

**Repertory of Practice of United Nations Organs
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Volume IV

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II. HUMAN RIGHTS

166. The presentation and organization of the material in this study follows the pattern established in the previous studies of Article 55 of the *Repertory* and its *Supplements*. As in the previous *Supplements*, the study is divided into a “General Survey” and an “Analytical Summary of Practice”. The General Survey provides a broad view of the activities of the United Nations in the field of human rights concerning standard setting activities and standard implementation activities. Consonant with the approach taken in *Supplements* Nos. 6, 7 and 8, the Analytical Summary provides an understanding of the functional work of the General Assembly, of the Economic and Social Council, but also of the Secretary-General on the agenda items relevant to the goals of Article 55 (c) and is divided in five parts, namely (1) the question of the meaning of the phrase “respect for, and observance of”, (2) the question of the meaning of the term “human rights and fundamental freedoms”, (3) the question of the meaning of the term “shall promote”, the implementation procedures for the promotion and protection of human rights and fundamental freedoms, (4) the question of the meaning of the expression “for all without distinction as to race, sex, language, or religion”, and (5) the question of the meaning of the term “universal”, the territorial scope of the provisions relating to human rights.

A. GENERAL SURVEY

1. GENERAL REMARKS

167. During the period covered by this *Supplement*, the General Assembly and the Economic and Social Council pursued their efforts to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. No direct reference relating to the interpretation of Article 55 was made. Nonetheless, in multiple instances, the decisions of the principal organs made frequent reference to the responsibility of the Organization under this Article.¹

168. During the period under review, the General Assembly and the Economic and Social Council continued to make recommendations related to the United Nations programme on human rights. For example, at its fifty-third session, the General Assembly reviewed the implementation of the recommendations adopted by the 1993 World Conference on Human Rights in Vienna. By its resolution 53/166 of 9 December 1998, the Assembly welcomed agreed conclusions 1998/2 of the Economic and Social

¹ See, for example, G A resolutions 50/174 of 22 December 1995, 52/18 of 21 November 1997, 53/22 of 4 November 1998, 53/118 and 53/140 of 9 December 1998.

Council on the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action² and called for their full implementation.

169. The period covered by this *Supplement* has been particularly rich for the United Nations programme on human rights, coordinated by the High Commissioner for Human Rights and his Office in accordance with General Assembly resolution 48/141 of 20 December 1993. One of the important objectives of the United Nations in establishing the position of High Commissioner for Human Rights was to ensure a 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.³ Pursuant to that resolution, the High Commissioner reported annually to the Commission on Human Rights,⁴ to the Economic and Social Council⁵ and to the General Assembly.⁶ 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 a more efficient action on human rights situations led to considerable substantive and organizational changes within the Office of the High Commissioner for Human Rights.⁷

170. With the aim to improve the effective enjoyment of human rights and fundamental freedoms of specific categories of individuals, 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 this regard, they continued to affirm the need to enhance international cooperation in the field of human rights,⁸ the need for international peace and security for the full realization of human rights, and the need for respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system.

171. These organs also continued to recommend to States and Governments to ensure full enjoyment of human rights, through the ratification or accessions to the international instruments in this field; to give equal attention and urgent consideration to the implementation of civil and political rights and of economic, social and cultural rights which were indivisible, interrelated and interdependent; they had to recognize the right to development as an inalienable human right; to continue to accord priority to search for solutions to mass and flagrant violations of human rights of peoples; to promote the rights

² See E/1999/83. See also A/CONF.157/23.

³ See E/CN.4/1995/98, para. 139 and A/50/36, para. 106.

⁴ See E/CN.4/1995/98, E/CN.4/1996/103, E/CN.4/1997/98 and Add.1, E/CN.4/1998/122, E/CN.4/1999/9 and E/CN.4/2000/5.

⁵ See E/1995/112, E/1996/87, E/1998/84 and E/1999/96.

⁶ See A/50/36, A/51/36, A/52/36, A/53/36 and A/54/36.

⁷ For more details, see the section related to the Office of the High Commissioner for Human Rights, below, paras. 480-492.

⁸ See, for example, G A resolutions 51/100 of 12 December 1996, 52/134 of 12 December 1997, 53/154 of 9 December 1998 and 54/181 of 12 December 1999.

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; to base the promotion, protection, and full realization of all human rights and fundamental freedoms, as legitimate concerns of the world community, on the principles of non-selectivity, impartiality and objectivity, and not to use human rights for political ends,⁹ nor to adopt or implement any unilateral measures that could impede the full realization of the rights set forth in the Universal Declaration of Human Rights.¹⁰

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 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 and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

2. STANDARD SETTING ACTIVITIES

173. During the period under review, the principal organs adopted ten instruments against seventeen in the previous period¹¹ with the aim of setting standards to address specific human rights issues or concerns. These international instruments are: the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism,¹² the Guidelines for Action on Children in the Criminal Justice System,¹³ the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,¹⁴ the International Convention for the Suppression of Terrorist Bombings,¹⁵ the Declaration on the Right and

⁹ See G A resolutions 50/174 of 22 December 1995, 51/105 of 12 December 1996, 52/131 of 12 December 1997, 53/149 of 9 December 1998 and 54/174 of 17 December 1999. In the preamble of these 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.

¹⁰ G A resolutions 51/103 of 12 December 1996, 52/120 of 12 December 1997, 53/141 of 9 December 1998 and 54/172 of 17 December 1999.

¹¹ See *Supplement No. 8*, Article 55, paras. 228, 250-262.

¹² G A resolution 51/210 of 17 December 1996.

¹³ E S C resolution 1997/30 of 21 July 1997. In paragraph 1 of this 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.

¹⁴ G A resolution 52/86 of 12 December 1997.

¹⁵ G A resolution 52/164 of 15 December 1997. United Nations, Treaty Series, vol. 2149, p. 284.

Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,¹⁶ the Declaration and Programme of Action on a Culture of Peace,¹⁷ the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,¹⁸ the International Convention for the Suppression of the Financing of Terrorism,¹⁹ the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,²⁰ and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.²¹

174. Some of the standard setting work in process of elaboration during the period covered by the previous *Supplement*²² has 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 the established procedures, those instruments were elaborated by the subsidiary organs of the Economic and Social Council and the General Assembly. Furthermore, work continued during this period 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 Council²³ presented progress made and policy measures that were taken to integrate human rights into the activities of the United Nations system.²⁴ The increasing emphasis placed on the social dimension of development by the United Nations system was a key factor towards an integrated approach to democracy, development and human rights. Particular attention was focused on the economic, social and cultural rights, including the right to development and extreme poverty. Progress in the implementation of the Vienna Declaration and Programme of Action included also the mainstreaming of a gender

¹⁶ G A resolution 53/144 of 9 December 1998. ST/HR/1/Rev. 6 (Vol. I/Part 2), p. 473.

¹⁷ G A resolution 53/243 of 13 September 1999.

¹⁸ G A resolution 54/4 of 6 October 1999. United Nations, Treaty Series, vol. 2131, p. 83.

¹⁹ G A resolution 54/109 of 9 December 1999. United Nations, Treaty Series, vol. 2178, p. 229.

²⁰ G A resolution 54/263 of 25 May 2000. United Nations, Treaty Series, vol. 2173, p. 236.

²¹ G A resolution 54/263 of 25 May 2000. United Nations, Treaty Series, vol. 2171, p. 247.

²² See *Supplement No. 8*, Article 55, paras. 230-231.

²³ See E/1998/60.

²⁴ For more details on activities implemented by the United Nations agencies and programmes on human rights, see E/1999/83, paras. 1-2.

dimension and women's rights into the activities of the United Nations system, and particular attention to vulnerable groups, such as indigenous peoples, minorities, migrants, children, persons with disabilities, and others.²⁵ 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 a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in 2001.²⁶

177. The principal organs continued to urge all States that had not done so to become parties to relevant United Nations instruments on human rights as soon as possible,²⁷ 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.²⁸ They also continued to consider the status of various United Nations instruments on human rights, notably in considering the reports of treaty bodies established under the relevant provisions of those instruments, the effective functioning of which represent an important concern to the United Nations.²⁹ In this 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.³⁰

178. Regarding the reporting obligations of States parties to United Nations human rights instruments, the General Assembly continued to recognize that the effective implementation of these 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 valuable opportunity to review policies and programmes affecting the promotion and protection of human rights and to make appropriate adjustments.³¹

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 these 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

²⁵ See E/1999/83.

²⁶ See, for example, G A resolution 52/111 of 12 December 1997.

²⁷ See, for example, G A resolutions 50/171 of 22 December 1995, 51/80 of 12 December 1996, 52/107 of 12 December 1997, 53/118 of 9 December 1998 and 54/156 of 17 December 1999.

²⁸ G A resolutions 50/170 of 22 December 1995, 51/87 of 12 December 1996, 52/118 of 12 December 1997 and 53/138 of 9 December 1998.

²⁹ See, for example, G A resolution 50/171 of 22 December 1995; also E S C decision 1999/287 of 30 July 1999.

³⁰ G A resolutions 50/170 of 22 December 1995, 51/87 of 12 December 1996, 52/118 of 12 December 1997 and 53/138 of 9 December 1998.

³¹ *Ibid.*

flow between the treaty bodies and the relevant United Nations bodies, including specialized agencies. It welcomed the continuing efforts of treaty bodies aimed at streamlining, rationalizing, avoiding duplication in improving reporting procedures and noted with appreciation the initiative of a number of them 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.³²

180. The General Assembly welcomed the emphasis made by the persons chairing the human rights treaty bodies on the need for the enjoyment of human rights of women to be closely monitored by each treaty body and requested the United Nations High Commissioner for Human Rights to ensure the translation of the revised *Manual on Human Rights Reporting* into all the official languages of the United Nations by 31 December 2000 at the latest. The Assembly called upon 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, which was being prepared with a view to identifying duplication of reporting required under those instruments.³³

181. Following the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,³⁴ the General Assembly welcomed the signature or ratification of, or accession to, the Convention by several Member States,³⁵ and expressed the hope that it would enter into force at an early date³⁶ noting that, pursuant to article 87 of the Convention, only eight ratifications or accessions were still needed for it to enter into force.³⁷

182. As regards matters dealing with human rights under both country and thematic special procedures mechanisms established by the Commission on Human Rights, the principal organs continued to endorse, authorize or approve the decisions of the Commission on Human Rights to appoint or extend the work of mandate holders and *ad hoc* Working Groups, and often, approved the Commission's requests to the Secretary-

³² G A resolutions 50/170 of 22 December 1995, 51/87 of 12 December 1996, 52/118 of 12 December 1997 and 53/138 of 9 December 1998.

³³ See G A resolutions 51/87 of 12 December 1996, 52/118 of 12 December 1997 and 53/138 of 9 December 1998.

³⁴ See G A resolution 45/158 of 18 December 1990.

³⁵ G A resolutions 50/169 of 22 December 1995, 51/85 of 12 December 1996, 52/115 of 12 December 1997, 53/137 of 9 December 1998 and 54/158 of 17 December 1999.

³⁶ G A resolutions 50/168 of 22 December 1995, 50/169 of 22 December 1995, 51/85 of 12 December 1996, 52/115 of 12 December 1997, 53/137 of 9 December 1998 and 54/158 of 17 December 1999.

³⁷ G A resolution 54/158 of 17 December 1999.

General to provide all necessary assistance to enable the accomplishment of those mandates.

183. In addition to the countries covered by the previous *Supplement*,³⁸ the human rights situations in Nigeria, Burundi, Lebanon, the Democratic Republic of the Congo (former Zaire) and East Timor were examined during the period under review.

184. Nine new³⁹ thematic mandates were established during the period under review 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;⁴⁰ human rights and income distribution;⁴¹ systematic rape and sexual slavery during periods of armed conflict;⁴² indigenous land rights;⁴³ effects of foreign debt on the full enjoyment of economic, social and cultural rights;⁴⁴ right to education;⁴⁵ human rights and terrorism;⁴⁶ human rights of migrants⁴⁷ and concept and practice of affirmative action.⁴⁸

185. As in the past,⁴⁹ the human rights activities continued to be implemented under the advisory services and technical co-operation programme including support to the establishment of national and regional institutions for the promotion and protection of human rights, providing advice and financial assistance to the victims of human rights violations, and facilitating public access to international human rights instruments. The World Public Information Campaign for Human Rights launched in 1988⁵⁰ 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 in teaching curricula during this period.⁵¹

186. Throughout the period under review, the Council also continued to approve the Commission on Human Rights' requests to the Secretary-General to appoint or extend the mandate of Experts assisting some Governments in the field of human rights, and to provide to them with the necessary support. Countries benefiting from such expertise

³⁸ See *Supplement No. 8*, Article 55, paras. 483-522.

³⁹ Twenty mandates were created during the previous period. See *Supplement No. 8*, Article 55, para. 528.

⁴⁰ E S C decision 1995/288 of 25 July 1995. See also E S C decision 1998/242 of 30 July 1998.

⁴¹ E S C decision 1995/295 of 25 July 1995.

⁴² E S C decision 1996/291 of 24 July 1996. See also E S C decision 1999/252 of 27 July 1999.

⁴³ E S C decision 1997/289 of 22 July 1997.

⁴⁴ E S C decision 1998/249 of 30 July 1998.

⁴⁵ E S C decision 1998/253 of 30 July 1998.

⁴⁶ E S C decision 1998/278 of 30 July 1998.

⁴⁷ E S C decision 1999/239 of 27 July 1999.

⁴⁸ E S C decision 1999/253 of 27 July 1999.

⁴⁹ See, for example, *Supplement No. 8*, Article 55, paras. 536-550.

⁵⁰ See *Supplement No. 7*, Article 55, para. 367.

⁵¹ See this study, below, paras. 493-499.

included for example, Equatorial Guinea,⁵² Afghanistan,⁵³ Haiti,⁵⁴ Somalia,⁵⁵ Cambodia,⁵⁶ Rwanda,⁵⁷ Guatemala⁵⁸ and East Timor.⁵⁹

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 the traffic in women and girls were the focus of discussions in the previous and current *Supplements*.⁶⁰ The adoption of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and of the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice occurred during the period under review.

188. Concerning the rights of the child, issues examined both during 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 this study include the exploitation of child labour, refugee and displaced children, children with disabilities, 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; the 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; the rights relating to environment; human rights and extreme poverty; traditional practices affecting the health of women and children and the United Nations Voluntary

⁵² E S C decisions 1997/275 of 22 July 1997 and 1999/233 of 27 July 1999.

⁵³ See E S C decisions 1997/273 of 22 July 1997, 1998/267 of 30 July 1998 and 1999/226 of 27 July 1999. See also G A resolutions 50/189 of 22 December 1995, 51/108 of 12 December 1996, 52/145 of 12 December 1997, 53/165 of 9 December 1998 and 54/185 of 17 December 1999.

⁵⁴ E S C decisions 1996/269 of 23 July 1996, 1997/262 of 22 July 1997 and 1999/248 of 27 July 1999. See also G A resolutions 50/196 of 22 December 1995, 51/110 of 12 December 1996, 52/138 of 12 December 1997 and 53/159 of 9 December 1998.

⁵⁵ See, for example, E S C decisions 1996/268 of 23 July 1996 and 1997/258 of 22 July 1997.

⁵⁶ See E S C decisions 1997/259 of 22 July 1997, 1998/259 of 30 July 1998 and 1999/247 of 27 July 1999. See also G A resolutions 50/178 of 22 December 1995, 51/98 of 12 December 1996, 52/135 of 12 December 1997, 53/145 of 9 December 1998 and 54/171 of 17 December 1999.

⁵⁷ E S C decisions 1995/292 of 25 July 1995, 1996/281 of 24 July 1996 and 1997/274 of 22 July 1997. See also G A resolutions 50/200 of 22 December 1995, 51/114 of 12 December 1996, 52/146 of 12 December 1997, 53/156 of 9 December 1998 and 54/188 of 17 December 1999.

⁵⁸ E S C decisions 1996/270 of 23 July 1996 and 1997/261 of 22 July 1997. See also G A resolutions 50/220 of 3 April 1996, 51/198 of 17 December 1997, 52/175 of 18 December 1997, 53/93 of 7 December 1998 and 54/99 of 8 December 1999.

⁵⁹ E S C decision 1999/293 of 15 November 1999.

⁶⁰ See *Supplement No. 8*, Article 55, paras. 343-354. See also this study, paras. 291-313.

Fund for Indigenous Populations. The few issues discussed during the previous period and not developed in the current study include the rights to own property,⁶¹ the rights relating to marriage and family,⁶² violence in the family⁶³ and the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.⁶⁴

190. One of the major events during this period was the fiftieth anniversary of the Universal Declaration of Human Rights.⁶⁵ The General Assembly also proclaimed during this period the first United Nations Decade for the Eradication of Poverty (1997-2006);⁶⁶ decided to observe the year 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance⁶⁷ and proclaimed the period 2001-2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World.⁶⁸

191. As in the previous review period and among the noticeable developments covered by this study are 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 Covenant; 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 the 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-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.

⁶¹ See *Supplement No. 8*, Article 55, paras. 314-315.

⁶² See *Supplement No. 8*, Article 55, paras. 309-313.

⁶³ *Ibid.*, para. 283.

⁶⁴ *Ibid.*, para. 562.

⁶⁵ See also this study, below, para. 487.

⁶⁶ *Ibid.*, para. 533.

⁶⁷ *Ibid.*, para. 534.

⁶⁸ *Ibid.*, para. 538. For more details on international days, years and decades, see also this study, paras. 529-540.

192. Finally, the Analytical Summary of this study reflects, as in the previous period the expansion of activities of the Office of the United Nations High Commissioner for Human Rights.⁶⁹

B. ANALYTICAL SUMMARY OF PRACTICE

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

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

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 ten instruments comprising three on international terrorism; three related to children’s rights; two on women’s rights; one related to peace; and one regarding the rights of human rights defenders.

194. The General Assembly adopted by its resolution 51/210 of 17 December 1996, the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism. The Assembly called upon 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. The Economic and Social Council by its resolution 1997/30 of 21 July 1997 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 held at Vienna from 23 to 25 February 1997 in response to Economic and Social Council resolution 1996/13 of 23 July 1996 and 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.⁷⁰

⁶⁹ See *Supplement No. 8*, Article 55, paras. 530-535. See also this study, paras. 480-492.

⁷⁰ See also the section of this study concerning the administration of justice, paras. 227-234.

