 and 53/159.

¹²⁵⁸ E S C decisions 1995/292, 1996/281 and 1997/274. See also G A resolutions 50/200, 51/114, 52/146, 53/156 and 54/188.

¹²⁵⁹ See, e.g., E S C decisions 1996/268 and 1997/258.

follow up on relevant resolutions and recommendations concerning the strengthening of national institutions.¹²⁶⁰

501. In subsequent resolutions,¹²⁶¹ it welcomed the high priority given by the Office of the United Nations High Commissioner for Human Rights to the work on national institutions, encouraged the High Commissioner to ensure that appropriate arrangements were made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, and invited Governments to contribute additional, earmarked funds for that purpose to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights.

502. Furthermore, the role of national human rights institutions in the protection of economic, social and cultural rights was examined by the Committee on Economic, Social and Cultural Rights at its nineteenth session in 1998.¹²⁶² The Committee noted that national institutions had a potentially crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights. Unfortunately, that role too often either had not been accorded to national institutions or had been neglected or given a low priority. It was therefore essential that full attention be given to economic, social and cultural rights in all of the relevant activities of those institutions.

503. The Committee called on States parties to ensure that the mandates accorded to all national human rights institutions included appropriate attention to economic, social and cultural rights, and requested States parties to include details of both the mandates and the principal relevant activities of such institutions in their reports submitted to the Committee.¹²⁶³

National machinery for the advancement of women

504. During the period under review, the Economic and Social Council endorsed the agreed conclusions adopted by the Commission on the Status of Women which acknowledged that national machineries were

¹²⁶⁰ G A resolution 50/176.

¹²⁶¹ G A resolutions 52/128 and 54/176. See also E S C decisions 1996/265, 1997/253 and 1999/245.

¹²⁶² See HRI/GEN/1/Rev.8, Committee on Economic, Social and Cultural Rights, general comment No. 10: The role of national human rights institutions in the protection of economic, social and cultural rights, pp. 59 and 60.

¹²⁶³ Ibid.

necessary for the implementation of the Platform for Action and that for national machineries to be effective, clear mandates, location at the highest possible level, accountability mechanisms, partnership with civil society, a transparent political process, adequate financial and human resources and continued strong political commitment were crucial.¹²⁶⁴ Consequently, the Commission asked Governments to furnish continued strong political commitment to supporting the strengthening of national machineries and the advancement of women, to ensure that national machineries were placed at the highest possible level of government, to provide adequate and sustainable financial and human resources to national machineries and to structure appropriately the functions of national machineries at all levels in order to ensure effectiveness in gender mainstreaming.¹²⁶⁵

Regional arrangements for the promotion and protection of human rights

505. The General Assembly continued to reaffirm that regional arrangements played a fundamental role in promoting and protecting human rights and should reinforce standards of universal human rights, as contained in international human rights instruments, and their protection.¹²⁶⁶ It welcomed the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights and the Centre for Human Rights of the Secretariat in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular with regard to advisory services and technical assistance, public information and education, with a view to exchanging information and experience in the field of human rights.¹²⁶⁷ It welcomed the growing exchanges between the High Commissioner and the Centre for Human Rights and several regional intergovernmental organizations, as well as between the bodies created by the United Nations in accordance with the treaties dealing with human rights and relevant organizations and bodies, such as the Council of Europe and the African Commission on Human and Peoples' Rights. The Assembly invited States in areas where regional arrangements in the field of human

rights did not yet exist to consider concluding 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 countries of the different regions, at their request, under the programme of advisory services and to make, where necessary, relevant recommendations.¹²⁶⁸

506. Concerning regional arrangements in the Asian and Pacific region, the Economic and Social Council endorsed the substantive conclusions of the workshops on regional human rights arrangements in that region that such workshops should be organized regularly, with a view to facilitating the exchange of ideas and information regarding matters of common interest in the field of human rights, and further approved the request of the Commission on Human Rights to the Secretary-General to establish an open-ended team composed of representatives of interested Governments in that region and the Centre for Human Rights of the Secretariat, which could consult with non-governmental organizations and national institutions to facilitate the holding of workshops and the development of regional arrangements.¹²⁶⁹ The Council also approved the Commission's request to the Secretary-General to pay adequate attention to the countries in the Asian and Pacific region by allocating more resources from existing funds to enable the countries of that region to benefit from all the activities under the programme of advisory services and technical assistance in the field of human rights.¹²⁷⁰

(f) *Assistance to victims of human rights violations*

507. During the period under review, the assistance provided to victims of human rights violations consisted of assistance to victims of racism and all forms of racial discrimination, and that provided by the United Nations Fund for Victims of Torture and the United Nations Voluntary Fund for Indigenous Populations.