196. By its resolution 52/86 of 12 December 1997, 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 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.⁷¹

197. The General Assembly adopted by its resolution 52/164 of 15 December 1997 the International Convention for the Suppression of Terrorist Bombings and decided to open it for signature from 12 January 1998 until 31 December 1999. The Assembly urged all States to sign and ratify, accept or approve or accede to the Convention.⁷²

198. The General Assembly adopted in its resolution 53/144 of 9 December 1998 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 Assembly 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 thereof, and requested the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*.⁷³

199. In its resolution 53/243 of 13 September 1999, the General 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. The Assembly expressed deep concern about the persistence and proliferation of violence and conflict in various parts of the world.⁷⁴

200. By its resolution 54/4 of 6 October 1999, 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. The General Assembly called upon 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

⁷¹ See also the section of this study regarding the administration of justice, paras. 227-234.

⁷² See also the section of this study concerning the right to peace, paras. 374-376.

⁷³ See also the section of this study regarding human rights defenders, paras. 355-358.

⁷⁴ See also the section of this study concerning the right to peace, paras. 374-376.

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.⁷⁵

201. The General Assembly also adopted in its resolution 54/109 of 9 December 1999 the International Convention for the Suppression of the Financing of Terrorism and requested the Secretary-General to open it for signature from 10 January 2000 to 31 December 2001. It urged all States to sign and ratify, or accede to the Convention.⁷⁶

202. Finally, by its resolution 54/263 of 25 May 2000, 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. 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 to the optional protocols as soon as possible in order to facilitate their early entry into force.⁷⁷

b) The elaboration of human rights and fundamental freedoms

(i) Civil and political rights

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

203. As in the previous review period,⁷⁸ 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 in several specific problems, such as summary or arbitrary executions, death penalty, torture and other cruel, inhuman or degrading treatment or punishment and question of enforced or involuntary disappearances.

Summary or arbitrary executions

204. Throughout the period under review, the General Assembly continued to recall the Economic and Social Council resolution 1989/65 of 24 May 1989 containing the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.⁷⁹ The Assembly also continued to strongly condemn all the extrajudicial, summary or arbitrary executions that continued to take place throughout the world.⁸⁰ It demanded that all Governments ensured that that practice be brought to an end and that they took effective action to combat and eliminate the phenomenon in all its forms, by conducting exhaustive and impartial investigations to all suspected cases of

⁷⁵ See also the section of this study related to women's rights, paras. 291-313.

⁷⁶ See also the section of this study regarding the right to peace, paras. 374-376.

⁷⁷ See also the section of this study concerning the rights of the child, paras. 314-330.

⁷⁸ See *Supplement No. 8*, Article 55, paras. 263-283.

⁷⁹ *Ibid.*, paras. 264-267.

⁸⁰ G A resolutions 51/92 of 12 December 1996 and 53/147 of 9 December 1998.

extrajudicial, arbitrary or summary executions, by identifying and bringing to justice those responsible and granting adequate compensation to the victims or their families.⁸¹ The Assembly reiterated that the Special Rapporteur needed to be able to respond effectively to credible and reliable information that came before him, and invited him to continue to seek the views and comments of all concerned, including Member States, in the elaboration of his report, and to follow-up communications and country visits;⁸² 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 so.⁸³ It finally urged the Special Rapporteur to continue to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as were of particularly serious concern to her or where early action might prevent further deteriorations.⁸⁴

Death penalty

205. In its resolution 1995/57 of 28 July 1995, 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.⁸⁵ It also noted that, during the period covered by the report of the Secretary-General,⁸⁶ an increasing number of countries 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 of 23 July 1996, the Council called upon 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,⁸⁷ which stated that capital punishment might be imposed for only the most serious crimes. The Council encouraged 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.⁸⁸

⁸¹ *Ibid.* See also E S C decisions 1995/284 of 25 July 1995 and 1998/265 of 30 July 1998.

⁸² G A resolutions 51/92 of 12 December 1996 and 53/147 of 9 December 1998.

⁸³ *Ibid.*

⁸⁴ *Ibid.*

⁸⁵ Report prepared in pursuance of E S C resolution 1990/51 of 24 July 1990 and decision 1994/206 of 3 February 1994.

⁸⁶ E/CN.15/1996/19.

⁸⁷ See E S C resolutions 1984/50 of 25 May 1984, annex and 1989/64 of 24 May 1989 on the implementation of the safeguards.

⁸⁸ See also E/CN.15/1996/19 and E S C resolution 1995/57 of 28 July 1995. At the end of the period under review, 41 Member States have ratified the Second Optional Protocol to the International Convention on Civil Political Rights, aiming at the abolition of the death penalty.

Torture and other cruel, inhuman or degrading treatment or punishment

207. In its resolutions 1995/33 of 25 July 1995 and 1996/22 of 23 July 1996, the Council took note of Commission on Human Rights resolutions,⁸⁹ and authorized an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to sessions of the 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.⁹⁰

208. The General Assembly encouraged the above open-ended working group to intensify its deliberations with a view to an early conclusion of its work,⁹¹ 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 adoption.⁹² It also called upon all Governments to cooperate with and assist the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment in the performance of his task, 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.⁹³

209. As regards the Guidelines for Action on Children in the Criminal Justice System, guideline 48 states that 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 language of the child, if necessary, should be available.⁹⁴

Question of enforced or involuntary disappearances

210. Regarding the question of enforced or involuntary disappearances, the General Assembly continued as in the previous period⁹⁵ to underline the importance of implementing the provisions of its resolution 33/173 of 20 December 1978 concerning disappeared persons and its resolutions 46/125 of 17 December 1991, 47/132 of 18 December 1992 and 49/193 of 23 December 1994 on the question of enforced or

⁸⁹ Commission on Human Rights resolutions 1995/33 of 3 March 1995 and 1996/37 of 19 April 1996.

⁹⁰ See also E S C decisions 1997/49 of 22 July 1997, 1998/35 of 30 July 1998 and 1999/237 of 27 July 1999.

⁹¹ See, for example, G A resolution 51/86 of 12 December 1996.

⁹² *Ibid.*, and G A resolution 53/139 of 9 December 1998.

⁹³ *Ibid.*

⁹⁴ E S C resolution 1997/30 of 21 July 1997, annex, guideline 48.

⁹⁵ See *Supplement No. 8*, Article 55, paras. 274-282.

involuntary disappearances. The General 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.⁹⁶

211. The General Assembly expressed its thanks 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, and asked them to give all necessary attention to the recommendations of the Working Group.⁹⁷ It reiterated its invitation to all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration 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 upon Governments to take steps to ensure that, when a state of emergency was introduced, the protection of human rights was ensured, in particular as regards the prevention of enforced disappearances.⁹⁸ 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 territory under their jurisdiction, but also urged the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected. It encouraged States, as some had already done, to provide concrete information on measures taken to give effect to the Declaration, as well obstacles encountered. 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.⁹⁹

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 the 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.¹⁰⁰ Guideline 18 further adds that the placement of children in closed institutions should be reduced. Such placement of children should only take place 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 in the child justice and welfare systems should be prohibited.¹⁰¹

⁹⁶ G A resolution 51/94 of 12 December 1996.

⁹⁷ G A resolutions 51/94 of 12 December 1996 and 53/150 of 9 December 1998.

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

¹⁰⁰ E S C resolution 1997/30 of 21 July 1997, annex, guideline 8.

¹⁰¹ *Ibid.*, guideline 18.

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

213. In conformity with its previous practice,¹⁰² 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 have also been explored in resolutions related to the measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and in four international instruments.

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 regretted that some of the activities scheduled for the Second Decade had not been implemented for lack of adequate resources.¹⁰³ They called upon 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.¹⁰⁴

Third Decade to Combat Racism and Racial Discrimination

215. The General Assembly¹⁰⁵ and the Economic and Social Council,¹⁰⁶ as in the past,¹⁰⁷ noted with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination had not been attained and that millions of human beings continued to be the victims of varied forms of racism 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 make a further review of the Programme of Action with a view to making it more

¹⁰² See *Supplement No. 8*, Article 55, paras. 284-293.

¹⁰³ G A resolution 50/136 of 21 December 1995; E S C resolution 1995/59 of 28 July 1995.

¹⁰⁴ *Ibid.*

¹⁰⁵ G A resolution 50/136 of 21 December 1995. See also G A resolutions 51/81 of 12 December 1996, 52/111 of 12 December 1997 and 53/132 of 9 December 1998.

¹⁰⁶ E S C resolution 1995/59 of 28 July 1995.

¹⁰⁷ See also *Supplement No. 8*, Article 55, paras. 285-286.

effective and action-oriented.¹⁰⁸ It also requested the Secretary-General to submit every year to the Economic and Social Council a detailed report on all activities of United Nations bodies and the specialized agencies, containing an analysis of information received on such activities to combat racism and racial discrimination.¹⁰⁹ In the same vein, the Council requested the Secretary-General to publish and distribute, as soon as possible, the 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.¹¹⁰ In its resolution 51/81 of 12 December 1996, the General 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 world 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 the same vein, the Assembly, by its resolution 52/111 of 12 December 1997, requested the United Nations High Commissioner for Human Rights to take duly into account the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism for coordinating all the activities of the Third Decade and further welcomed¹¹¹ the formation of a racism project team and requested the High Commissioner for Human Rights to continue to work towards full establishment of such a mechanism. The General Assembly also decided to convene a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance not later than the year 2001 and requested the Secretary-General to designate the United Nations High Commissioner for Human Rights as Secretary-General of the World Conference, who, in that capacity, would assume the main responsibility for the preparations for the Conference.¹¹²

Action against apartheid

217. The Committee on the Elimination of Racial Discrimination adopted a general recommendation at its forty-seventh session (1995),¹¹³ and called the attention of States parties to the wording of article 3 of the International Convention on the Elimination of

¹⁰⁸ G A resolution 50/136 of 21 December 1995.

¹⁰⁹ *Ibid.* See also A/51/541, A/52/528 and E/1996/83.

¹¹⁰ E S C resolution 1995/59 of 28 July 1995.

¹¹¹ See also G A resolution 53/132 of 9 December 1998.

¹¹² *Ibid.*

¹¹³ See Human Rights/GEN/1/Rev. 8, Committee on the Elimination of Racial Discrimination, General comment XIX on article 3 of the Convention, pp. 251-252.

All Forms of Racial Discrimination, by which States parties 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 in some countries had been created by governmental policies, 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 of race, colour, descent and national or ethnic origin, so that inhabitants could be stigmatized and individuals suffered 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 the public authorities. It invited States parties 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.¹¹⁴

Protection against discrimination

219. At its forty-eight session (1996),¹¹⁵ the Committee on the Elimination of Racial Discrimination recalled that article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination contained the obligation of States parties to guarantee the enjoyment of civil, political, economic, social and cultural rights and freedoms without racial discrimination; 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 the 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, it 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

¹¹⁴ See Human Rights/GEN/1/Rev. 8, Committee on the Elimination of Racial Discrimination, General comment XIX on article 3 of the Convention, pp. 251-252.

¹¹⁵ *Ibid.*

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 such as the right to participate in elections, to vote and to stand for election were the rights of citizens.¹¹⁶

221. According to the Committee, the rights and freedoms referred to in article 5 of the Convention and any similar rights should be protected by a State party. Such protection might be achieved in different ways, be it by the use of public institutions or through the activities of private institutions. In any case, it was the obligation of the State party concerned 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 should ensure that the result had neither the purpose nor the effect of creating or perpetuating racial discrimination.¹¹⁷

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

222. Further to its resolution 49/147 of 23/12/1994, the General Assembly¹¹⁸ welcomed the reports of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.¹¹⁹ 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 of the Special Rapporteur in his reports, 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.¹²⁰

223. In its resolution 52/109 of 12 December 1997,¹²¹ the General Assembly noted that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993 on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, held that the prohibition of the

¹¹⁶ *Ibid.*

¹¹⁷ See Human Rights/GEN/1/Rev. 8, Committee on the Elimination of Racial Discrimination, General comment XX on article 5 of the Convention, pp. 252-253.

¹¹⁸ See G A resolutions 50/135 of 21 December 1995, 51/79 of 12 December 1996, 52/109 of 12 December 1997 and 53/133 of 9 December 1998.

¹¹⁹ See A/50/476, A/51/301, A/52/471 and A/53/269.

¹²⁰ G A resolutions 50/135 of 21 December 1995, 51/79 of 12 December 1996, 52/109 of 12 December 1997 and 53/133 of 9 December 1998.

¹²¹ See also G A resolution 53/133 of 9 December 1998.

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 manifestation 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.¹²²

International Convention for the Suppression of Terrorist Bombings¹²³

224. During the period under review, the rights related to recognition before the law and protection of the law have also been elaborated in different instruments. According to article 7 of the International Convention for the Suppression of Terrorist Bombings,¹²⁴ the State party 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 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 a stateless person, the State in the territory of which that person habitually resides; to be visited by a representative of that State and to be informed of that person's 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 these 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 this 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 of international law, including international human rights law.¹²⁵

¹²² *Ibid.*

¹²³ See also International Convention for the Suppression of the Financing of Terrorism, G A resolution 54/109 of 9 December 1999, annex.

¹²⁴ G A resolution 52/164 of 15 December 1997, annex.

¹²⁵ *Ibid.*, articles 2, 7, 12, 13 and 14. See also the International Convention for the Suppression of the Financing of Terrorism in G A resolution 54/109 of 9 December 1999, annex, articles 2, 6, 9, 15, 16 and 17.

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.¹²⁶

Guidelines for Action on Children in the Criminal Justice System

226. Concerning 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 should be avoided between the child victim and the offender during the process of investigation and prosecution as well as during trial hearings as much as possible. 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.¹²⁷

(c) Rights relating to the administration of justice

227. During the period under review, the principal organs of the United Nations took decisions towards coordinated and concerted action in promoting respect for human rights in the administration of justice. New international instruments containing principles relating to the administration of justice were adopted, such as the 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 this study.

Guidelines for Action on Children in the Criminal Justice System

228. The Economic and Social Council, by its resolution 1997/30 of 21 July 1997, recommended the Guidelines for Action on Children in the Criminal Justice System and

¹²⁶ G A resolution 53/144 of 9 December 1998, annex, articles 12 2) and 3).

¹²⁷ E S C resolution 1997/30 of 21 July 1997, annex, guideline 49.

invited all parties concerned to make use of the Guidelines in the implementation of the Convention on the Rights of the Child, as regards its implementation, as well as Member States as regards the use and application of 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),¹²⁸ and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,¹²⁹ together referred in the Guidelines as United Nations standards and norms in juvenile justice. The Guidelines are divided in three parts, namely the aims, objectives and basic considerations (part one); 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 (part two) and the plans concerned with child victims and witnesses (part three).

229. The aims of the Guidelines for Action 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. Regarding the plans for the implementation of the Convention on the Rights of the Child, the Guidelines states, *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 rights of the child;¹³⁰ 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.¹³¹ The Guidelines further added that in the light of existing international standards, States should establish mechanisms to ensure a prompt, thorough and impartial investigation into allegations against officials of deliberate violation of the fundamental rights and freedoms of children. States should equally ensure that those found responsible are duly sanctioned;¹³² that juvenile justice should be given due attention internationally, regionally and nationally, including within the framework of the United Nations system-wide action.¹³³ As regards the plans concerned with child victims and witnesses, the Guidelines stresses, *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.¹³⁴

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

¹²⁸ See *Supplement No. 8*, Article 55, para. 294.

¹²⁹ *Ibid.*

¹³⁰ ESC resolution 1997/30 of 21 July 1997, annex, guideline 10.

¹³¹ *Ibid.*, guideline 22.

¹³² *Ibid.*, guideline 25.

¹³³ *Ibid.*, guideline 26.

¹³⁴ *Ibid.*, guideline 47.

230. The General Assembly by its resolution 52/86 of 12 December 1997 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 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 in eleven parts, namely criminal law (part one); criminal procedure (part two); police (part three); sentencing and corrections (part four); victims support and assistance (part five); health and social services (part six); training (part seven); research and evaluation (part eight); crime prevention measures (part nine); international cooperation (part ten) and follow-up activities (part eleven).

231. The General 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.¹³⁵ The General Assembly also appealed to Governments, *inter alia*, to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights.¹³⁶ The General Assembly also acknowledged the important role of the regional commissions, specialized agencies and United Nations institutes in the area of human rights and crime prevention and criminal justice, and of other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in that field.¹³⁷

232. The Economic and Social Council also dealt with matters relating to the administration of justice. The Council recognized the desirability of preparing a draft manual or draft 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 would seek the views of Member States on the draft manual or draft manuals and would report on those views to the Commission on Crime Prevention and Criminal Justice. It 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

¹³⁵ See, for example, G A resolutions 50/181 of 22 December 1995, 52/124 of 12 December 1997 and 54/163 of 17 December 1999.

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*

Prevention and Criminal Justice Programme network, the World Society of Victimology and other entities, and with support of the Secretary-General. It finally 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.¹³⁸

The right to a fair trial

233. By its decision 1995/299 of 25 July 1995, the Economic and Social Council approved the endorsement by the Commission on Human Rights, in its decision 1995/110 of 3 March 1995, of the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to two Special Rapporteurs, to 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.¹³⁹

Human rights and state of emergency

234. The General Assembly called upon Governments to take steps to ensure that, when a state of emergency was introduced, the protection of human rights was ensured, in particular as regards the prevention of enforced disappearances.¹⁴⁰ In its resolution 1996/21 of 23 July 1996,¹⁴¹ 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 on human rights and states of emergency, to fulfil his mandate, 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 its resolution 1998/279 of 30 July 1998, 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 was proclaimed or was continued during the reporting period.

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

235. The rights relating to privacy and honour and reputation have been 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,

¹³⁸ See, for example, E S C resolution 1996/14 of 23 July 1996.

¹³⁹ See also E S C decision 1997/285 of 22 July 1997.

¹⁴⁰ G A resolution 51/94 of 12 December 1996, para. 3.

¹⁴¹ See also E S C resolution 1995/34 of 25 July 1995 and decision 1997/286 of 22 July 1997.

protecting the privacy of child victims and witnesses and, when necessary, ensuring their safety from intimidation and retaliation.¹⁴²

236. As regards the 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 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 the inappropriate dissemination of information that could lead to the identification of child victims.¹⁴³

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 and minimize intrusion, while maintaining standards for the collection of the best evidence.¹⁴⁴

(e) Freedom of movement and residence

238. As in the previous period,¹⁴⁵ the General Assembly examined the freedom of movement and residence in connection with the respect for the universal freedom of travel and the vital importance of family reunification. In its resolution 50/175 of 22 December 1995,¹⁴⁶ the General Assembly called upon all States to guarantee the universally recognized freedom of travel to 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 upon all States to discourage and reverse legislation that adversely affected family reunification of those legal migrants.

239. As regards 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

¹⁴² E S C resolution 1997/30 of 21 July 1997, annex, guideline 51.

¹⁴³ G A resolution 54/263 of 25 May 2000, annex II, article 8.1.e).

¹⁴⁴ See G A resolution 52/86 of 12 December 1997, annex, Parts II and III, points 7 and 8.

¹⁴⁵ See *Supplement No. 8*, Article 55, para. 297.

¹⁴⁶ See also G A resolutions 51/89 of 12 December 1996, 52/121 of 12 December 1997 and 53/143 of 9 December 1998; See also E S C decision 1995/276 of 25 July 1995.

should treat the child with respect, in accordance with international principles of human rights, and offer adequate family-based rehabilitation measures.¹⁴⁷

240. During the period under review, freedom of movement was also examined by the Human Rights Committee at its sixty-seventh session (1999).¹⁴⁸ According to the Committee, the 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 were 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.

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 Covenant 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 12.¹⁴⁹

242. According to the Committee, the right of a person to enter his or her own country recognized the special relationship of a person to 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 this person from returning to his or her own country.¹⁵⁰

(f) Right of asylum and related rights

¹⁴⁷ E S C resolution 1997/30 of 21 July 1997, annex, guideline 52.

¹⁴⁸ See Human Rights/GEN/1/Rev. 8, Human Rights Committee, General comment No. 27: Article 12 of the Covenant (Freedom of movement), pp. 213-218.

¹⁴⁹ See Human Rights/GEN/1/Rev. 8, Human Rights Committee, General comment No. 27: Article 12 of the Covenant (Freedom of movement), pp. 213-218.

¹⁵⁰ *Ibid.*

243. As in the past,¹⁵¹ the rights of asylum and related rights were examined in connection with the activities of the Office of the United Nations High Commissioner for Refugees, the question of mass exoduses and the situation of internally displaced persons.

Office of the United Nations High Commissioner for Refugees

244. In its resolution 50/152 of 21 December 1995,¹⁵² 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 of providing international protection to 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 General Assembly called upon 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 human 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, recognized that the effective promotion and protection of human rights and fundamental freedoms were essential for States to fulfil their humanitarian responsibilities in reintegrating returning refugees.

245. In subsequent resolutions,¹⁵³ the General Assembly deplored the fact that in certain situations refugees, returnees and displaced persons of concern to the Office of the High Commissioner had been subjected to armed attack, murder, rape, threats to their personal security and 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 High Commissioner as well as of other humanitarian organizations. It finally urged all States and relevant organizations to support the High Commissioner's search for durable solutions to refugee problems, including voluntary repatriation, integration in the country of asylum and resettlement in a third country, as appropriate, and reaffirmed that voluntary repatriation was the ideal solution to refugee problems, and called upon countries of origin, countries of asylum, the Office of the High Commissioner 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 unaccompanied refugee minors were among the most vulnerable

¹⁵¹ See *Supplement No. 8*, Article 55, paras. 298-308.

¹⁵² See also G A resolutions 51/75 of 12 December 1996, 52/103 of 12 December 1997, 53/125 of 9 December 1998 and 54/146 of 17 December 1999.

¹⁵³ G A resolution 51/75 of 12 December 1996. See also G A resolutions 52/103 of 12 December 1997, 53/125 of 9 December 1998 and 54/146 of 17 December 1999.

refugees and required special assistance and care.¹⁵⁴ It expressed its deep concern at the continued plight of those children, and emphasized once again the urgent need for their early identification and for timely, details 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 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 to 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.¹⁵⁵

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 population in many regions of the world and by the human suffering of millions of refugees and displaced persons.¹⁵⁶ The General Assembly also noted that gross violations of human rights, including armed conflicts, were among the multiple and complex factors leading to displacement of people, and the need for a comprehensive approach by the international community to address root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms. The 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 this period, the Assembly requested the United Nations High Commissioner for Human Rights, in accordance with his mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, 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 situation through emergency preparedness and response mechanisms, including information-sharing with United Nations early-warning mechanisms, and the provision of technical advice, expertise and cooperation.¹⁵⁷

¹⁵⁴ G A resolutions 50/150 of 21 December 1995, 51/73 of 12 December 1996, 52/105 of 12 December 1997, 53/122 of 9 December 1998 and 54/145 of 17 December 1999.

¹⁵⁵ G A resolutions 50/150 of 21 December 1995, 51/73 of 12 December 1996, 52/105 of 12 December 1997, 53/122 of 9 December 1998 and 54/145 of 17 December 1999. See also this study, below, para. 319.

¹⁵⁶ G A resolutions 50/182 of 22 December 1995, 52/132 of 12 December 1997 and 54/180 of 17 December 1999.

¹⁵⁷ *Ibid.*

248. The Assembly welcomed the continuation of inter-agency consultations on early warning of mass flows of refugees, pursuant to the decision of the Administrative Committee on Coordination, with the purpose of serving in both prevention 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.¹⁵⁸

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, and was conscious of the serious problems that was creating for the international community.¹⁵⁹ It invited Governments, United Nations humanitarian assistance and development organizations concerned to establish frameworks of cooperation with the Representative of the Secretary-General so as to provide all possible assistance and support to him in the implementation of his programme of activities, and invited the Representative to report thereon to the Commission on Human Rights.¹⁶⁰

250. The Assembly welcomed the Commission on Human Rights resolution 1997/39, in which the Commission 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.¹⁶¹ 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.¹⁶² It welcomed the fact that the Representative 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 this regard.¹⁶³

251. The right of asylum and related rights have also been examined by the Committee on the Elimination of Racial Discrimination at its forty-ninth session (1996).¹⁶⁴ The

¹⁵⁸ G A resolutions 52/132 of 12 December 1997 and 54/180 of 17 December 1999.

¹⁵⁹ G A resolutions 50/195 of 22 December 1995, 52/130 of 12 December 1997 and 54/167 of 17 December 1999.

¹⁶⁰ *Ibid.*

¹⁶¹ G A resolution 52/130 of 12 December 1997.

¹⁶² See G A resolution 54/167 of 17 December 1999 and E/CN.4/1998/53/Add.2.

¹⁶³ G A resolution 54/167 of 17 December 1999.

¹⁶⁴ See Human Rights/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. 254-255.

Committee drew the attention of States parties to article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination as well as the Committee's general recommendation XX (48) on article 5, and reiterated 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. The Committee emphasized in this respect that refugees and displaced persons had the right freely to return 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 were deprived in the course of the 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 was also included in the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism¹⁶⁵ 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 has not participated in terrorist acts, considering in this regard relevant information as to whether the asylum-seeker is subject to investigation for or is charged with or has been convicted of offences connected with terrorism and, after granting refugee status, for the purpose of ensuring that that status is not used for the purpose of preparing or organizing terrorist acts intended to be committed against other States or their citizens.¹⁶⁶ The States Members of the United Nations emphasize that asylum-seekers who are waiting the processing of their asylum applications may not thereby avoid prosecution for terrorist acts.¹⁶⁷

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 prevent durable solutions to their plight.¹⁶⁸ In this 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 Commission on Human Rights and, in particular, to provide them with all relevant information in their

¹⁶⁵ G A resolution 51/210 of 17 December 1996, annex.

¹⁶⁶ *Ibid.*, article 3.

¹⁶⁷ *Ibid.*, article 4.

¹⁶⁸ G A resolutions 50/182 of 22 December 1995, 52/132 of 12 December 1997 and 54/180 of 17 December 1999.

possession on the human rights situations creating or affecting refugees and displaced persons.¹⁶⁹

* * (g) The right to a nationality

* * (h) Rights relating to marriage and family

* * (i) The right to own property

(j) Freedom of thought, conscience and religion

254. Concerning the freedom of thought, conscience and religion, the General Assembly made similar recommendations as in the previous period.¹⁷⁰ The Assembly analyzed the freedom of thought, conscience and religion in connection with the elimination of all forms of religious intolerance. In its resolution 50/183 of 22 December 1995 for example, the General 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. 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 provided 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.¹⁷¹

255. The General Assembly also urged States 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 further called upon 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.¹⁷²

256. In the same vein, the General Assembly encouraged the continuing efforts on the part of the Special Rapporteur¹⁷³ appointed to examine incidents and governmental actions in all parts of the world that were incompatible with the provisions of the

¹⁶⁹ *Ibid.*

¹⁷⁰ See *Supplement No. 8*, Article 55, paras. 316-320.

¹⁷¹ See also G A resolutions 51/93 of 12 December 1996, 52/122 of 12 December 1997, 53/140 of 9 December 1998 and 54/159 of 17 December 1999.

¹⁷² G A resolutions 50/183 of 22 December 1995, 51/93 of 12 December 1996, 52/122 of 12 December 1997, 53/140 of 9 December 1998 and 54/159 of 17 December 1999.

¹⁷³ See A/54/386.

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief,¹⁷⁴ and to recommend remedial measures as appropriate. It also encouraged Governments to give serious considerations to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively.¹⁷⁵ 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.¹⁷⁶

(k) Freedom of expression

257. The Economic and Social Council, by its decision 1996/266 of 23 July 1996, endorsed the Commission on Human Rights' decision 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,¹⁷⁷ and that the Special Rapporteur submitted to the Commission at its fifty-sixth session a report covering activities relating to his mandate.¹⁷⁸

(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 this Declaration, everyone has the right, individually and in association 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.¹⁷⁹

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

259. In conformity with its previous practice,¹⁸⁰ the General Assembly continued to express views on matters related to the right to take part in the government, the right to access to public service and the rights relating to the will of the people. The General Assembly analyzed in this regard questions in relation to periodic and genuine elections

¹⁷⁴ G A resolution 36/55 of 25 November 1981.

¹⁷⁵ G A resolutions 50/183 of 22 December 1995, 52/122 of 12 December 1997, 53/140 of 9 December 1998 and 54/159 of 17 December 1999.

¹⁷⁶ G A resolution 54/159 of 17 December 1999.

¹⁷⁷ See also E S C decision 1999/238 of 27 July 1999.

¹⁷⁸ *Ibid.*

¹⁷⁹ G A resolution 53/144 of 9 December 1998, annex, article 5.

¹⁸⁰ See *Supplement No. 8*, Article 55, paras. 324-330.

and the promotion of democratization. For example, the Assembly welcomed the support provided 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 had taken place and needs-assessment missions aimed at recommending programmes which might contribute to the consolidating of the democratization process, and requested that such efforts be strengthened.¹⁸¹

260. During this period, 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. It finally recommended that the Secretary-General considered ways to continue to improve coordination and to strengthen further the efforts of the Electoral Assistance Division, the Centre for Human Rights, the United Nations Development Programme and the United Nations system in general.¹⁸²

261. Concerning the respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes, the General Assembly 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.¹⁸³ 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.¹⁸⁴ The Assembly reaffirmed that all countries had the obligation under the Charter to respect the right of others to self-determination and to determine freely their political status and pursue their economic, social and cultural development.¹⁸⁵

¹⁸¹ G A resolutions 50/185 of 22 December 1995, 52/129 of 12 December 1997 and 54/173 of 17 December 1999.

¹⁸² G A resolutions 50/185 of 22 December 1995, 52/129 of 12 December 1997 and 54/173 of 17 December 1999.

¹⁸³ G A resolutions 50/172 of 22 December 1995, 52/119 of 12 December 1997 and 54/168 of 17 December 1999.

¹⁸⁴ *Ibid.*

¹⁸⁵ *Ibid.*

262. Regarding the support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies, the General Assembly¹⁸⁶ commended the Secretary-General and through him the United Nations system for the activities undertaken at the request of Governments to support the efforts to consolidate democracy, as reflected in his reports.¹⁸⁷ The Assembly recognized that the Organization had an important role to play in providing timely, appropriate and coherent support to the efforts of Governments 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.¹⁸⁸ It encouraged Member States to promote democratization and to make additional efforts to identify possible steps to support the efforts of Governments to promote and consolidate new or restored democracies.¹⁸⁹

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 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.¹⁹⁰ 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.¹⁹¹

264. The participation in public affairs and the right to vote was examined by the Human Rights Committee at its fifty-seventh session (1996).¹⁹² 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 to be elected and the right to have access to public service. Whatever form of constitution or government was in force, the Covenant required States to adopt such legislative and other measures as might be necessary to ensure that citizens had an

¹⁸⁶ See, for example, G A resolutions 50/133 of 20 December 1995, 51/31 of 6 December 1996, 52/18 of 21 November 1997, 53/31 of 23 November 1998 and 54/36 of 29 November 1999.

¹⁸⁷ A/50/332 and Corr.1, A/51/512, A/52/513, A/53/554 and Corr.1 and A/54/492.

¹⁸⁸ G A resolutions 50/133 of 20 December 1995, 51/31 of 6 December 1996, 52/18 of 21 November 1997, 53/31 of 23 November 1998 and 54/36 of 29 November 1999.

¹⁸⁹ G A resolutions 50/133 of 20 December 1995, 51/31 of 6 December 1996, 52/18 of 21 November 1997, 53/31 of 23 November 1998 and 54/36 of 29 November 1999.

¹⁹⁰ G A resolution 53/144 of 9 December 1998, annex, article 8.

¹⁹¹ *Ibid.*, article 18.

¹⁹² See Human Rights/GEN/1/Rev. 8, Human Rights Committee, General comment No. 25: Article 25 of the Covenant (Participation in public affairs and the right to vote), pp. 207-212.

effective opportunity to enjoy the rights it protected. In contrast with other rights and freedoms recognized by the Covenant (which were ensured to 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 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.¹⁹³

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.¹⁹⁴

(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 (1997).¹⁹⁵ According to the Committee, while the impact of sanctions varied from one case to another, it was aware that they almost always had a dramatic impact on the rights recognized in the Covenant. Thus, 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

¹⁹³ See Human Rights/GEN/1/Rev. 8, Human Rights Committee, General comment No. 25: Article 25 of the Covenant (Participation in public affairs and the right to vote), pp. 207-212.

¹⁹⁴ *Ibid.*

¹⁹⁵ *Ibid.*, General comment No. 8: The relationship between economic sanctions and respect for economic, social and cultural rights, pp. 51-55.

undermined the right to work. Although the Committee had no role to play in relation to decisions to impose or not to impose sanctions, it however had a responsibility to monitor compliance by all States parties with 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 for 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 fundamental rights that underlay and gave legitimacy to any such collective action.¹⁹⁶

* * (a) Rights relating to work

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

268. Concerning the rights to the standard of living and social security, as in the previous period,¹⁹⁷ the principal organs of the United Nations took 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.

Adequate housing

269. The General Assembly recalled its resolution 43/181 of 20 December 1988, in which it designated the Commission on Human Settlements as the United Nations intergovernmental body responsible for coordinating, evaluating and monitoring the Global Strategy for Shelter to the Year 2000,¹⁹⁸ 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

¹⁹⁶ See Human Rights/GEN/1/Rev. 8, Committee on Economic, Social and Cultural Rights, General comment No. 8: The relationship between economic sanctions and respect for economic, social and cultural rights, pp. 51-55.

¹⁹⁷ See *Supplement No. 8*, Article 55, paras. 331-337.

¹⁹⁸ A/43/8/Add.1.

into account the relevant components of Agenda 21.¹⁹⁹ The Assembly recommended that Governments extended 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. It finally adopted the plan of action for the implementation of the Global Strategy for Shelter to the Year 2000 during the biennium 1998-1999,²⁰⁰ and urged Governments, relevant United Nations and private sector organizations, and intergovernmental and non-governmental organizations to prepare and implement their specific plans of actions.²⁰¹

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 (1997).²⁰² 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 rights protected under the Covenant. Although the Committee had 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 was 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 upon Governments to ensure that, where evictions did occur, appropriate measures were taken to ensure that no form of discrimination was involved. Forced eviction and house demolition as a punitive measure 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 the civilian population and the destruction of private property as those related to the practice of forced eviction.²⁰³

¹⁹⁹ *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.

²⁰⁰ *Official Records of the General Assembly, Fifty-second Session, Supplement No. 8 (A/52/8/Add.1)*, annex.

²⁰¹ G A resolution 52/191 of 18 December 1997.

²⁰² See Human Rights/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 Covenant): Forced evictions, pp. 46-51.

²⁰³ *Ibid.*

272. The Committee emphasized that States parties should ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives were explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided 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 interferences might be permitted.

273. Finally, the Committee stressed that evictions should not result in individuals being rendered 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.²⁰⁴

Human rights and extreme poverty

274. By its resolution 51/97 of 12 December 1995, 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 them. The Assembly noted with satisfaction that the Special Rapporteur on human rights and extreme poverty, in the process of preparing his final report,²⁰⁵ had implemented the recommendations of the Commission on Human Rights by paying special attention to the efforts of the poorest themselves and the conditions in which they could convey their experiences. It again called upon States, the 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,²⁰⁶ 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

²⁰⁴ See Human Rights/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 Covenant): Forced evictions, pp. 46-51.

²⁰⁵ E/CN.4/SUB.2/1996/13.

²⁰⁶ See G A resolution 53/146 of 9 December 1998.

in the year 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.²⁰⁷ The Assembly also noted with appreciation the specific action taken by the United Nations Children's Fund to mitigate the effects of extreme poverty on children and the efforts of the United Nations Development Programme to give priority to the search for some means of alleviating poverty within the framework of the relevant resolutions, and urged them to continue that work.²⁰⁸

Right to adequate food

276. During this period, the principal organs of the United Nations took certain resolutions concerning the right to food. In its resolution 50/109 of 20 December 1995, 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. The Assembly welcomed the decision of the conference of the Food and Agriculture Organization of the United Nations to convene the World Food Summit at Rome from 13 to 17 November 1996, at the level of heads of State or Government. It finally recognized 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 of 30 July 1998, 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;²⁰⁹ the Council also approved the decision in that regard to invite the High Commissioner to promote and encourage broader participation by experts from Member States, relevant specialized agencies and programmes, in particular the Food and Agriculture Organization of the United Nations, and non-governmental organizations.