¹²⁶⁴ See e.g., E S C resolution 1999/17.

¹²⁶⁵ Ibid.

¹²⁶⁶ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 557 and 558.

¹²⁶⁷ G A resolutions 51/102, and 53/148.

¹²⁶⁸ Ibid.

¹²⁶⁹ See, e.g., E S C decisions 1995/267, 1996/271 and 1997/256.

¹²⁷⁰ Ibid.

Racism and racial discrimination

508. The General Assembly decided that the international community in general and the United Nations in particular should give the highest priority to programmes for combating racism and racial discrimination and should intensify their efforts during the Third Decade to Combat Racism and Racial Discrimination to provide assistance and relief to the victims of racism and all forms of racial discrimination. It strongly appealed to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, and requested the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions.¹²⁷¹

United Nations Voluntary Fund for Victims of Torture

509. The General Assembly expressed its gratitude and appreciation to the Governments, organizations and individuals that had already contributed to the United Nations Voluntary Fund for Victims of Torture. It appealed to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis and annually before the meeting of the Board of Trustees of the Fund and also if possible with a substantial increase in the level of contributions, so that consideration might be given to the ever-increasing demand for assistance. It requested the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and to ensure the provision of adequate staff and facilities for the bodies and mechanisms that combated torture and assisted victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture.¹²⁷² For its part, the Economic and Social Council approved the request of the Commission on Human Rights to the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds were pledged at the United Nations Pledging Conference for Development.¹²⁷³

¹²⁷¹ G A resolutions 50/136, 51/81, 52/111, 53/132 and 54/154.

¹²⁷² G A resolutions 51/86, 53/149 and 54/156.

¹²⁷³ E S C decision 1998/254.

United Nations Voluntary Fund for Indigenous Populations

510. In recalling its resolution 40/131 establishing the United Nations Voluntary Fund for Indigenous Populations, the General Assembly decided that that Fund should also be used to assist representatives of indigenous communities and organizations to participate in deliberations of the open-ended intersessional working group of the Commission on Human Rights, as well as in the deliberations of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It requested the Secretary-General to bring its resolutions to the attention of Member States and to invite them to consider contributing to the Fund.¹²⁷⁴

(g) *Public awareness-raising and human rights teaching*

511. Public awareness-raising and human rights teaching included public information and education in general, public information and education on specific issues and public information for the benefit of certain groups.

Public information and education in general

512. The General Assembly recalled that it was the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights¹²⁷⁵ and believed that the World Public Information Campaign on Human Rights was a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights, recalling the importance that the World Conference on Human Rights attached to human rights education and information. The General Assembly took note with appreciation of the report of the United Nations High Commissioner for Human Rights on the implementation of the Plan of Action for the United Nations Decade for Human Rights Education¹²⁷⁶ and of the reports of the Secretary-General on the development of public information activities in the field of human rights, including the World Public

¹²⁷⁴ G A resolutions 50/156 and 53/130.

¹²⁷⁵ See, e.g., G A resolution 50/177.

¹²⁷⁶ A/51/506, annex.

Information Campaign on Human Rights.¹²⁷⁷ It welcomed the efforts made by the United Nations High Commissioner for Human Rights together with the Department of Public Information of the Secretariat to increase cooperation with the media, including through the provision of timely and relevant information on human rights issues.¹²⁷⁸