278. The right to adequate food was examined by the Committee on Economic, Social and Cultural Rights at its twentieth session (1999).²¹⁰ The Committee affirmed that the

²⁰⁷ *Ibid.*

²⁰⁸ See G A resolutions 51/97 of 12 December 1995 and 53/146 of 9 December 1998.

²⁰⁹ See Food and Agriculture Organization of the United Nations, *Report of the World Food Summit, 13-17 November 1996* (WFS 96/REP), part one, appendix.

²¹⁰ See Human Rights/GEN/1/Rev. 8, Committee on Economic, Social and Cultural Rights, General comment No. 12: The right to adequate food (article 11 of the Covenant), pp. 63-71.

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 International Bill of Human Rights. 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 to 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, like any other human right, imposed three types or levels of obligations 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 as soon as possible could enjoy the right to adequate food. 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.²¹¹

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.²¹²

* * (c) Rights relating to motherhood and childhood

(d) Right to health

281. As in the previous period,²¹³ the right to health continued to be explored by the principal organs in the context of the prevention and control of acquired

²¹¹ See Human Rights/GEN/1/Rev. 8, Committee on Economic, Social and Cultural Rights, General comment No. 12: The right to adequate food (article 11 of the Covenant), pp. 63-71.

²¹² *Ibid.*

²¹³ See also *Supplement No. 8*, Article 55, paras. 340-341.

immunodeficiency syndrome (AIDS), and a new issue was also examined and related to the traditional practices affecting the health of women and children.

282. As regards the prevention and control of Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS), the Economic and Social Council, recalling its resolution 1994/24 of 26 July 1994 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.²¹⁴ In its resolution 1997/52 of 23 July 1999, the Council appealed to Governments and the 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, 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 it constituted a definite form of violence against women and girls and a serious violation of their human rights. The Assembly expressed concern at the continuing large-scale existence of such practices; 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.²¹⁵ The Assembly also called upon all States to implement their international commitments in that field, to ratify the relevant human rights treaties, to intensify efforts to raise awareness on the harmful effects of female genital mutilation and other traditional or customary practices affecting the health of women and girls; it further urged all States to cooperate closely with the Special Rapporteur and with relevant United Nations funds, programmes and the specialized agencies in a joint effort to eradicate those practices.²¹⁶

(e) Right to education

284. The General Assembly continued, as in the past,²¹⁷ to examine the right to education in connection with the International Literacy Year. For example, in its resolution 50/143 of 21 December 1995, the General Assembly took note of the report of

²¹⁴ See also E S C resolution 1997/52 of 23 July 1999. See also the reports of the Secretary-General E/CN.4/1996/44, E/CN.4/1997/37 and E/CN.4/1999/76.

²¹⁵ G A resolutions 52/99 of 12 December 1997, 53/117 of 9 December 1998 and 54/133 of 17 December 1999. See also A/53/354 and A/54/341.

²¹⁶ *Ibid.* See E S C decisions 1995/300 of 25 July 1995, 1997/284 of 22 July 1997 and 1999/249 of 27 July 1999. 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.

²¹⁷ See *Supplement No. 8*, Article 55, para. 342.

the Secretary-General entitled “Progress made and problems encountered in the struggle against illiteracy: a mid-decade review”,²¹⁸ 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.²¹⁹ The Assembly further appealed²²⁰ to all 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, by its resolution 54/122 of 17 December 1999, the Assembly welcomed the convening of the World Education Forum, to be held in April 2000 in Senegal 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 (1999).²²¹ 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 free and compulsory primary education.

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 for in article 14 of the Covenant. The Committee called upon 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.²²²

²¹⁸ A/50/181-E/1995/65.

²¹⁹ *Final Report of the World Conference on Education for All: Meeting Basic Learning Needs, Jomtien, Thailand, 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.

²²⁰ See G A resolution 52/84 of 12 December 1997.

²²¹ See Human Rights/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 Covenant) pp. 60-63.

²²² *Ibid.*

287. At its twenty-first session (1999),²²³ 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 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 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.²²⁴

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

289. During the period under review, the General Assembly took resolutions related to cultural development. In its resolution 51/179 of 16 December 1996, the General Assembly noted that the Director-General of the United Nations Educational, Scientific and Cultural Organization had sent the report of the World Commission on Culture and Development,²²⁵ entitled *Our Creative Diversity*,²²⁶ to the Member States of that

²²³ *Ibid.*, General comment No. 13: The right to education (article 13 of the Covenant), pp. 71-86.

²²⁴ See Human Rights/GEN/1/Rev. 8, Committee on Economic, Social and Cultural Rights, General comment No. 13: The right to education (article 13 of the Covenant), pp. 71-86.

²²⁵ See G A resolution 46/158 of 19 December 1991.

²²⁶ For a summary version of the report, see A/51/451, annex.

organization for their comments,²²⁷ as well as to many non-governmental and academic bodies and requested the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to stimulate further international debate on culture and development; the Assembly also encouraged the latter organization 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.²²⁸ The General Assembly further took note of the Secretary-General reports on the progress of the World Decade for Cultural Development during the period 1994-1997,²²⁹ 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 the cultural dimension in development activities.²³⁰

290. By its resolution 54/160 of 17 December 1999 on human rights and cultural diversity, the General 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. The Assembly 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 upon 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. It finally 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 it 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,²³¹ the Convention on the Elimination of All Forms of Discrimination against Women²³² and other international instruments on human rights, the principal organs of the United Nations continued to take decisions concerning the rights of women, particularly with regard to the role of women in society, the advancement of the status of women, the violence against migrant women workers, the violence against women in general and the

²²⁷ See also G A resolution 52/197 of 18 December 1997.

²²⁸ G A resolutions 51/179 of 16 December 1996, 52/197 of 18 December 1997 and 53/184 of 15 December 1998.

²²⁹ See A/52/382 and A/53/321.

²³⁰ G A resolutions 52/197 of 18 December 1997 and 53/184 of 15 December 1998.

²³¹ G A resolution 217 A (III) of 10 December 1948.

²³² G A resolution 34/180 of 18 December 1979.

traffic in women and girls.²³³ 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,²³⁴ 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 delay a policy of eliminating discrimination against women.

293. The Optional Protocol has twenty-one articles related to 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.²³⁵

Role of women in society

294. With respect to the role of women in society, the General Assembly called upon all Governments and all actors of 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 to ensure women's equal rights and access to economic resources.²³⁶

295. The General Assembly also took resolutions regarding the improvement of the situation of women in rural areas by welcoming the reports of the Secretary-General²³⁷ 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 the improvement of the situation of rural women within the overall framework of integrated follow-up to previous global conferences.²³⁸

Advancement of the status of women

²³³ See also *Supplement No. 8*, Article 55, paras. 343-354.

²³⁴ See G A resolution 54/4 of 6 October 1999, annex. United Nations, Treaty Series, vol. 2131, p. 83.

²³⁵ For more details, see G A resolution 54/4 of 6 October 1999, annex or United Nations, Treaty Series, vol. 2131, p. 83.

²³⁶ G A resolution 50/104 of 20 December 1995.

²³⁷ A/47/308-E/1992/97, annex, A/52/326 and A/54/123-E/1999/66.

²³⁸ G A resolutions 50/165 of 22 December 1995, 52/93 of 12 December 1997 and 54/135 of 17 December 1999.

296. Regarding the advancement of the status of women, and in connection with the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, the General Assembly noted with satisfaction the successful conclusion of the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, which culminated in the adoption of the Beijing Declaration²³⁹ and the Platform for Action,²⁴⁰ aimed at accelerating the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women²⁴¹ to the year 2000. The Assembly called upon all States and all 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.²⁴² The General Assembly further called upon 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.²⁴³

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 the monitoring of the implementation of the Platform for Action within the United Nations system and in advising the Council thereon.²⁴⁴ 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.²⁴⁵ 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.²⁴⁶

298. On the same matter, the Economic and Social Council adopted resolution 1996/34 of 25 July 1996, 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

²³⁹ A/CONF.177/20, chap. I, resolution 1, annex I.

²⁴⁰ *Ibid.*, annex II.

²⁴¹ A/CONF.177/20 and Add.1.

²⁴² G A resolution 50/42 of 8 December 1995.

²⁴³ See G A resolutions 50/203 of 22 December 1995, 51/69 of 12 December 1996, 52/100 of 12 December 1997, 53/120 of 9 December 1998 and 54/141 of 17 December 1999.

²⁴⁴ See G A resolutions 50/203 of 22 December 1995, para. 25, 52/100 of 12 December 1997 and 53/120 of 9 December 1998; See also E S C resolution 1996/6 of 22 July 1996.

²⁴⁵ See G A resolutions 50/203 of 22 December 1995, 51/69 of 12 December 1996, 52/100 of 12 December 1997, 53/120 of 9 December 1998 and 54/141 of 17 December 1999.

²⁴⁶ See G A resolutions 51/69 of 12 December 1996, 52/100 of 12 December 1997 and 53/120 of 9 December 1998.

system, including a review of the progress made in mainstreaming a gender perspective in all activities of the United Nations system.²⁴⁷

299. In 1998, the General Assembly decided that a special session of the General Assembly be organized from 5 to 9 June 2000 to focus, *inter alia*, on obstacles encountered in implementation, as well as on strategies to overcome those obstacles, with a view to implementing fully the Platform for Action as well as taking further actions and initiatives.²⁴⁸ 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*.²⁴⁹

300. In the same vein and by its resolution 53/120 of 9 December 1998, the General Assembly took note of Economic and Social Council resolutions 1996/6 of 22 July 1996 on the follow-up to the Fourth World Conference on Women, 1998/43 of 31 July 1998 on mainstreaming the gender perspective into all policies and programmes in the United Nations system and 1998/26 of 28 July 1998 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. Regarding violence against migrant women workers, the General Assembly adopted several resolutions,²⁵⁰ 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 world 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 finally 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, when addressing the issue of violence against women, to give particular attention to the issue of violence perpetrated against women migrant workers and to submit reports thereon to the General Assembly.

²⁴⁷ See also E S C decision 1995/289 of 25 July 1995 and resolution 1999/16 of 28 July 1999.

²⁴⁸ See G A resolutions 52/231 of 17 June 1998 and 53/120 of 9 December 1998; see also G A resolution 54/142 of 17 December 1999 and E S C resolution 1999/50 of 29 July 1999.

²⁴⁹ See also G A resolution 53/120 of 9 December 1998.

²⁵⁰ See G A resolutions 50/168 of 22 December 1995, 51/65 of 12 December 1996, 52/97 of 12 December 1997 and 54/138 of 17 December 1999.

302. On the same issue, the Assembly welcomed the appointment of the Special Rapporteur on the human rights of migrants,²⁵¹ took note of the Secretary-General reports on violence against women migrant workers,²⁵² 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 attitude to ensure the delivery of proper and professional interventions for women migrant workers who were subjected to abuse and violence.²⁵³

Violence against women

303. Concerning violence against women in general, the General Assembly took resolutions related to the role of the United Nations Development Fund for Women in, *inter alia*, eliminating violence against women. The Assembly 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.²⁵⁴ It also welcomed the operationalization of the Trust Fund in Support of Action to Eliminate Violence against Women, and requested the United Nations Development Fund for Women 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.²⁵⁵ It further commended the 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 entitled “A World Free of Violence against Women”, which was held on 8 March 1999.²⁵⁶

304. On the same matter, the General Assembly reaffirmed Economic and Social Council resolution 1996/12 of 23 July 1996²⁵⁷ 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.²⁵⁸ It called upon Governments, international

²⁵¹ E S C decision 1999/239 of 27 July 1999.

²⁵² A/51/325, A/52/356 and A/54/342.

²⁵³ See G A resolutions 50/168 of 22 December 1995, 51/65 of 12 December 1996, 52/97 of 12 December 1997 and 54/138 of 17 December 1999.

²⁵⁴ See G A resolution 50/166 of 22 December 1995; See also E S C resolution 1995/27 of 24 July 1995.

²⁵⁵ G A resolution 52/94 of 12 December 1997.

²⁵⁶ G A resolution 54/136 of 17 December 1999.

²⁵⁷ See also E S C resolution 1997/24 of 21 July 1997.

²⁵⁸ G A resolution 52/86 of 12 December 1997.

organizations and non-governmental organizations, as appropriate to translate *Strategies for Confronting Domestic Violence: A Resource Manual*²⁵⁹ into local languages and so to ensure its wide dissemination for use in training and education programmes.

305. In the same resolution,²⁶⁰ 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.²⁶¹ It appealed 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 the Exploitation of the Prostitution of Others,²⁶² 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. It finally invited the Commission on Human Rights mechanisms to continue addressing that problem as a priority concern and to recommend, in their reports, measures to combat such phenomena and reiterated its call upon the United Nations High Commissioner for Human Rights, to include the traffic in women and girls among her priority concerns.²⁶³

307. In the same vein and by its resolution 51/66 of 12 December 1996, the General Assembly welcomed the convening of the World Congress against Commercial Sexual Exploitation of Children at Stockholm from 27 to 31 August 1996 and called upon all Governments to criminalize trafficking in women and girls in all its forms and to condemn and penalize all those 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 against

²⁵⁹ E.94.IV.1.

²⁶⁰ G A resolution 52/86 of 12 December 1997.

²⁶¹ A/50/369, A/51/309, A/52/355 and A/53/409.

²⁶² Resolution 317 (IV) of 2 December 1949, annex.

²⁶³ G A resolutions 50/167 of 22 December 1995, 51/66 of 12 December 1996, 52/98 of 12 December 1997 and 53/116 of 9 December 1998.

Commercial Sexual Exploitation of Children and called upon 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.²⁶⁴

308. As for it, the Economic and Social Council²⁶⁵ declared that the attention and resources of law enforcement authorities, in particular in the countries of destination for the women and children being trafficked, should be directed towards preventing and punishing the activities of all those involved in organizing and facilitating such international trafficking. The Council then 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, had to hold discussion on the elaboration, as appropriate, of an international instrument addressing trafficking in women and children.

309. Always concerning women's rights, the Committee on the Elimination of Discrimination against Women adopted at its sixteenth session (1997),²⁶⁶ a general recommendation on 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 to all citizens. The Convention 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 elections and referendums, and to be elected. Those rights should be enjoyed both *de jure* and *de facto*.²⁶⁷

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

²⁶⁴ See G A resolutions 52/98 of 12 December 1997 and 53/116 of 9 December 1998.

²⁶⁵ See E S C resolutions 1996/26 of 24 July 1996 and 1998/20 of 28 July 1998.

²⁶⁶ See Human Rights/GEN/1/Rev. 8, Committee on the Elimination of Discrimination against Women, General recommendation No. 23: Political and public life, pp. 318-329.

²⁶⁷ *Ibid.*

were identified and overcome. Those barriers included complacency when token women were appointed, and traditional and customary attitudes that discouraged women's participation. It was the 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 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.²⁶⁸

312. At its twentieth session (1999),²⁶⁹ 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 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.²⁷⁰

(b) Rights of the child

314. As in the previous period,²⁷¹ the principal organs of the United Nations took certain resolutions concerning the rights of the child in connection with the issues of

²⁶⁸ *Ibid.*

²⁶⁹ See Human Rights/GEN/1/Rev. 8, Committee on the Elimination of Discrimination against Women, General recommendation No. 24: Article 12 of the Convention (women and health), pp. 329-336.

²⁷⁰ *Ibid.*

²⁷¹ See *Supplement No. 8*, Article 55, paras. 355-366.

street children, children affected by armed conflicts, 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, girl child, as well as the adoption of three instruments including the two Optional Protocols to the Convention on the Rights²⁷² of the Child and the Guidelines for Action on Children in the Criminal Justice System.

The question of 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. The Assembly urged Governments to continue actively to seek comprehensive solutions to tackle the problems of street children and to take measures to restore their full participation in society and to provide, *inter alia*, adequate nutrition, shelter, health care and education. It strongly urged all Governments to guarantee the 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.²⁷³

Children affected by armed conflicts²⁷⁴

316. In its resolution 50/153 of 21 December 1995,²⁷⁵ the General Assembly took note of the report of the Secretary-General on concrete measures taken to alleviate the situation of children in armed conflict²⁷⁶ 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 General Assembly in its resolution 48/157 of 20 December 1993. 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-General,²⁷⁷ 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

²⁷² G A resolution 44/25 of 20 December 1989.

²⁷³ See G A resolutions 50/153 of 21 December 1995, 51/77 of 12 December 1996, 52/107 of 12 December 1997, 53/128 of 9 December 1998 and 54/149 of 17 December 1999.

²⁷⁴ See below, paras. 323-325.

²⁷⁵ See also G A resolutions 51/77 of 12 December 1996, 52/107 of 12 December 1997, 53/128 of 9 December 1998 and 54/149 of 17 December 1999.

²⁷⁶ A/50/672.

²⁷⁷ See A/51/306 and Add.1, A/53/482 and A/54/430, annex.

demobilization and effective disarmament. It finally requested that appropriate measures could 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.²⁷⁸

Sale of children, child prostitution and child pornography²⁷⁹

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.²⁸⁰ 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.²⁸¹

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 the International Labour Organization relating to the elimination of exploitation of child labour, in particular those concerning 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 them. It called upon Governments to take legislative, administrative, social and educational measures to ensure the protection of children from economic exploitation, in particular the 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.²⁸² It further welcomed the adoption by the International Labour Organization of the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Convention No. 182, and encouraged all States to consider ratifying it as a matter of priority with a view to its entry into force as soon as possible.²⁸³

Refugee and internally displaced children

²⁷⁸ See G A resolution 51/77 of 12 December 1996. See also E S C decision 1998/271 of 30 July 1998.

²⁷⁹ See also below, paras. 326-329.

²⁸⁰ A/50/456, A/51/456, A/52/482, A/53/311, annex and A/54/411.

²⁸¹ G A resolutions 50/153 of 21 December 1995, 51/77 of 12 December 1996, 52/107 of 12 December 1997, 53/128 of 9 December 1998 and 54/149 of 17 December 1999.

²⁸² *Ibid.*

²⁸³ See G A resolution 54/149 of 17 December 1999.

319. Regarding refugee and internally displaced children, the General Assembly called upon States and United Nations bodies in recognizing the particular vulnerability of refugee and internally displaced children, to protect both their safety and their development needs, including health, education, and psychosocial rehabilitation.²⁸⁴ It also called upon 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.²⁸⁵ 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.²⁸⁶

Children with disabilities

320. In its resolution 52/107 of 12 December 1997,²⁸⁷ the General Assembly welcomed the increased attention given by the Committee on the Rights of the Child to the equal enjoyment by children with disabilities of the rights of the child. It called upon all States to promote a full and decent life for children with disabilities, in conditions which ensured dignity, promote self-reliance and facilitate the child's active participation in the community. It welcomed the decision by the Economic and Social Council²⁸⁸ 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 the United Nations Children's Fund to work closely with him.

321. By its resolution 54/149 of 17 December 1999, the General Assembly welcomed the establishment of a working group, following the decision of the Committee on the Rights of the Child, with the aim of elaborating a plan of action on children with disabilities, in close cooperation with the Special Rapporteur of the Commission for Social Development on Disability and other relevant parts of the United Nations system.

The girl child

²⁸⁴ G A resolutions 51/77 of 12 December 1996, 52/107 of 12 December 1997, 53/128 of 9 December 1998 and 54/149 of 17 December 1999.

²⁸⁵ *Ibid.*

²⁸⁶ G A resolutions 51/77 of 12 December 1996, 52/107 of 12 December 1997, 53/128 of 9 December 1998 and 54/149 of 17 December 1999. See also this study, above, 246.

²⁸⁷ See also G A resolutions 53/128 of 9 December 1998 and 54/149 of 17 December 1999.

²⁸⁸ E S C resolution 1997/20 of 21 July 1997.

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, recalling 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 obstacle 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.²⁸⁹

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 1994,²⁹⁰ an open-ended inter-sessional working group of the Commission on Human Rights drafted the present instrument. The General Assembly, by its resolution 54/263 of 25 May 2000, adopted and opened for signature, ratification and accession the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

324. In the preamble of the 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 Court²⁹¹ and, in particular, its inclusion as a war crime of 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 International Labour Organization 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 Protocol includes thirteen articles which provide, *inter alia*, the minimum age for the voluntary recruitment of persons into the national armed forces and their special protection; the measures to prevent recruitment or use in hostilities of children by armed groups that are distinct from the armed forces of a State; and the cooperation in the rehabilitation and social reintegration of persons who are victims of acts contrary to the Protocol.

²⁸⁹ G A resolutions 50/154 of 21 December 1995, 51/76 of 12 December 1996, 52/106 of 12 December 1997, 53/127 of 9 December 1998 and 54/148 of 17 December 1999.

²⁹⁰ E S C decision 1994/10 of 22 July 1994.

²⁹¹ A/CONF.183/9.

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

326. The Economic and Social Council taking note of the Commission on Human Rights resolution 1995/78 of 8 March 1995, authorized the open-ended inter-sessional 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 on Human Rights on the sale of children, child prostitution and child pornography and the Committee on the Rights of the Child, and on the basis of the guidelines contained in its report,²⁹² a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.²⁹³

327. In its resolution 54/263 of 25 May 2000, 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, the General Assembly considered that, in order further to achieve the purposes of the Convention on the Rights of the Child and the implementation of its provisions, especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that States parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography.

329. The Protocol has seventeen articles and provides, *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 these offences; 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; legal, administrative measures, social policies and programmes to prevent these offences; and international cooperation for the prevention, detection, investigation, prosecution and punishment of these offenses and for assistance to child victims

Guidelines for Action on Children in the Criminal Justice System

330. Concerning the Guidelines for Action on Children in the Criminal Justice System, the Economic and Social Council addressed them to the Secretary-General and relevant United Nations agencies and programmes, States parties to the Convention on the Rights of the Child, as regards its implementation, as well as Member States as regards 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

²⁹² E/CN.4/1995/95, annex I.

²⁹³ E S C resolution 1995/35 of 25 July 1995 and decision 1998/271 of 30 July 1998. See also above, paras. 326-329.

or children permanently deprived of a family environment, children with disabilities, children of minorities, immigrants and indigenous peoples and other vulnerable groups of children; ²⁹⁴ and guideline 36 adds, *inter alia*, that the placement of these 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. ²⁹⁵

(c) Rights of minorities

331. With respect to the right of minorities, the Economic and Social Council, by its resolution 1995/31 of 25 July 1995, ²⁹⁶ decided to authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish an inter-sessional working group of the Subcommission, consisting of five of its members, which had to meet each year 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. ²⁹⁷

332. On the same matter, the General Assembly took note with appreciation of the reports of the Secretary-General, ²⁹⁸ and urged States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Assembly reaffirmed the obligation of States to ensure that persons belonging to minorities might 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 upon 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 Governments concerned for that purpose, but also to resume inter-agency consultations with United Nations programmes and agencies on minority issues, and urged those programmes and agencies to contribute actively to that process. It finally called upon 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. ²⁹⁹

²⁹⁴ E S C resolution 1997/30 of 21 July 1997, annex, guideline 17.

²⁹⁵ *Ibid.*, guideline 36.

²⁹⁶ See also E S C decision 1998/246 of 30 July 1998.

²⁹⁷ See G A resolution 47/135 of 18 December 1992. For more details on the Declaration, see also *Supplement No. 8*, Article 55, paras. 368-370.

²⁹⁸ A/50/514, A/51/536, A/52/498 and A/54/303.

²⁹⁹ G A resolutions 50/180 of 22 December 1995, 51/91 of 12 December 1996, 52/123 of 12 December 1997 and 54/162 of 17 December 1999.

333. At its fifty-fifth session (1999),³⁰⁰ the Committee on the Elimination of Racial Discrimination 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 as far as possible the Committee 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.³⁰¹

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 on 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 incorporated in the International Convention on the Elimination of All Forms of Racial Discrimination. At the same time, the Committee drew to the attention of States parties that the application of different criteria in order to determine ethnic groups or indigenous peoples, leading to the recognition of some and refusal to recognize others, might give rise to differing treatment for various groups within a country's population.³⁰²

(d) Rights of indigenous populations

336. Regarding the right of indigenous populations, the Economic and Social Council welcomed the reports of the Special Rapporteur on the protection of the heritage of indigenous people,³⁰³ 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 people³⁰⁴ should be published in all official languages and disseminated

³⁰⁰ See Human Rights/GEN/1/Rev. 8, Committee on the Elimination of Racial Discrimination, General comment XXIV concerning article 1 of the Convention, p. 257.

³⁰¹ See Human Rights/GEN/1/Rev. 8, Committee on the Elimination of Racial Discrimination, General comment XXIV concerning article 1 of the Convention, p. 257.

³⁰² *Ibid.*

³⁰³ E S C decisions 1995/297 of 25 July 1995, 1997/287 of 22 July 1997 and 1998/277 of 30 July 1998. See also E/CN.4/SUB.2/1994/31 and E/CN.4/SUB.2/1995/26.

³⁰⁴ E/CN.4/SUB.2/1993/28.

widely. The Council endorsed Commission on Human Rights resolution 1995/32 of 3 March 1995, and authorized the establishment, as a matter of priority and from within existing overall resources, of an open-ended inter-sessional working group of the Commission on Human Rights, with the sole purpose of elaborating a draft declaration, considering the draft United Nations declaration on the rights of indigenous peoples annexed to resolution 1994/45 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People.³⁰⁵ 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 organized 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.³⁰⁶ It further endorsed the decision of the Commission on Human Rights to establish an open-ended inter-sessional 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.³⁰⁷

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 will be recalled that in the previous *Supplement*,³⁰⁸ a Special Rapporteur carried out a study on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and States. During this period, the Economic and Social Council endorsed the recommendation of the Commission on Human Rights that the same Special Rapporteur made 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.³⁰⁹ 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.³¹⁰

338. Furthermore, the rights of indigenous peoples were examined by the Committee on the Elimination of Racial Discrimination at its fifty-first session (1997).³¹¹ The

³⁰⁵ E S C resolution 1995/32 of 25 July 1995. For details related to the Decade, see *Supplement No. 8*, Article 55, para. 594. See also this study, below, para. 535.

³⁰⁶ E S C decisions 1995/262 of 25 July 1995 and 1997/248 of 22 July 1997.

³⁰⁷ E S C decisions 1998/247 of 30 July 1998 and 1999/242 of 27 July 1999.

³⁰⁸ See *Supplement No. 8*, Article 55, paras. 376-378.

³⁰⁹ E S C decisions 1995/298 of 25 July 1995, 1996/293 of 24 July 1996 and 1997/288 of 22 July 1997; See also E S C decisions 1995/263 and 1996/264 of 23 July 1996 regarding the reports of the Working Group on Indigenous Populations.

³¹⁰ E S C decision 1997/289 of 22 July 1997.

³¹¹ See Human Rights/GEN/1/Rev. 8, Committee on the Elimination of Racial Discrimination, General comment XXIII on the rights of indigenous peoples, pp. 255-256.

Committee was conscious of the fact 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 jeopardized.

339. The Committee called in particular upon States parties to recognize and respect indigenous distinct culture, history, language and way of life as an enrichment of the State's cultural identity and to promote its preservation; to ensure that members of indigenous peoples were free and equal in dignity and rights and free from any discrimination, in particular that based on indigenous origin or identity; to provide indigenous peoples with conditions allowing for a 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; to ensure that indigenous communities could exercise their rights to practice and revitalize their cultural traditions and customs and to preserve and to practice their languages.³¹²

340. The Committee especially called upon States parties 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 upon 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.³¹³

(e) Migrants' rights³¹⁴

341. In its resolution 50/169 of 22 December 1995, as well as in its subsequent resolutions,³¹⁵ the General Assembly took note of the reports of the Secretary-General,³¹⁶ recalled resolution 45/158 of 18 December 1990 in which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the

³¹² See Human Rights/GEN/1/Rev. 8, Committee on the Elimination of Racial Discrimination, General comment XXIII on the rights of indigenous peoples, pp. 255-256.

³¹³ *Ibid.*

³¹⁴ See also below, rights of aliens, section (f), paras. 344-346.

³¹⁵ G A resolutions 51/85 of 12 December 1996, 52/115 of 12 December 1996, 53/137 of 9 December 1998 and 54/158 of 17 December 1999.

³¹⁶ A/50/469, A/51/415, A/52/359, A/53/230 and A/54/346.

Rights of All Migrant Workers and Members of Their Families,³¹⁷ called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expressed the hope it 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 part of the world. The Assembly also requested the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights. It further invited 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 of 27 April 1999, 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.³¹⁸

342. As regards discrimination against migrants workers especially, the General Assembly adopted during the period under review, a particular resolution³¹⁹ in which it called upon 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,³²⁰ 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 aliens³²¹

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.

³¹⁷ For more details on this Convention, see *Supplement No. 8*, Article 55, paras. 379-389.

³¹⁸ See G A resolutions 54/158 of 17 December 1999 and 54/166 of 17 December 1999.

³¹⁹ G A resolution 54/166 of 17 December 1999.

³²⁰ See also above, para. 238.

³²¹ See also above, rights of migrants, section (e), paras. 341-343.

345. In its resolution 51/62 of 12 December 1996, the General Assembly recalled its resolution 48/102 of 20 December 1993 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. The Assembly commended those States which had cooperated to combat alien smuggling and to respond to specific incidents in which smuggled aliens had 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 further emphasized that international efforts to prevent the smuggling of aliens should not inhibit legal migration or freedom of travel or undercut the protection provided by international law to refugees.³²²

346. As regards the universal freedom of travel, the General Assembly in its resolution 50/175 of 22 December 1995,³²³ called upon 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 Disabilities³²⁴ 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.³²⁵ It called upon Governments, when implementing the World Programme of Action concerning Disabled Persons,³²⁶ to take into account the elements suggested in the Long-term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond.³²⁷

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,³²⁸ and Economic and Social Council resolutions

³²² G A resolution 51/62 of 12 December 1996.

³²³ See also G A resolutions 51/89 of 12 December 1996, 52/121 of 12 December 1997 and 53/143 of 9 December 1998; also E S C decision 1995/276 of 25 July 1995.

³²⁴ G A resolution 48/96 of 20 December 1993. See also *Supplement No. 8*, Article 55, paras. 399-400.

³²⁵ G A resolution 50/144 of 21 December 1995.

³²⁶ See G A resolution 34/52 of 3 December 1982.

³²⁷ A/49/435, annex.

³²⁸ A/52/351. See also A/54/388 and Add.1.

1997/19 of 21 July 1997 on equalization of opportunities for persons with disabilities and 1997/20 of 21 July 1997 on children with disabilities. It further noted with appreciation the valuable work undertaken by the Special Rapporteur of the Commission for Social Development for monitoring the implementation of the Standard Rules, 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 providing additional support to the implementation of the Standard Rules, including further assistance in national capacity-building and support for the work of the Special Rapporteur.³²⁹

349. In its resolution 54/121 of 17 December 1999, the Assembly called upon 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 and to combating and overcoming discrimination against persons with disabilities and in order to further their full and effective participation in society.³³⁰

(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: towards a society for all ages.³³¹ In its resolution 50/141 of 21 December 1995, the General Assembly recalled Economic and Social Council resolution 1993/22 of 27 July 1993, in which the Council invited Member States to strengthen their national mechanisms on ageing. The Assembly took note of the conceptual framework of a programme for the preparation and observance of the Year as contained in the report of the Secretary-General.³³² In subsequent resolutions,³³³ 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 challenge of 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 of 10 November 1999, the Assembly noted with satisfaction the successful celebration of the International Year

³²⁹ G A resolutions 52/82 of 12 December 1997 and 54/121 of 17 December 1999.

³³⁰ G A resolution 54/121 of 17 December 1999.

³³¹ See also this study, below, section h), para. 531.

³³² A/50/114. See also A/53/294 and A/54/268.

³³³ See, for example, G A resolutions 52/80 of 12 December 1997, 53/109 of 9 December 1998 and 54/24 of 10 November 1999.

of Older Persons and resolved to maintain the momentum created by the Year and finally urged Governments to take appropriate action to combat discrimination based on age.

351. Furthermore, the rights of older persons have been examined by the Committee on Economic, Social and Cultural Rights at its thirteenth session (1995).³³⁴ 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 this 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 attached to the various sets of United Nations principles in that area.

352. The Committee noted that the great majority of States parties' reports continued to make little reference to that important issue. It therefore wished to indicate that, in 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 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 Beyond³³⁵ and the policies and programmes involving youth.

354. In its resolution 52/83 of 12 December 1997, 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. The Assembly 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 the World 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,³³⁶ 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 Beyond³³⁷ and the Lisbon Declaration on Youth Policies and Programmes,

³³⁴ See Human Rights/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.

³³⁵ See G A resolution 50/81 of 14 December 1995, annex.

³³⁶ See G A resolution 54/120 of 17 December 1999.

³³⁷ A/54/59.

adopted at the World Conference of Ministers Responsible for Youth.³³⁸ 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, upon setting up the ways and means to do so.

(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 its adoption. In this context, the Economic and Social Council through the period 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. The Council also requested the Secretary-General to extend all necessary facilities to the working group for its meetings.³³⁹

356. In its resolution 1998/35 of 30 July 1998, the Council took note of Commission on Human Rights resolution 1998/7 of 3 April 1998, 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 it to the General Assembly for adoption in 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. The General Assembly, by its resolution 53/144 of 9 December 1998, 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 and understanding thereof, and 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 provides, *inter alia*, different rights of individuals, groups or organs of society in promoting and protecting human rights; legislative, judicial, administrative and other appropriate measures to promote human rights; teaching of human rights and fundamental freedoms at all levels of education and training programme for public officials; role and contributions of individuals, non-governmental organizations and relevant institutions; and duties towards and within the community of individuals, groups, institutions and non-governmental organizations.

³³⁸ See WCMRY/1998/28, chap. I, resolution 1.

³³⁹ See, for, example E S C resolutions 1996/25 of 23 July 1996 and 1997/51 of 22 July 1997.

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; the Assembly 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.³⁴⁰

(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.³⁴¹ For example, in its resolutions on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts,³⁴² the General Assembly having considered the reports of the Secretary-General³⁴³ on the status of the Protocols Additional³⁴⁴ to the Geneva Conventions of 1949³⁴⁵ 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 Convention of 1949 that had not yet done so to consider becoming parties to the additional Protocols at the earliest possible date.

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 to those conflicts, and urged all those parties to respect the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977. The General Assembly expressed that concern in cases of Sudan,³⁴⁶ Afghanistan,³⁴⁷ the Democratic Republic of the Congo,³⁴⁸ the Palestinian People and Other Arabs of

³⁴⁰ G A resolution 54/170 of 17 December 1999.

³⁴¹ See also this study, paras. 323-325.

³⁴² G A resolutions 51/155 of 16 December 1996 and 53/96 of 8 December 1998.

³⁴³ A/51/215 and Corr.1 and Add.1 and A/53/287. See also E/CN.4/1998/87 and Add.1.

³⁴⁴ See United Nations, *Treaties Series*, vol. 1125, Nos. 17512 and 17513.

³⁴⁵ *Ibid.*, vol. 75, Nos. 970-973.

³⁴⁶ G A resolutions 50/197 of 22 December 1995, 51/112 of 12 December 1996 and 52/140 of 12 December 1997.

³⁴⁷ G A resolutions 50/189 of 22 December 1995, 51/108 of 12 December 1996, 52/145 of 12 December 1997, 53/165 of 9 December 1998 and 54/185 of 17 December 1999.

³⁴⁸ G A resolutions 53/160 of 9 December 1998 and 54/179 of 17 December 1999.

Occupied Territories,³⁴⁹ and the Republic of Bosnia and Herzegovina, Republic of Croatia and Federal Republic of Yugoslavia.³⁵⁰

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.³⁵¹

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

362. In conformity with its previous practice,³⁵² 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 General 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.³⁵³ The General Assembly took note of the reports of the Secretary-General,³⁵⁴ 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.³⁵⁵

364. It has also to be noted that throughout the period under review, the General Assembly adopted each year a resolution on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,³⁵⁶ in which the General

³⁴⁹ G A resolutions 50/29 A, B, C, D of 6 December 1995, 51/131 of 13 December 1996, 51/134 of 13 December 1996.

³⁵⁰ G A resolutions 50/193 of 22 December 1995, 51/116 of 12 December 1996, 52/147 of 12 December 1997, 53/163 of 9 December 1998 and 54/184 of 17 December 1999.

³⁵¹ GA resolution 52/86 of 12 December 1997, annex, point 17 b).