513. The General Assembly encouraged the High Commissioner and the Centre for Human Rights of the Secretariat to continue to coordinate and harmonize human rights education and information strategies within the United Nations system and to continue the development of training courses and materials, including targeted training manuals for professional audiences, as well as the dissemination of human rights information materials, as a component of technical assistance projects, supplemented by electronic means wherever possible, taking particular account of the human rights needs of women, children, remote or isolated communities and persons with low levels of literacy.¹²⁷⁹ It requested the human rights treaties bodies, when examining reports of States parties, to place emphasis on the promotion and implementation of programmes of information and education on human rights and to reflect that emphasis in their concluding observations. It requested the Secretary-General, in cooperation with the High Commissioner and the Centre for Human Rights, to consider appropriate ways and means, including the possibility of establishing a voluntary fund, to support human rights activities, including those undertaken by non-governmental organizations, and invited the specialized agencies and relevant United Nations programmes and funds to contribute, within their respective spheres of competence, to the implementation of the Plan of Action for the United Nations Decade for Human Rights Education and the World Public Information Campaign on Human Rights and to cooperate closely with the Office of the United Nations High Commissioner for Human Rights in that regard.¹²⁸⁰

514. The General Assembly stressed the need for close collaboration between the Office of the United Nations High Commissioner for Human Rights and the Department of Public Information in the implementation

¹²⁷⁷ A/51/558, A/52/469 and Add.1, A/53/313 and A/54/399 and Add.1.

¹²⁷⁸ G A resolutions 51/104, 52/127, 53/153 and 54/161.

¹²⁷⁹ Ibid.

¹²⁸⁰ Ibid.

of the Plan of Action and the World Public Information Campaign on Human Rights, and the need to harmonize their activities with those of other international organizations, such as UNESCO, with regard to its project entitled "Towards a culture of peace", and the International Committee of the Red Cross and relevant non-governmental organizations with regard to the dissemination of information on international humanitarian law. Finally, it urged Governments and intergovernmental and non-governmental organizations to contribute to the midterm global evaluation of progress made towards the achievement of the objectives of the Decade for Human Rights Education to be undertaken by the Office of the United Nations High Commissioner for Human Rights in 2000, by providing appropriate information on steps taken in that regard.¹²⁸¹

515. With respect to article 15 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, the State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.¹²⁸² According to article 16, individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through such activities, as education, training and research in those areas in order to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.¹²⁸³

Public information and education on specific issues

516. With regard to the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, the General Assembly urged all States to continue to give widespread publicity to the Vienna Declaration and Programme of Action, including through training

¹²⁸¹ Ibid.

¹²⁸² G A resolution 53/144, annex, art. 15.

¹²⁸³ Ibid., art. 16.

programmes, human rights education and public information, in order to promote increased awareness of human rights and fundamental freedoms.¹²⁸⁴

517. With respect to racism and racial discrimination and in the context of the Third Decade to Combat Racism and Racial Discrimination, the General Assembly strongly underlined the importance of education as a significant means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, particularly among young people, and in that regard renewed its invitation to UNESCO to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities focused on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education.¹²⁸⁵

518. 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 that end, including the dissemination, as a matter of high priority, of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, by United Nations information centres, as well as by other interested bodies.¹²⁸⁶

519. Regarding national institutions for the promotion and protection of human rights, the Assembly affirmed the role of national institutions, where they existed, as appropriate agencies, inter alia, for the dissemination of human rights materials and public information activities, including those of the United Nations, and encouraged national institutions to play an active role in the celebrations marking the fiftieth anniversary of the Universal Declaration of Human Rights at the national and local levels.¹²⁸⁷

520. The General Assembly considered it important to continue its efforts to ensure the widest possible

dissemination of information on decolonization, with particular emphasis on the options of self-determination available for the peoples of Non-Self-Governing Territories.¹²⁸⁸

Public information for the benefit of certain groups

521. Regarding the rights of disabled persons, the General Assembly recalled the recognition by the World Summit for Social Development of the need to promote the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and encouraged the use of communications networks for the dissemination to the general public of those Rules, as well as the World Programme of Action concerning Disabled Persons and the Long-term Strategy to Implement the World Programme of Action concerning Disabled Persons to the year 2000 and Beyond. It encouraged Governments and intergovernmental and non-governmental organizations to take practical action, including public information campaigns by, for and with persons with disabilities, with a view to increase disability awareness and sensitivity to disability issues and to combating and overcoming discrimination against persons with disabilities and in order to further their full and effective participation in society.¹²⁸⁹

522. As for the elimination of discrimination against women, the General Assembly welcomed the operationalization of the Trust Fund in Support of Action to Eliminate Violence against Women and requested UNIFEM to disseminate information on best practices and strategic interventions funded under that initiative which should contribute to the eradication of violence against women as an obstacle to development.¹²⁹⁰ The Assembly also urged Member States and the private sector, relevant professional associations, foundations, non-governmental and community organizations, to develop and implement relevant and effective public awareness, public education and school programmes that were aimed at preventing violence against women.¹²⁹¹

523. Concerning acts involving the sale of children, child prostitution, child pornography and child sex tourism, article 9 of the Optional Protocol to the Convention on the Rights of the Child on the sale of

¹²⁸⁴ See, e.g., G A resolutions 50/201, 51/118, 52/148 and 53/166.