³⁵² See *Supplement No. 8*, under this Article, paras. 415-419.

³⁵³ G A resolutions 50/139 of 21 December 1995, 51/84 of 12 December 1996, 52/113 of 12 December 1997, 53/134 of 9 December 1998 and 54/155 of 17 December 1999.

³⁵⁴ A/50/485, A/51/414, A/52/485, A/53/280 and A/54/327.

³⁵⁵ A/50/485, A/51/414, A/52/485, A/53/280 and A/54/327.

³⁵⁶ See G A resolution 1514 (XV) of 14 December 1960.

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, the Declaration and the Universal Declaration of Human Rights.³⁵⁷

365. In connection with the struggle against international terrorism³⁵⁸ and its relationship with the principle of self-determination of peoples as enshrined in the Charter of the United Nations, the General 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 upon 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 regional and international levels.³⁵⁹ The General Assembly welcomed the report of the Secretary-General³⁶⁰ 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.³⁶¹

366. Concerning the use of mercenaries as, *inter alia*, a means to violate human rights and to impede the exercise of the right of peoples to self-determination, the General Assembly took note of the reports of the Special Rapporteur of the Commission on Human Rights³⁶² 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 upon 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.³⁶³

³⁵⁷ G A resolutions 50/39 of 6 December 1995, 51/146 of 13 December 1996, 52/78 of 10 December 1998, 53/68 of 3 December 1998 and 54/91 of 6 December 1999.

³⁵⁸ See also this study, under right to peace, paras. 374-376.

³⁵⁹ G A resolutions 50/186 of 22 December 1995, 52/133 of 12 December 1997 and 54/164 of 17 December 1999.

³⁶⁰ A/54/439.

³⁶¹ A/54/439.

³⁶² A/50/390 and Add.1, A/51/392, A/52/495, A/53/338, annex and A/54/326.

³⁶³ G A resolutions 50/138 of 21 December 1995, 51/83 of 12 December 1996, 52/112 of 12 December 1997, 53/135 of 9 December 1998 and 54/151 of 17 December 1999.

367. As for it and by its decision 1995/254 of 25 July 1995, the Economic and Social Council taking note of the Commission on Human Rights resolution 1995/5 of 17 February 1995, approved the Commission's decision to extend for three years the mandate of the Special Rapporteur on the question of the use of mercenaries, and requested the Secretary-General to provide him with all necessary assistance.³⁶⁴

368. In addition, the right to self-determination was examined by the Committee on the Elimination of Racial Discrimination at its forty-eight session (1996).³⁶⁵ 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 this light, the Committee emphasized that the International Covenant on Civil and Political Rights provided for the rights of peoples to self-determination besides the right of ethnic, religious or linguistic minorities to enjoy their own culture, to profess and practice 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.³⁶⁶

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. Also, Governments should consider, within their respective constitutional frameworks, vesting persons belonging to ethnic or linguistic groups comprised of their citizens, where appropriate, with the right

³⁶⁴ See also E S C decision 1998/241 of 30 July 1998.

³⁶⁵ See Human Rights/GEN/1/Rev. 8, Committee on the Elimination of Racial Discrimination, General comment XXI on the right to self-determination, pp. 253-254.

³⁶⁶ See Human Rights/GEN/1/Rev. 8, Committee on the Elimination of Racial Discrimination, General comment XXI on the right to self-determination, pp. 253-254.

to engage in activities which were particularly relevant to the preservation of the identity of such persons or groups.³⁶⁷

(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,³⁶⁸ which it proclaimed at its forty-first session. The General Assembly reaffirmed the importance of the right to development for every human person and all peoples in all countries, in particular the 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 upon the Commission on Human Rights to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration 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 Rights, 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.³⁶⁹

372. On the same matter, the Economic and Social Council approved the Commission on Human Rights' request to the Secretary-General³⁷⁰ 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.³⁷¹ Consequently, the General Assembly noted the efforts made by the United Nations High Commissioner for Human Rights within his mandate, and encouraged him to continue a programmatic follow-up to the establishment in the Centre for Human Rights of the Secretariat of a new branch, the primary responsibilities of which included the promotion of the right to development, as part of the effort to implement the Vienna Declaration and Programme of Action.³⁷²

373. Further to the establishment of the Working Group on the Right to Development during the previous period,³⁷³ the General Assembly in its resolution 53/155 of 9

³⁶⁷ *Ibid.*

³⁶⁸ G A resolution 41/128 of 4 December 1986.

³⁶⁹ G A resolutions 50/184 of 22 December 1995, 51/99 of 12 December 1996, 52/136 of 12 December 1997, 53/155 of 9 December 1998 and 54/175 of 17 December 1999.

³⁷⁰ 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.

³⁷¹ E S C decision 1995/258 of 25 July 1995.

³⁷² See G A resolution 51/99 of 12 December 1996. See also A/CONF.157/23.

³⁷³ See *Supplement No. 8*, Article 55, paras. 422-423.

December 1998 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.³⁷⁴ In a subsequent resolution,³⁷⁵ it invited the open-ended working group, *inter alia*, to consider the question of elaborating a convention on the right to development and called upon Member States and the Office of the High Commissioner for Human Rights to ensure that the open-ended working group convened its first session, as a matter of urgency, no later than 17 December 1999. It called upon the independent expert on the right to development³⁷⁶ to submit comprehensive reports to the General 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 of 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.³⁷⁷

(vii) The right to peace

374. The General Assembly continued to express views on matters related to the right to peace with the adoption of two instruments. Furthermore, in its resolution 51/101 of 12 December 1996 related to culture of peace, the General Assembly called for the promotion of a culture of peace based on the principles established in the Charter of the United Nations, respect for human rights, democracy, tolerance, dialogue, cultural diversity, etc. as an integral approach to prevent violence and conflicts and to contribute 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 a Declaration and Programme of Action on a Culture of Peace in 1999,³⁷⁸ 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. The 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; that education at all levels is one of the principal means to build a culture of peace. In this context, human rights education is of particular importance. The Declaration also states

³⁷⁴ See also E S C decision 1998/269 of 30 July 1998.

³⁷⁵ G A resolution 54/175 of 17 December 1999.

³⁷⁶ See also E/CN.4/1999/WG.18/2.

³⁷⁷ G A resolution 54/175 of 17 December 1999.

³⁷⁸ G A resolution 53/243 of 13 September 1999.

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 gives the aims, strategies and main actors of a culture of peace, and how to strengthen actions to foster a culture of peace at the national, regional and international levels by all relevant actors.³⁷⁹

Declaration to Supplement the 1994 Declaration on Measures to Eliminate

376. By adopting in resolution 51/210 of 17 December 1996, the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, the General Assembly stressed the importance of full compliance by States with their obligations under the international law, including international human rights standards, and the need further to strengthen international cooperation between States in order to prevent, combat and eliminate terrorism in all its forms and manifestations.³⁸⁰

(viii) Rights relating to environment

377. By its decision 1995/288 of 25 July 1995,³⁸¹ the Economic and Social Council endorsed the Commission on Human Rights' decision 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.³⁸²

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

a) Treaty-based mechanisms

378. In conformity with its previous practice,³⁸³ 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. This was achieved mainly for the implementation of the following United Nations instruments on human rights : the

³⁷⁹ *Ibid.* See also this study, above, para. 199.

³⁸⁰ See also this study, above, paras. 194 and 252.

³⁸¹ See also E S C decision 1998/242 of 30 July 1998.

³⁸² See also E/CN.4/1996/17, E/CN.4/1997/19, E/CN.4/1998/10 and Add.1 and 2; E/CN.4/1999/46 and Add.1.

³⁸³ See *Supplement No. 8*, Article 55, paras. 429-481.

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.

379. During this period, 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 the Convention on 22 May 1995³⁸⁴ for additional meeting time for the Committee.³⁸⁵ 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 (Refoulement and communications).

(i) General remarks

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

380. Concerning both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,³⁸⁶ the General Assembly welcomed the fact that the total number of States parties of the Covenants had increased significantly through recent ratifications or accessions, while noting at the same time that many States members of the United Nations had yet to become parties to them. In this regard, the General Assembly urged all States that had not yet done so to become parties to them, and to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights.³⁸⁷

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 services in the field of human rights, in becoming parties to the Covenants and in

³⁸⁴ G A resolution 50/202 of 22 December 1995.

³⁸⁵ G A resolutions 51/68 of 12 December 1996, 53/118 of 9 December 1998 and 54/137 of 17 December 1999.

³⁸⁶ See G A resolution 2200 A (XXI) of 16 December 1966, annex.

³⁸⁷ See G A resolution 2200 A (XXI) of 16 December 1966, annex, for the Optional Protocol to the International Covenant on Civil and Political Rights, and G A resolution 44/128 of 15 December 1989, annex, for the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

considering acceding to the Optional Protocols to the International Covenant on Civil and Political Rights.³⁸⁸

382. Furthermore, the General 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. They encouraged States parties to consider limiting the extent of reservations they lodged to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation was incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law.³⁸⁹ They also encouraged States parties to review regularly any reservations made in respect of the provisions of the Covenants with a view to withdrawing them.³⁹⁰

383. Concerning the International Convention on the Elimination of All Forms of Racial Discrimination,³⁹¹ the General 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.³⁹² The General Assembly also called upon the States parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention.³⁹³ It also encouraged States to limit the extent of any reservation they lodged to the 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,³⁹⁴ but also to review regularly any reservations made in respect of the provisions of the Convention with a view to withdrawing them.³⁹⁵

384. As regards the Convention on the Elimination of All Forms of Discrimination against Women,³⁹⁶ the General Assembly expressed its satisfaction with the increasing number of States that had ratified or acceded to it, and urged all States that had not yet ratified or acceded to it to do so as soon as possible,³⁹⁷ so that universal ratification of the Convention could be achieved by the year 2000. However, the Economic and Social

³⁸⁸ G A resolutions 50/171 of 22 December 1995, 52/116 of 12 December 1997 and 54/157 of 17 December 1999.

³⁸⁹ *Ibid.*

³⁹⁰ *Ibid.*

³⁹¹ See G A resolution 2106 A (XX) of 21 December 1965.

³⁹² G A resolutions 50/137 of 21 December 1995, 51/80 of 12 December 1996, 52/110 of 12 December 1997 and 53/131 of 9 December 1998.

³⁹³ G A resolutions 51/80 of 12 December 1996 and 53/131 of 9 December 1998.

³⁹⁴ G A resolutions 50/137 of 21 December 1995, 51/80 of 12 December 1996 and 53/131 of 9 December 1998.

³⁹⁵ G A resolution 53/131 of 9 December 1998.

³⁹⁶ See G A resolution 34/180 of 18 December 1979.

³⁹⁷ G A resolutions 51/68 of 12 December 1996, 53/118 of 9 December 1998 and 54/137 of 17 December 1999; E S C resolution 1995/29 of 24 July 1995.

Council and the General Assembly noted with deep concern that the Convention was still one of the human rights instruments with a large number of reservations, many of which ran contrary to the object and purpose of the Convention, despite the fact that some States parties had withdrawn their reservations to it. The Council and the Assembly encouraged States to consider limiting the extent of any reservation they lodged to the Convention, to formulate any reservations as precisely and as narrowly as possible and to ensure that no reservation was incompatible with the object and the purpose of the Convention or otherwise contrary to international law.³⁹⁸ 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.³⁹⁹ The Assembly also noted with satisfaction, that some States parties had modified or withdrawn their reservations.⁴⁰⁰

385. By its resolution 54/4 of 6 October 1999, 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.⁴⁰¹

386. With respect to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁴⁰² the General Assembly urged all States that had not yet done so to become parties to it as a matter of priority.⁴⁰³ It invited once again States parties, upon ratification of, or accession to, the Convention, or subsequently, to consider the possibility of making the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20.⁴⁰⁴ It also welcomed the progress made by the inter-sessional 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 text for submission to the General Assembly, through the Economic and Social Council, for consideration and adoption.⁴⁰⁵

387. As regards the Convention on the Rights of the Child,⁴⁰⁶ the General 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,

³⁹⁸ G A resolutions 51/68 of 12 December 1996, 52/100 of 12 December 1997, 53/118 of 9 December 1998 and 54/137 of 17 December 1999; E S C resolution 1995/29 of 24 July 1995.

³⁹⁹ *Ibid.*

⁴⁰⁰ G A resolution 54/137 of 17 December 1999.

⁴⁰¹ See this study, above, paras. 292-293.

⁴⁰² See G A resolution 39/46 of 10 December 1984.

⁴⁰³ G A resolutions 51/86 of 12 December 1996, 53/139 of 9 December 1998 and 54/156 of 17 December 1999.

⁴⁰⁴ *Ibid.*

⁴⁰⁵ *Ibid.*

⁴⁰⁶ See G A resolution 44/25 of 20 November 1989.

with a view to reaching the goal of universal adherence.⁴⁰⁷ Besides, the General Assembly was seriously concerned about those reservations to the Convention that were contrary to the object and purpose of the Convention⁴⁰⁸ or otherwise contrary to international treaty law, and recalled that the Vienna Declaration and Programme of Action urged States to withdraw such reservations.⁴⁰⁹ Finally, the General Assembly urged States parties to the Convention that had made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with the aim of withdrawing them.⁴¹⁰

388. By its resolution 54/263 of 25 May 2000, 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.⁴¹¹

389. Regarding the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,⁴¹² the General Assembly welcomed the signature or ratification of, or accession to, the Convention by some Member States⁴¹³ and called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority. It expressed the hope that it would enter into force at an early date⁴¹⁴ 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.⁴¹⁵

(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.⁴¹⁶ It also made the same recommendation to States parties as regards the Convention on the Elimination of All

⁴⁰⁷ G A resolutions 50/153 of 21 December 1995, 51/77 of 12 December 1996, 52/107 of 12 December 1997, 53/128 of 9 December 1998 and 54/149 of 17 December 1999.

⁴⁰⁸ *Ibid.*

⁴⁰⁹ G A resolutions 50/153 of 21 December 1995 and 51/77 of 12 December 1996.

⁴¹⁰ *Ibid.*

⁴¹¹ See this study, above, paras. 323-329.

⁴¹² See G A resolution 45/158 of 18 December 1990.

⁴¹³ G A resolutions 50/169 of 22 December 1995, 51/85 of 12 December 1996, 52/115 of 12 December 1997, 53/137 of 9 December 1998 and 54/158 of 17 December 1999.

⁴¹⁴ G A resolutions 50/168 of 22 December 1995, 50/169 of 22 December 1995, 51/85 of 12 December 1996, 52/115 of 12 December 1997, 53/137 of 9 December 1998 and 54/158 of 17 December 1999.

⁴¹⁵ G A resolution 54/158 of 17 December 1999.

⁴¹⁶ G A resolutions 50/171 of 22 December 1995, 52/116 of 12 December 1997 and 54/157 of 17 December 1999.

Forms of Discrimination against Women⁴¹⁷ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁴¹⁸

391. Concerning the Convention on the Elimination of All Forms of Racial Discrimination, the General Assembly emphasized the obligation of all States parties to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention.⁴¹⁹

392. Regarding also the International Covenant on Civil and Political Rights, the General Assembly stressed the importance of avoiding the erosion of human rights by derogation, and underlined the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the Covenant, bearing in mind the need for States parties to provide the fullest possible information during states of emergency, so that the justification for the appropriateness of measures taken in those circumstances could be assessed.⁴²⁰

393. As regards the Convention on the Rights of the Child, the General Assembly called upon 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 upon 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 children⁴²¹ 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.⁴²² It also called upon all States parties to fulfill 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.⁴²³ The General Assembly urged States parties to fulfill the obligations they have undertaken under the Convention on the Rights of the Child and the Convention on the Elimination

⁴¹⁷ G A resolutions 51/68 of 12 December 1996, 53/118 of 9 December 1998 and 54/137 of 17 December 1999.

⁴¹⁸ G A resolutions 51/86 of 12 December 1996, 53/139 of 9 December 1998 and 54/156 of 17 December 1999.

⁴¹⁹ G A resolutions 50/137 of 21 December 1995, 51/80 of 12 December 1996, 52/110 of 12 December 1997 and 53/131 of 9 December 1998.

⁴²⁰ G A resolutions 50/171 of 22 December 1995, 52/116 of 12 December 1997 and 54/157 of 17 December 1999.

⁴²¹ G A resolutions 51/77 of 12 December 1996, 52/107 of 12 December 1997 and 53/128 of 9 December 1998.

⁴²² G A resolution 51/77 of 12 December 1996.

⁴²³ G A resolutions 51/77 of 12 December 1996, 52/107 of 12 December 1997 and 53/128 of 9 December 1998.

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.⁴²⁴

394. Additionally, the General Assembly expressed concern about the non-fulfillment by many States parties of their financial obligations under the relevant United Nations instruments on human rights. The General Assembly expressed that concern at the fact that for example a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination had not fulfilled their financial obligations.⁴²⁵ It strongly appealed to all States parties, especially those in arrears, to fulfill 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.⁴²⁶

395. To this end, the General Assembly invited the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to consider all possible measures for meeting the costs of implementing those treaties on a viable, guaranteed basis, including the amendment of the funding provisions of those treaties.⁴²⁷ In order to achieve that, the General 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 of 16 December 1992,⁴²⁸ for the purpose of funding the respective committees from the regular budget of the United Nations. The Assembly also called upon all States parties to fulfill 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.⁴²⁹

(ii) Reporting procedures

⁴²⁴ G A resolutions 51/76 of 12 December 1996, 52/106 of 12 December 1997, 53/127 of 9 December 1998 and 54/148 of 17 December 1999.

⁴²⁵ G A resolutions 50/137 of 21 December 1995, 51/80 of 12 December 1996, 52/110 of 12 December 1997 and 53/131 of 9 December 1998.

⁴²⁶ *Ibid.*

⁴²⁷ G A resolution 50/170 of 22 December 1995.

⁴²⁸ G A resolutions 50/137 of 21 December 1995, 50/170 of 22 December 1995, 51/80 of 12 December 1996, 52/110 of 12 December 1997 and 53/131 of 9 December 1998.

⁴²⁹ G A resolution 50/170 of 22 December 1995.

(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 fulfillment by States parties of periodic obligations under United Nations instruments on human rights. In order to achieve that, steps continued to be taken towards the necessary lightening of those requirements. In this 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 General 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.⁴³⁰ The General Assembly again urged States parties to make every effort to meet their reporting obligations and to assist, individually and through meetings of States parties, in identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures⁴³¹ as well as enhancing co-ordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies.