¹²⁸⁵ See G A resolutions 50/136, 51/81, 52/111, 53/132 and 54/154.

¹²⁸⁶ See G A resolutions 50/183, 51/93, 52/122, 53/140 and 54/159.

¹²⁸⁷ G A resolutions 50/176, 52/128 and 54/176.

¹²⁸⁸ G A resolutions 50/40, 51/147, 52/79, 53/69 and 54/92.

¹²⁸⁹ G A resolutions 50/144 and 54/121.

¹²⁹⁰ G A resolutions 52/94 and 54/136.

¹²⁹¹ See G A resolution 52/86, annex, part IX, point 14.

children, child prostitution and child pornography affirms that States parties shall promote awareness among the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the Optional Protocol. In fulfilling their obligations under that article, States parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.¹²⁹²

524. With regard to the International Year of the Family, the General Assembly requested the Secretary-General to continue to play an active role in facilitating international cooperation within the framework of the follow-up to the International Year of the Family, and to facilitate the exchange of experiences and information among Governments on effective policies.¹²⁹³

525. With respect to the rights of older persons, the General Assembly encouraged the Department of Public Information of the Secretariat to launch, within existing resources, an information campaign for the International Year of Older Persons.¹²⁹⁴ It welcomed the continuing efforts of the Secretariat to promote information exchange for 1999 and beyond, inter alia, through regular publication of the *Bulletin on Ageing*, and invited the agencies, bodies and programmes of the United Nations system to consider placing special emphasis on the theme “A society for all ages” in their publication, including the *Human Development Report*.¹²⁹⁵

526. Concerning the rights of migrant workers, the General Assembly requested the Secretary-General, within existing resources, to provide all facilities and assistance necessary for the promotion of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families through the World Public Information Campaign on Human Rights. The Assembly invited the organizations and agencies of the United Nations and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating

information on and promoting understanding of that Convention.¹²⁹⁶

527. With regard to 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 through activities within the framework of the United Nations Decade for Human Rights Education.¹²⁹⁷

528. With regard to the question of trafficking in women and girls, the General Assembly urged concerned Governments, in cooperation with non-governmental organizations, to support and allocate resources for programmes to strengthen preventive action, in particular education and campaigns to increase public awareness of the issue at the national and grass-roots levels.¹²⁹⁸

(h) *International days, years and decades*

529. During the period under review, the General Assembly and the Economic and Social Council, in conformity with their previous practice,¹²⁹⁹ continued to celebrate days, anniversaries, years or decades, in whole or in part, for the promotion of human rights and fundamental freedoms.

530. In its resolution 53/199, the General Assembly recalled Economic and Social Council resolution 1998/1 and reaffirmed the importance of the guidelines for international years and anniversaries that had been adopted by the General Assembly in its decision 35/424, for the consideration of proposals for the proclamation of international years. It recognized the need to provide for effective arrangements for the proclamation of international years and decided that, starting from 1999, proposals for the proclamation of international years should be submitted directly to the General Assembly for consideration and action, unless the Assembly decided to bring them to the attention of the Economic and Social Council for evaluation, in

¹²⁹² G A resolution 54/263, annex II, art. 9.2.

¹²⁹³ G A resolution 52/81. See also in the present study, para. 536.

¹²⁹⁴ G A resolutions 50/141, 52/80 and 54/24. See also in the present study, para. 531.

¹²⁹⁵ G A resolutions 50/141, 52/80 and 54/24.

¹²⁹⁶ G A resolutions 50/169, 51/85, 52/115, 53/137 and 54/158.

¹²⁹⁷ G A resolution 50/180.

¹²⁹⁸ G A resolutions 50/167, 51/66, 52/98 and 53/116.