397. The General Assembly also invited States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance⁴³² 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.⁴³³ Finally, the General Assembly urged all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports.⁴³⁴

398. Towards the treaty bodies, the General Assembly welcomed their continuing efforts 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.⁴³⁵ It noted with appreciation the

⁴³⁰ G A resolutions 50/170 of 22 December 1995, 51/87 of 12 December 1996, 52/118 of 12 December 1997 and 53/138 of 9 December 1998.

⁴³¹ *Ibid.*

⁴³² G A resolutions 50/170 of 22 December 1995, 51/87 of 12 December 1996, 52/118 of 12 December 1997 and 53/138 of 9 December 1998.

⁴³³ G A resolutions 50/170 of 22 December 1995 and 51/87 of 12 December 1996.

⁴³⁴ G A resolutions 50/170 of 22 December 1995, 51/87 of 12 December 1996, 52/118 of 12 December 1997 and 53/138 of 9 December 1998.

⁴³⁵ *Ibid.*

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.⁴³⁶ It also welcomed the emphasis placed by the meeting of persons chairing the human rights treaty bodies and by the Commission on Human Rights on the importance of technical assistance and advisory services for the fulfillment 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 committees discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, were made available in the United Nations information centres in the countries submitting those reports.⁴³⁷ It also noted the emphasis by the persons chairing the human rights treaty bodies on the need for the enjoyment of human rights of women to be closely monitored by each treaty body within the competence of its mandate, and endorsed the recommendation by the chairpersons that each treaty body consider, in its examination of States reports, placed emphasis on the implementation by States parties of their obligation regarding human rights education and the provision of public information on human rights.⁴³⁸ The General Assembly also welcomed all appropriate measures 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 and the competent bodies of the United Nations in the field of human rights.⁴³⁹

400. The General 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 of 20 December 1993.⁴⁴⁰ 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* was available in all official languages at the earliest opportunity and that due regard was paid to the recommendations concerning the manual made by the fifth meeting of persons chairing the human rights treaty bodies.⁴⁴¹ Further, the General Assembly welcomed the

⁴³⁶ *Ibid.*

⁴³⁷ *Ibid.*

⁴³⁸ G A resolutions 50/170 of 22 December 1995, 51/87 of 12 December 1996, 52/118 of 12 December 1997 and 53/138 of 9 December 1998.

⁴³⁹ *Ibid.*

⁴⁴⁰ *Ibid.*

⁴⁴¹ G A resolutions 50/170 of 22 December 1995 and 51/87 of 12 December 1996.

publication of the revised *Manual on Human Rights Reporting*.⁴⁴² By its decision 1998/252 of 30 July 1998, 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* was translated into all the official languages of the United Nations at the latest by 31 December 2000.

401. Finally, the General Assembly called upon 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, which was being prepared with a view to identifying duplication of reporting required under those instruments.⁴⁴³

(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 of 25 May 1985 in an efficient manner, approved the holding of two additional three-week extraordinary sessions of the Committee, as well as two additional one-week meetings of the pre-sessional working group in 2000 and 2001, respectively, provided that additional funding was made available, 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 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 this regard.⁴⁴⁴

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 Rights⁴⁴⁵ and urged States parties to fulfill in good time such reporting

⁴⁴² G A resolutions 52/118 of 12 December 1997 and 53/138 of 9 December 1998.

⁴⁴³ G A resolutions 51/87 of 12 December 1996, 52/118 of 12 December 1997 and 53/138 of 9 December 1998.

⁴⁴⁴ E S C decision 1999/287 of 30 July 1999.

⁴⁴⁵ G A resolution 50/171 of 22 December 1995.

obligations under the International Covenants on Human Rights as may be requested and to make use of gender-disaggregated data in their reports.⁴⁴⁶ 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 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.⁴⁴⁷

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 (1998).⁴⁴⁸ According to the Committee, while the Covenant did not formally obliged States to incorporate its provisions in domestic law, such an approach was desirable. Direct incorporation avoided problems that might arise in the translation of treaty obligations into national law, and provided 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 in 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. The rule requiring the exhaustion of domestic remedies reinforced the primacy of national remedies in this respect. 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 the choice of the latter. 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

⁴⁴⁶ G A resolutions 50/171 of 22 December 1995, 52/116 of 12 December 1997 and 54/157 of 17 December 1999.

⁴⁴⁷ *Ibid.*

⁴⁴⁸ See Human Rights/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.

provided details of any significant jurisprudence from their domestic courts that made use of the provisions of the Covenant.⁴⁴⁹

Human Rights Committee

406. As regards the implementation of the International Covenant on Civil and Political Rights, the General Assembly expressed its appreciation to States parties to the Covenant that had submitted their reports to the Human Rights Committee under article 40 of the Covenant and urged States parties that had not yet done so to submit their reports as speedily as possible.⁴⁵⁰

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.⁴⁵¹ It further invited States parties to give particular attention to the dissemination at the national level of the reports they had submitted to the Human Rights Committee, as well as the summary records relating to the examination of those reports by the Committee.

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 uniform standards, as expressed in the general comments of the Human Rights Committee.⁴⁵²

409. The Assembly also noted with concern the critical situation with regard to overdue reports from States parties to the International Covenants on Human Rights⁴⁵³ and urged States parties to fulfill in good time such reporting obligations under the International Covenants on Human Rights as may be requested and to make use of

⁴⁴⁹ See Human Rights/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.

⁴⁵⁰ G A resolutions 50/171 of 22 December 1995, 52/116 of 12 December 1997 and 54/157 of 17 December 1999.

⁴⁵¹ G A resolutions 52/116 of 12 December 1997 and 54/157 of 17 December 1999.

⁴⁵² G A resolution 50/171 of 22 December 1995.

⁴⁵³ *Ibid.*

gender- disaggregated data in their reports.⁴⁵⁴ It also invited States parties to give particular attention to the dissemination at the national level of the reports they have submitted to Committee, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of the consideration of the reports.⁴⁵⁵

410. The General Assembly further 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.⁴⁵⁶

411. The continuity of obligations of States parties was examined by the Human Rights Committee at its sixty-first session (1997).⁴⁵⁷ 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 this basis, the Covenant was not subject to denunciation or withdrawal unless it was 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.⁴⁵⁸

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

⁴⁵⁴ G A resolutions 50/171 of 22 December 1995, 52/116 of 12 December 1997 and 54/157 of 17 December 1999.

⁴⁵⁵ *Ibid.*

⁴⁵⁶ *Ibid.*

⁴⁵⁷ See Human Rights/GEN/1/Rev. 8, Human Rights Committee, General comment No. 26: Continuity of obligations, pp. 212-213.

⁴⁵⁸ See Human Rights/GEN/1/Rev. 8, Human Rights Committee, General comment No. 26: Continuity of obligations, pp. 212-213.

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 them 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 or acceded or succeeded to the Covenant to denounce it or withdraw from it.⁴⁵⁹

Committee on the Elimination of Racial Discrimination

413. Concerning the financing of the Committee, 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, as decided upon at the Fourteenth Meeting of States parties to the International 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 of 16 December 1992, had not yet entered into force⁴⁶⁰ and further urged States parties to accelerate their domestic ratification procedures with regard to that amendment and expeditiously to notify the Secretary-General in writing of their agreement to it.⁴⁶¹ 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.⁴⁶²

414. The General 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.⁴⁶³ 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.⁴⁶⁴

⁴⁵⁹ *Ibid.*

⁴⁶⁰ G A resolution 50/137 of 21 December 1995.

⁴⁶¹ G A resolutions 50/137 of 21 December 1995, 50/170 of 22 December 1995, 51/80 of 12 December 1996, 52/110 of 12 December 1997 and 53/131 of 9 December 1998.

⁴⁶² G A resolutions 50/137 of 21 December 1995, 51/80 of 12 December 1996, 52/110 of 12 December 1997 and 53/131 of 9 December 1998.

⁴⁶³ *Ibid.*

⁴⁶⁴ *Ibid.*

415. Furthermore, the General Assembly encouraged the use of innovative procedures by the Committee for reviewing the implementation of the Convention in States whose reports were overdue and the formulating of concluding observations on reports of States parties to the Convention.⁴⁶⁵ It called upon States parties to fulfill 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 contributions⁴⁶⁶ and also expressed its concern at the fact that a great 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, and encouraged the Secretariat to extend technical assistance to those States whose reports were seriously overdue, upon their request, in the preparation of the reports.⁴⁶⁷

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 considered⁴⁶⁸ and approved the request made by the Committee and supported by the States parties to the Convention for additional meeting time so as to allow 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 1997.⁴⁶⁹

417. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women⁴⁷⁰ 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 this end to submit observations with regard to the information concerned. 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 inquiry and to report urgently to the Committee. Where warranted and with the consent of the State party, the

⁴⁶⁵ *Ibid.*

⁴⁶⁶ G A resolutions 50/137 of 21 December 1995, 50/170 of 22 December 1995, 51/80 of 12 December 1996, 52/110 of 12 December 1997 and 53/131 of 9 December 1998.

⁴⁶⁷ G A resolution 53/131 of 9 December 1998.

⁴⁶⁸ G A resolution 51/68 of 12 December 1996.

⁴⁶⁹ G A resolution 51/68 of 12 December 1996. See also G A resolutions 53/118 of 9 December 1998 and 54/137 of 17 December 1999.

⁴⁷⁰ G A resolution 54/4 of 6 October 1999, annex, especially articles 2 to 12. See also this study, paras. 287-288.

inquiry may include a visit to its territory; each State party may, at any time, may declare that it does recognize or not the competence of the Committee provided for in articles 8 and 9.

418. As mentioned above, the Committee on the Elimination of Discrimination against Women⁴⁷¹ recommended at its fourteenth session (1995), that the States parties favourably considered 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 that which the General Assembly should decide; it recommended also that the General Assembly, pending the completion of an amendment process, authorized the Committee to meet exceptionally in 1996 for two sessions, each of three weeks' duration and each being preceded by pre-session working groups; it recommended further that the meeting of States parties received an oral report from the Chairperson of the Committee on the difficulties faced by the Committee in performing its functions; it recommended finally that the Secretary-General made 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 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 the Convention on 22 May 1995,⁴⁷² 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.⁴⁷³

420. The General 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 reports⁴⁷⁴ and 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.⁴⁷⁵ It encouraged the Secretariat to extend technical assistance to States parties upon their request, in the preparation of reports in particular initial reports and invited Governments to contribute

⁴⁷¹ See Human Rights/GEN/1/Rev. 8, Committee on the Elimination of Discrimination against Women, General recommendation No. 22: Amending article 20 of the Convention, pp. 317-318.

⁴⁷² G A resolution 50/202 of 22 December 1995.

⁴⁷³ G A resolutions 50/202 of 22 December 1995, 51/68 of 12 December 1996, 53/118 of 9 December 1998 and 54/137 of 17 December 1999.

⁴⁷⁴ G A resolutions 51/68 of 12 December 1996, 53/118 of 9 December 1998 and 54/137 of 17 December 1999.

⁴⁷⁵ G A resolution 53/120 of 9 December 1998.

to those efforts.⁴⁷⁶ 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.⁴⁷⁷ The General 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.⁴⁷⁸ It emphasized the need to ensure adequate financing and staff support for the effective functioning of the Committee, including for the dissemination of information.⁴⁷⁹

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 this context, the General Assembly urged all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments approved by the States parties and the General Assembly in its resolution 47/111 of 16 December 1992 to articles 17 and 18 of the Convention as soon as possible⁴⁸⁰ and requested the Secretary-General to continue to take the necessary measures to ensure that the committee meet as scheduled until the amendment entered into force.⁴⁸¹

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 submitted⁴⁸² and invited States parties when submitting reports to the Committee, to incorporate a gender perspective⁴⁸³ and information concerning children and juveniles.⁴⁸⁴ 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.⁴⁸⁵

⁴⁷⁶ G A resolutions 53/118 of 9 December 1998 and 54/137 of 17 December 1999.

⁴⁷⁷ *Ibid.*

⁴⁷⁸ G A resolution 54/137 of 17 December 1999. See also this study, paras. 312-313.

⁴⁷⁹ G A resolutions 53/118 of 9 December 1998 and 54/137 of 17 December 1999.

⁴⁸⁰ G A resolutions 50/170 of 22 December 1995, 51/86 of 12 December 1996, 53/139 of 9 December 1998 and 54/156 of 17 December 1999.

⁴⁸¹ G A resolution 50/170 of 22 December 1995.

⁴⁸² G A resolutions 51/86 of 12 December 1996, 53/139 of 9 December 1998 and 54/156 of 17 December 1999.

⁴⁸³ G A resolution 53/139 of 9 December 1998.

⁴⁸⁴ G A resolution 54/156 of 17 December 1999.

⁴⁸⁵ G A resolutions 51/86 of 12 December 1996, 53/139 of 9 December 1998 and 54/156 of 17 December 1999.

423. At its sixteenth session (1996),⁴⁸⁶ 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 article 22 of the Convention in previous years had concerned 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, article 3 was confined in its application 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 upon 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 had to be expelled, returned or extradited, the risk of torture should be assessed on grounds that went 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.⁴⁸⁷

Committee on the Rights of the Child

⁴⁸⁶ See Human Rights/GEN/1/Rev. 8, Committee against Torture, General comment No. 1: Implementation of article 3 of the Convention in the context of article 22 (Refoulement and communications), pp. 346-348.

⁴⁸⁷ See Human Rights/GEN/1/Rev. 8, Committee against Torture, General comment No. 1: Implementation of article 3 of the Convention in the context of article 22 (Refoulement and communications), pp. 346-348.

426. During the period under review, the General Assembly called upon States parties urgently to take appropriate measures 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, increasing the membership of the Committee from ten to eighteen experts.⁴⁸⁸

427. The General Assembly called upon 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 to such children their enjoyment of the rights under the Convention,⁴⁸⁹ and encouraged States parties to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention.⁴⁹⁰

428. The General Assembly encouraged States parties to the Convention, in preparing their reports to the Committee to bear the problems of street children in mind 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.⁴⁹¹ It encouraged the Committee, the United Nations Children's Fund 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.⁴⁹²

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.⁴⁹³ It further 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 reports of States parties.⁴⁹⁴ 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 human immunodeficiency virus/acquired immunodeficiency syndrome.⁴⁹⁵

⁴⁸⁸ G A resolutions 50/153 of 21 December 1995, 51/77 of 12 December 1996, 52/107 of 12 December 1997, 53/128 of 9 December 1998 and 54/149 of 17 December 1999.

⁴⁸⁹ G A resolutions 52/107 of 12 December 1997 and 53/128 of 9 December 1998.

⁴⁹⁰ *Ibid.* See also G A resolution 54/149 of 17 December 1999.

⁴⁹¹ G A resolutions 50/153 of 21 December 1995, 51/77 of 12 December 1996, 52/107 of 12 December 1997 and 53/128 of 9 December 1998.

⁴⁹² G A resolution 54/149 of 17 December 1999.

⁴⁹³ G A resolutions 52/107 of 12 December 1997, 53/128 of 9 December 1998 and 54/149 of 17 December 1999.

⁴⁹⁴ G A resolutions 52/107 of 12 December 1997 and 53/128 of 9 December 1998.

⁴⁹⁵ G A resolutions 52/107 of 12 December 1997, 53/128 of 9 December 1998 and 54/149 of 17 December 1999.

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 some countries covered by the previous *Supplement*,⁴⁹⁶ the human rights situation in Nigeria, Burundi, Lebanon, the Democratic Republic of the Congo (former Zaire) and East Timor 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. Concerning the situation in Equatorial Guinea and in conformity with its previous practice,⁴⁹⁷ the Economic and Social Council approved the Commission on Human Rights' request to renew the mandate of the Special Rapporteur on the situation of human rights in Equatorial Guinea for one year,⁴⁹⁸ and further 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.⁴⁹⁹ The Council also approved the Commission' 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' request to the same Office and the Special Rapporteur to continue their technical assistance projects in partnership with the Government of Equatorial Guinea and in cooperation with the United Nations Development Programme and other United Nations agencies working in the field of human rights.⁵⁰⁰

Afghanistan

433. As regards human rights situation in Afghanistan, the General Assembly continued to examine the interim reports of the Special Rapporteur of the Commission on

⁴⁹⁶ See *Supplement No. 8*, Article 55, paras. 483-522; it has to be noted that the situation of human rights in South Africa, Chile, Kuwait, Estonia and Latvia was not discussed during this period.

⁴⁹⁷ *Ibid.*, para. 486.

⁴⁹⁸ E S C decisions 1995/282 of 25 July 1995, 1996/273 of 23 July 1996, 1997/275 of 22 July 1997 and 1998/268 of 30 July 1998.

⁴⁹⁹ E S C decisions 1995/282 of 25 July 1995, 1997/275 of 22 July 1997 and 1998/268 of 30 July 1998.

⁵⁰⁰ E S C decisions 1997/275 of 22 July 1997 and 1999/233 of 27 July 1999. 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.

Human Rights on the question of human rights in that country.⁵⁰¹ The General Assembly expressed its deep concern at the intensification of armed hostilities, and the numerous and consistent reports of human rights abuses and violations of humanitarian law and human rights. The Assembly 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.⁵⁰² It also called for the unconditional and simultaneous release of all prisoners of war, wherever they might be held, and called upon the Afghan authorities to investigate thoroughly the fate of those persons who had disappeared during the conflict, to provide sufficient and effective remedies to 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 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.⁵⁰³

434. In its resolution 53/165 of 9 December 1998, the General Assembly invited the Secretary-General and the United Nations High Commissioner for Human Rights to proceed without delay to investigate fully 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,⁵⁰⁴ the Assembly invited them to ensure that the ongoing process of deployment of the civilian affairs observers in Afghanistan was 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 General Assembly called upon all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan and to refrain from interfering in its internal affairs. The Assembly 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.⁵⁰⁵

⁵⁰¹ See, for example, A/50/567, A/51/481, A/52/453, A/53/539, annex and A/54/422.

⁵⁰² G A resolutions 50/189 of 22 December 1995, 51/108 of 12 December 1996, 52/145 of 12 December 1997, 53/165 of 9 December 1998 and 54/185 of 17 December 1999.