¹²⁹⁹ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 580-598.

accordance with the provisions of the above-mentioned guidelines.

531. In its resolution 53/109, the General Assembly noted with satisfaction the successful launching on 1 October 1998 of the International Year of Older Persons, with the theme “A society for all ages”, and welcomed the activities relating to older persons undertaken by States, United Nations organizations and bodies and non-governmental organizations devoted to raising awareness, networking, reaching out and looking beyond 1999.¹³⁰⁰ The Assembly invited those institutions of civil society that were playing a vital role at the local, national and international levels in promoting the Year to focus their observance in 1999 on the theme “Late-life potentials and contributions in a new age”.¹³⁰¹

532. By its resolution 51/88, the General Assembly decided to convene, during its fifty-third session, a one-day plenary meeting on 10 December 1998 in order to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights. In its resolution 52/117, it welcomed the activities undertaken by the United Nations High Commissioner for Human Rights to contribute to the celebration of that anniversary and urged those Governments that had not yet ratified the international human rights treaties and protocols adopted within the framework of the United Nations system to consider doing so, and called on all Governments to implement fully their international obligations in the field of human rights. It also invited the human rights treaty bodies to give appropriate attention, within their mandates and methods of work, to the fiftieth anniversary of the Declaration and to reflect on their possible contribution to the above-mentioned preparations. In its resolution 53/168, the General Assembly declared solemnly its commitment to the fulfilment of the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations and as a source of inspiration for the further promotion and protection of all human rights and fundamental freedoms — political, economic, social, civil and cultural — including the right to development.

533. By its resolution 50/107, the General Assembly proclaimed the first United Nations Decade for the

Eradication of Poverty (1997-2006). It urged all Governments, the international community, including the United Nations system, and all other actors in society to pursue seriously the objective of the eradication of poverty within the context of the International Year for the Eradication of Poverty in 1996. It decided that the aim of the activities during that Year should be to support a longer-term, sustained effort to implement fully and effectively the commitments, recommendations and measures undertaken, and the basic provisions already agreed at major United Nations conferences since 1990, in particular the World Summit for Social Development and the Fourth World Conference on Women. In its resolution 51/178, the General Assembly decided that the theme for the first United Nations Decade for the Eradication of Poverty would be “Eradicating poverty is an ethical, social, political and economic imperative of humankind”. It also decided that the themes for 1997 and 1998 should be “Poverty, environment and development” and “Poverty, human rights and development”, respectively; the themes for the remaining years of the Decade would be decided every two years, commencing in 1998 at the fifty-third session of the General Assembly. It further decided that the objective of the first United Nations Decade for the Eradication of Poverty was to achieve the goal of eradicating absolute poverty and reducing overall poverty substantially in the world, through decisive national action and international cooperation in implementing fully and effectively all agreements, commitments and recommendations of major United Nations conferences and summits organized since 1990 as they related to poverty eradication. By its resolution 52/193, the General Assembly decided that, every year, the International Day for the Eradication of Poverty (17 October) should be marked by concentrating on the themes that the General Assembly chose for that year and decided that the themes for the International Day for the Eradication of Poverty in 1999 and 2000 should be, respectively, “Women and the eradication of poverty” and “Globalization and the eradication of poverty”. The Assembly reaffirmed that the eradication of poverty should be aimed at social and economic integration of people living in poverty and the promotion and protection of all human rights and fundamental freedoms for all, including the right to development. Finally, it invited the United Nations High Commissioner for Human Rights, within the framework of the implementation of the United

¹³⁰⁰ See also resolutions 50/141 and 52/80; E S C resolution 1995/21 and E S C decisions 1996/242 and 1998/225.

¹³⁰¹ G A resolution 53/109. See also G A resolution 54/24.

Nations Decade for the Eradication of Poverty, to pay appropriate attention to the question of human rights and extreme poverty.¹³⁰²

534. The General Assembly recalled with satisfaction the proclamation of the Third Decade to Combat Racism and Racial Discrimination (1993-2003) 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.¹³⁰³ It regretted the lack of interest, support and financial resources for the Third Decade and its related Programme of Action which was reflected in the fact that very few of the activities planned for the period 1994-1997 were carried out, and requested the Secretary-General to ensure that the necessary financial resources were provided for implementation of the activities of the Third Decade during the biennium 1998-1999.¹³⁰⁴ By its resolution 53/132, the General Assembly decided to observe the year 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was aimed at drawing the world's attention to the objectives of the World Conference on those issues and giving new momentum to the political commitment to the elimination of all forms of racism, racial discrimination, xenophobia and related intolerance. In its resolution 54/154, the General Assembly welcomed the establishment of the racism project team in the Office of the United Nations High Commissioner for Human Rights with a view to coordinating all activities of the Third Decade, and strongly reaffirmed the proclamation of 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and in that context called on Governments, the United Nations system and non-governmental organizations to observe the international Year in a suitable manner, including through programmes of action.

535. By its resolution 50/157, the General Assembly decided to adopt the programme of activities for the International Decade of the World's Indigenous People (1995-2004) and welcomed the resolve of the United Nations High Commissioner for Human Rights to strengthen efforts to achieve the goals of that programme for the Decade. In its resolution 51/78, the

General Assembly reaffirmed the adoption of a declaration on the rights of indigenous people as a major objective of the Decade. It noted that the programme of activities for the Decade might be reviewed and updated throughout the Decade and that, at the mid-point of the Decade, the Economic and Social Council and the General Assembly should review the results of the activities in order to identify obstacles to the achievement of the goals of the Decade and to recommend solutions for overcoming those obstacles.¹³⁰⁵ In its resolution 54/150, the General Assembly took note of the midterm report of the United Nations High Commissioner for Human Rights, in her capacity as coordinator of the International Decade of the World's Indigenous People, reviewing the implementation of the programme of activities of the Decade and of the information contained therein about the activities of the United Nations system and other intergovernmental organizations relating to indigenous people. The Assembly urged all parties concerned to intensify their efforts to achieve the goals of the Decade and also reaffirmed, among the objectives of the Decade listed in the programme of activities, the consideration of the establishment of a permanent forum for indigenous people in the United Nations system.

536. By its resolution 50/142, the General Assembly recalled resolutions 44/82, 45/133, 46/92 and 47/237, concerning the proclamation, preparations for and observance of the International Year of the Family; it invited Governments to continue their action to build family-friendly societies, inter alia, by promoting the rights of individual family members, in particular gender equality and the protection and development of the child. It welcomed the proposals contained in the report of the Secretary-General on the follow-up to the International Year of the Family. The General Assembly further requested the Secretary-General to continue to play an active role in facilitating international cooperation within the framework of the follow-up to the International Year of the Family, to facilitate the exchange of experiences and information among Governments on effective policies and strategies, to facilitate technical assistance, with a focus on least developed and developing countries, and

¹³⁰² See also G A resolution 53/146.

¹³⁰³ See G A resolutions 50/136, 51/81 and 52/111.

¹³⁰⁴ G A resolutions 52/111 and 53/132.

¹³⁰⁵ G A resolutions 52/108, 53/129 and 54/150.

to encourage the organization of subregional and interregional meetings and relevant research.¹³⁰⁶

537. By its resolution 50/173, the General Assembly, bearing in mind its resolutions 48/126 and 49/213 on the proclamation of the United Nations Year for Tolerance¹³⁰⁷ and its resolution 49/184 proclaiming the United Nations Decade for Human Rights Education (1995-2004), encouraged countries, regional organizations, non-governmental organizations and the Director-General of UNESCO to take all necessary action to ensure education for peace, human rights, democracy, international understanding and tolerance. It requested the Secretary-General, in cooperation with the Office of the United Nations High Commissioner for Human Rights, to consider appropriate ways and means, including the possibility of establishing a voluntary fund, to support human rights education activities, including those undertaken by non-governmental organizations.¹³⁰⁸ The General Assembly took note with appreciation of the report of the United Nations High Commissioner for Human Rights on the implementation of the Plan of Action for the United Nations Decade for Human Rights Education and of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights.¹³⁰⁹

538. By its resolution 52/15, the General Assembly, recalling Economic and Social Council resolution 1997/47, proclaimed the year 2000 as the International Year for the Culture of Peace. In resolution 53/25, the General Assembly recalled Economic and Social Council resolution 1998/31 and proclaimed the period 2001-2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World; it invited Member States to take the necessary steps to ensure that the practice of peace and non-violence was taught at all levels in their respective societies, including in educational institutions.

539. By its resolution 52/149, the General Assembly, recalling Economic and Social Council decision 1997/251 in preparing for the fiftieth anniversary of the Universal Declaration of Human Rights, proclaimed 26 June as United Nations International

Day in Support of Victims of Torture, with a view to the total eradication of torture and the effective functioning of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force on 26 June 1987.

540. In its resolution 54/134, the General Assembly, recalling the Declaration on the Elimination of Violence against Women, which had been adopted by the Assembly in its resolution 48/104, and its resolution 52/86, entitled "Crime prevention and criminal justice measures to eliminate violence against women", decided to designate 25 November as the International Day for the Elimination of Violence against Women. It invited, as appropriate, Governments, the relevant agencies, bodies, funds and programmes of the United Nations system and other international organizations and non-governmental organizations to organize on that day activities designed to raise public awareness of the problem of violence against women.

4. QUESTION OF THE MEANING OF THE EXPRESSION "FOR ALL WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE OR RELIGION"

541. As in the previous period,¹³¹⁰ the question of the meaning of the expression "for all without distinction as to race, sex, language, or religion" was dealt with in connection with the international instruments adopted during the period and the general comments of the treaty bodies.

542. Two instruments adopted during the period under review contain, without definition, the expression "for all without distinction as to race, sex, language or religion", namely the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms¹³¹¹ and the Declaration and Programme of Action on a Culture of Peace.¹³¹² The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women refers to the prohibition of discrimination on the basis of sex.¹³¹³ According to article 12 of the International Convention for the

¹³⁰⁶ G A resolutions 52/81 and 54/124.

¹³⁰⁷ See also G A resolutions 51/95 and 53/151.

¹³⁰⁸ G A resolutions 50/177 and 52/127.

¹³⁰⁹ G A resolution 51/104.

¹³¹⁰ See *Repertory, Supplement No. 8*, vol. IV, under Article 55, paras. 599-601.

¹³¹¹ G A resolution 53/144, annex. See the preamble.

¹³¹² G A resolution 53/243, annex. See the preamble.

¹³¹³ G A resolution 54/4, annex. See the preamble.

Suppression of Terrorist Bombings¹³¹⁴ and article 15 of the International Convention for the Suppression of the Financing of Terrorism,¹³¹⁵ nothing in those Conventions shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State party has substantial grounds for believing that the request for extradition for offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion.¹³¹⁶

543. In its general comment on the right to adequate food, the Committee on Economic, Social and Cultural Rights affirmed that any discrimination in access to food, as well as to the means and entitlements for its procurement, on the grounds of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth or other status with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of economic, social and cultural rights, constituted a violation of the Covenant.¹³¹⁷

544. The Human Rights Committee emphasized that no distinctions were permitted between citizens in the enjoyment of their rights related to the participation in public affairs and 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. Distinctions between those who are entitled to citizenship by birth and those who acquire it by naturalization might raise questions of compatibility with article 25.¹³¹⁸

¹³¹⁴ G A resolution 52/164, annex. See also G A resolution 54/109, annex.

¹³¹⁵ G A resolution 54/109.

¹³¹⁶ See also in the present study, para. 224.

¹³¹⁷ Ibid., paras. 278-280.

¹³¹⁸ Ibid., paras. 264 and 265.

545. The Committee on the Elimination of Racial Discrimination called the attention of States parties to the wording of article 3, by which States parties would undertake to prevent, prohibit and eradicate all practices of racial segregation and apartheid in territories under their jurisdiction. The reference to apartheid might have been directed exclusively to South Africa but, for the Committee, the article as adopted prohibited all forms of racial segregation in all countries.¹³¹⁹

546. The Committee on the Elimination of All Forms of Discrimination against Women recalled that the Convention on the Elimination of All Forms of Discrimination against Women places special importance on the participation of women in the public life of their countries. In article 1 of the Convention, the term "discrimination against women" is interpreted to mean:

any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.¹³²⁰

****5. QUESTION OF THE MEANING OF THE TERM "UNIVERSAL" AND THE TERRITORIAL SCOPE OF THE PROVISIONS RELATING TO HUMAN RIGHTS**

¹³¹⁹ Ibid., paras. 217 and 218.

¹³²⁰ See also in the present study, paras. 309-311.