⁵⁰³ *Ibid.*

⁵⁰⁴ G A resolution 54/185 of 17 December 1999. See also E S C decision 1999/226 of 27 July 1999.

⁵⁰⁵ G A resolutions 50/189 of 22 December 1995, 51/108 of 12 December 1996, 52/145 of 12 December 1997, 53/165 of 9 December 1998 and 54/185 of 17 December 1999. See also E S C decisions 1995/285 of

436. On its part, the Economic and Social Council adopted two resolutions related to the situation of women and girls in Afghanistan, ⁵⁰⁶ 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. The Council 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 give 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; it finally called upon the Special Rapporteur to give special attention to the human rights of women and girls and fully incorporating 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, ⁵⁰⁷ 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 situation of human rights in the Islamic Republic of Iran in the light of additional elements provided by the Commission and the Economic and Social Council.⁵⁰⁸

438. Nonetheless, the General Assembly expressed its concern at 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.⁵⁰⁹

439. In its resolution 51/107 of 12 December 1996, 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 the Commission on Human Rights on freedom of opinion and expression,

25 July 1995, 1996/280 of 24 July 1996, 1997/273 of 22 July 1997, 1998/267 of 30 July 1998 and 1999/226 of 27 July 1999.

⁵⁰⁶ E S C resolutions 1998/9 of 28 July 1998 and 1999/14 of 28 July 1999.

⁵⁰⁷ 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.

⁵⁰⁸ G A resolutions 50/188 of 22 December 1995, 51/107 of 12 December 1996, 52/142 of 12 December 1997, 53/158 of 9 December 1998 and 54/177 of 17 December 1999.

⁵⁰⁹ G A resolutions 50/188 of 22 December 1995, 51/107 of 12 December 1996, 52/142 of 12 December 1997, 53/158 of 9 December 1998 and 54/177 of 17 December 1999.

who had been able to visit that country. The Assembly, bearing in mind the reports of those Special Rapporteurs on their visits,⁵¹⁰ called upon that Government to implement fully the conclusions and recommendations of those Special Rapporteurs. In subsequent resolutions,⁵¹¹ the Assembly expressed its concern at the lack of continuity in the cooperation of the Government with the mechanisms of the Commission on Human Rights and called upon it to resume its cooperation with those mechanisms, in particular with the Special Representative to allow him to continue his inquiry.

440. The General Assembly noted with interest that presidential elections had been held in the Islamic Republic of Iran in 1997, called upon the Government to meet expectations for tangible progress concerning human rights and fundamental freedoms of all individuals,⁵¹² and welcomed the commitment made by the Government of the Islamic Republic of Iran to promote respect for the rule of law and the more open debate on issues of governance and human rights.⁵¹³

441. The General Assembly further welcomed the needs assessment mission undertaken by the Office of the United Nations High Commissioner for Human Rights to the Islamic Republic of Iran at the invitation of the Government, as well as the invitation by the Government to the Working Group on Enforced or Involuntary Disappearances to visit the country and expressed the hope that the visit would take place soon. It further welcomed the efforts undertaken by the Government of the Islamic of Iran to investigate the cases of disappearances and killings of intellectuals and political activist, and called upon the Government to continue its efforts to investigate the cases fully in due process of law and to bring the perpetrators to justice.⁵¹⁴

El Salvador

442. As regards 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, 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 upon Member States and international institutions to continue to provide assistance to the Government and people of El Salvador and to lend support to the efforts of the Mission for the purposes of peace-building and development.⁵¹⁵ The Assembly further welcomed the progress made towards a society characterized by democracy, the rule of law and respect for human rights.⁵¹⁶

⁵¹⁰ E/CN.4/1996/95/Add. 2 and E/CN.4/1996/39/Add. 2.

⁵¹¹ G A resolutions 52/142 of 12 December 1997, 53/158 of 9 December 1998 and 54/177 of 17 December 1999. See also E S C decisions 1995/279 of 25 July 1995, 1996/287 of 24 July 1996, 1997/264 of 22 July 1997, 1998/273 of 30 July 1998 and 1999/228 of 27 July 1999.

⁵¹² G A resolution 52/142 of 12 December 1997.

⁵¹³ G A resolution 53/158 of 9 December 1998.

⁵¹⁴ G A resolution 54/177 of 17 December 1999.

⁵¹⁵ G A resolutions 50/7 of 31 October 1995 and 51/199 of 17 December 1996.

⁵¹⁶ G A resolution 51/199 of 17 December 1996. See E/CN.4/1995/157, E/CN.4/1995/88 and A/51/917.

Myanmar

443. Concerning the situation of human rights in Myanmar, 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 reports,⁵¹⁷ also expressed its appreciation to the Secretary-General for his reports.⁵¹⁸ The Assembly 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 movements 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.⁵¹⁹

444. Throughout the period under review, the Assembly called upon the Government of Myanmar to implement fully the recommendation made by the Special Rapporteur, but 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.⁵²⁰

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 situation of human rights in Iraq⁵²¹ submitted by the Special Rapporteur of the Commission on Human Rights and the

⁵¹⁷ See A/50/568, A/51/466, A/52/484, annex, A/53/364, annex and A/54/440, annex.

⁵¹⁸ A/50/782, A/51/660, A/52/587, A/53/657 and A/54/499.

⁵¹⁹ G A resolutions 50/194 of 22 December 1995, 51/117 of 12 December 1997, 52/137 of 12 December 1997, 53/162 of 9 December 1998 and 54/186 of 17 December 1999.

⁵²⁰ G A resolutions 50/194 of 22 December 1995, 51/117 of 12 December 1997, 52/137 of 12 December 1997, 53/162 of 9 December 1998 and 54/186 of 17 December 1999. See also E S C decisions 1995/283 of 25 July 1995, 1996/285 of 24 July 1996, 1997/272 of 22 July 1997, 1998/261 of 30 July 1998 and 1999/231 of 27 July 1999.

⁵²¹ See A/50/734, A/51/496 and Add.1, A/52/476, A/53/433 and A/54/466.

observations, conclusions and recommendations contained therein, and noting that there had been no improvement in the situation of human rights in the country. The Assembly expressed its 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. It finally 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.⁵²²

Haiti

446. As regards the situation of human rights in Haiti, the General Assembly took note with appreciation of the reports of the independent expert of the Commission on Human Rights,⁵²³ and expressed its thanks for the efforts of the Secretary-General⁵²⁴ and 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 aimed at strengthening the 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.⁵²⁵

447. In 1998, the General Assembly noted with satisfaction the putting into operation by the Government of Haiti of the Office of the Ombudsman, and invited the United Nations High Commissioner for Human Rights to contribute to its strengthening through

⁵²² G A resolutions 50/191 of 22 December 1995, 51/106 of 12 December 1996, 52/141 of 12 December 1997, 53/157 of 9 December 1998 and 54/178 of 17 December 1999. See also E S C decisions 1995/286 of 25 July 1995, 1996/277 of 23 July 1996, 1997/269 of 22 July 1997, 1998/263 of 30 July 1998 and 1999/229 of 27 July 1999.

⁵²³ 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.

⁵²⁴ See A/50/548, A/50/861, A/50/861Add.1 and 2, A/51/703, A/52/687, A/53/564 and A/54/625.

⁵²⁵ G A resolutions 50/196 of 22 December 1995, 51/110 of 12 December 1996 and 52/138 of 12 December 1997.

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.⁵²⁶

448. By its resolution 54/187 of 17 December 1999, the General Assembly commended the United Nations Development Programme for its technical assistance to the Haitian National Police and the penitentiary system and called upon the Government of Haiti to continue its structural reforms in the police and the judicial system and the 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 of 27 July 1999, in which the Council, *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, and decided, at the request of the President of Haiti, 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.⁵²⁷

Cuba

450. Concerning the situation of human rights in Cuba, the General Assembly expressed concern about continuing serious violations of human rights and fundamental freedoms in the country, of which the majority were violations of civil and political rights, as outlined in the interim report on the situation of human rights in Cuba submitted to the General Assembly by the Special Rapporteur,⁵²⁸ and called upon 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.⁵²⁹ The Assembly urged the Government of Cuba to ensure freedom of expression and assembly, and called upon it to adopt measures proposed by the Special Rapporteur to bring the observance of human rights in Cuba into

⁵²⁶ G A resolution 53/159 of 9 December 1998.

⁵²⁷ G A resolution 54/193 of 17 December 1999. See also G A resolutions 50/86 of 15 December 1995, 50/86 B of 3 April 1996, 50/86 C of 29 August 1996, 51/196 of 17 December 1996, 52/174 of 18 December 1997, 53/95 of 8 December 1998 and 54/193 of 17 December 1999; E S C decisions 1995/281 of 25 July 1995, 1996/269 of 23 July 1996, 1997/262 of 22 July 1997 and 1999/248 of 27 July 1999.

⁵²⁸ See A/50/663, annex, A/51/460, annex and A/52/479, annex.

⁵²⁹ G A resolutions 50/198 of 22 December 1995, 51/113 of 12 December 1996 and 52/143 of 12 December 1997. See also E S C decisions 1995/277 of 25 July 1995, 1996/275 of 23 July 1996 and 1997/271 of 22 July 1997.

conformity with international law and international human rights instruments, and to end all violations of human rights.

Sudan

451. With respect to the situation of human rights in Sudan, the General Assembly expressed its deep concern about reports of grave human rights violations in the country, 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 of religious intolerance and the interim reports of the Special Rapporteur on the situation of human rights in the Sudan.⁵³⁰ The General Assembly urged the Government 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 of the Sudan to cooperate in any manner with the Special Rapporteur and the unacceptable threats against his person; it called upon 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 this 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 the Sudan with whom they wished to meet, with no treats or reprisals.⁵³¹

452. The General Assembly welcomed, *inter alia*, the visit by the Special Rapporteur on the elimination of all forms of religious intolerance and of discrimination based on religion or belief and the Special Rapporteur to the Sudan in February 1999 at the invitation of the Government of Sudan and the excellent cooperation extended by the Government in that regard; the visit by the Special Representative of the Secretary-General for Children and Armed Conflict to the Sudan in March 1999; the cooperation extended by the Government of the Sudan to the needs assessment mission of the Office of the United Nations High Commissioner for Human Rights in September 1999.⁵³² Nevertheless, the Assembly expressed its deep concern at the impact of the armed conflict on the situation of human rights and its adverse effect on the civilian population and at 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; to grant safe and

⁵³⁰ 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.

⁵³¹ G A resolutions 50/197 of 22 December 1995, 51/112 of 12 December 1996, 52/140 of 12 December 1997. See also E S C decisions 1995/287 of 25 July 1995, 1996/278 of 23 July 1996, 1997/268 of 22 July 1997, 1998/264 of 30 July 1998 and 1999/230 of 27 July 1999.

⁵³² G A resolutions 51/112 of 12 December 1996, 52/140 of 12 December 1997 and 54/182 of 17 December 1999.

unhindered access to international agencies and humanitarian organizations. It finally called upon the Government of the Sudan 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.⁵³³

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.⁵³⁴ The Assembly expressed its outrage at the instances of massive and systematic violations of human rights and humanitarian law. It demanded that all parties refrained from any action intended to destroy, alter, conceal or damage any evidence of violations of human rights and international humanitarian law and that they preserved 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.⁵³⁵ 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.⁵³⁶ 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. It finally called all parties and States in the region to ensure that the promotion of human rights, including the fulfillment of their respective human rights obligations by the parties to the Peace Agreement, as well as the strengthening of national institutions, would be a central element in the civilian structure implementing the Peace Agreement.⁵³⁷

⁵³³ See, for example, G A resolution 54/182 of 17 December 1999.

⁵³⁴ See E/CN.4/1998/63, E/CN.4/1999/42, E/CN.4/2000/39, A/53/322 and A/54/396.

⁵³⁵ G A resolutions 50/193 of 22 December 1995, 51/116 of 12 December 1996, 52/147 of 12 December 1997, 53/163 of 9 December 1998 and 54/184 of 17 December 1999.

⁵³⁶ See also G A resolutions 50/192 of 22 December 1995 and 51/115 of 12 December 1996.

⁵³⁷ G A resolutions 50/193 of 22 December 1995, 51/116 of 12 December 1996, 52/147 of 12 December 1997, 53/163 of 9 December 1998 and 54/184 of 17 December 1999. See also E S C decisions 1995/264 of 25 July 1995, 1995/290 of 25 July 1995, 1996/276 of 23 July 1996, 1997/266 of 22 July 1997, 1998/272 of 30 July 1998 and 1999/232 of 27 July 1999

Occupied Arab Territories including Palestine

454. In its resolution 51/132 of 13 December 1996, the General Assembly reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, was applicable to the occupied Palestinian territory including Jerusalem, and other Arab territories occupied by Israel since 1967. The Assembly also called upon all States parties to the 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 territory, including Jerusalem, and other Arab territories occupied by Israel since 1967.⁵³⁸

Somalia

455. Concerning the situation of human rights in Somalia, the Economic and Social Council approved the Commission on Human Rights' request to the independent expert to report⁵³⁹ to the Commission within her mandate, and also approved 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 and the Centre for Human Rights of the Secretariat/Office of the United Nations High Commissioner for Human Rights.⁵⁴⁰

Cambodia

456. Regarding the situation of human rights in Cambodia, the General Assembly took note of the reports submitted by the Special Representative of the Secretary-General for human rights in Cambodia,⁵⁴¹ and welcomed the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia.⁵⁴² The Assembly also 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 upon 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

⁵³⁸ See G A resolutions 50/29 A, B, C, D of 6 December 1995, 51/131 and 51/134 of 13 December 1996. See Supplement No. 8, 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.

⁵³⁹ 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

⁵⁴⁰ E S C decisions 1995/272 of 25 July 1995, 1996/268 of 23 July 1996, 1997/258 of 22 July 1997 and 1999/246 of 27 July 1999.

⁵⁴¹ A/50/681/Add.1, E/CN.4/1997/85 and E/CN.4/1998/95.

⁵⁴² G A resolutions 50/178 of 22 December 1995, 51/98 of 12 December 1996, 52/135 of 12 December 1997, 53/145 of 9 December 1998 and 54/171 of 17 December 1999.

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 responded as soon as possible.⁵⁴³

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.⁵⁴⁴

458. As for it, the Council approved in its decision 1997/259 of 22 July 1997⁵⁴⁵ the Commission on Human Rights' request to the Secretary-General through the Special Representative of the Secretary-General for Human Rights in Cambodia, in collaboration with the Centre for Human Rights, 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.⁵⁴⁶

Kosovo

459. Concerning the situation of human rights in Kosovo, 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 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 the ethnic Albanians, and to pursue dialogue with the representatives of ethnic Albanians in Kosovo.⁵⁴⁷ The General Assembly also requested the Secretary-General to continue to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights⁵⁴⁸ and relevant regional organizations, to establish an adequate international monitoring

⁵⁴³ G A resolutions 50/178 of 22 December 1995, 51/98 of 12 December 1996, 52/135 of 12 December 1997, 53/145 of 9 December 1998 and 54/171 of 17 December 1999.

⁵⁴⁴ G A resolution 53/145 of 9 December 1998.

⁵⁴⁵ E S C decision 1995/271 of 25 July 1995.

⁵⁴⁶ See also E S C decisions 1998/259 of 30 July 1998 and 1999/247 of 27 July 1999.

⁵⁴⁷ G A resolutions 50/190 of 22 December 1995, 51/111 of 12 December 1996, 52/139 of 12 December 1997, 53/164 of 9 December 1998 and 54/183 of 17 December 1999.

⁵⁴⁸ See E/CN.4/2000/7, E/CN.4/2000/10, A/50/767, A/51/556 and A/52/502.

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 upon 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.⁵⁴⁹

Rwanda

460. Regarding the situation of human rights in Rwanda, the General Assembly was deeply concerned by the reports of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda,⁵⁵⁰ and of the United Nations High Commissioner for Human Rights,⁵⁵¹ 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. The Assembly 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, and urged all States concerned to cooperate fully with the International Criminal Tribunal for 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 1994.⁵⁵²

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 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.⁵⁵³

462. As for it, the Economic and Social Council⁵⁵⁴ 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 technical assistance and advisory

⁵⁴⁹ G A resolutions 50/190 of 22 December 1995, 51/111 of 12 December 1996, 52/139 of 12 December 1997, 53/164 of 9 December 1998 and 54/183 of 17 December 1999.

⁵⁵⁰ A/52/522, annex.

⁵⁵¹ See A/50/743, annex, A/52/486, annex and A/52/486/Add.1/Rev.1, annex.

⁵⁵² G A resolutions 50/200 of 22 December 1995, 51/114 of 12 December 1996, 52/146 of 12 December 1997, 53/156 of 9 December 1998 and 54/188 of 17 December 1999.

⁵⁵³ G A resolutions 50/200 of 22 December 1995, 51/114 of 12 December 1996, 52/146 of 12 December 1997, 53/156 of 9 December 1998 and 54/188 of 17 December 1999.

⁵⁵⁴ E S C decisions 1995/292 of 25 July 1995, 1996/281 of 24 July 1996 and 1997/274 of 22 July 1997.

services, especially in the field of the administration of justice, as requested by the Government of Rwanda.⁵⁵⁵ In its decision 1997/274 of 22 July 1997, the Economic and Social Council approved the Commission on Human Rights' request 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.⁵⁵⁶

463. In its resolution 53/156 of 9 December 1998, 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 the Commission to be fully established and to begin functioning independently. It further welcomed the commitment of the Government of Rwanda to continue to promote national unity and reconciliation, and also welcomed the establishment by legislation of the National Unity and Reconciliation Commission as a basis for the promotion of tolerance and non-discrimination.⁵⁵⁷

Nigeria

464. The situation of human rights in Nigeria was considered during the period under review by the General Assembly which expressed its deep concern about violations of human rights and fundamental freedoms in the country, and called upon the Government of Nigeria urgently to ensure their observance and to take immediate and concrete steps to restore democratic rule. The Assembly regretted that the Government of Nigeria had not enabled the Special Rapporteur of the Commission on Human Rights 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, and urged the Government of Nigeria to cooperate fully with them during the joint investigative mission to Nigeria mandated by the Commission on Human Rights and with the relevant mechanisms of the Commission.⁵⁵⁸

465. In its resolution 52/144 of 12 December 1997, 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 mandates,⁵⁵⁹ and requested him to report on the possibilities for the international community to offer practical assistance to Nigeria in achieving the

⁵⁵⁵ E S C decision 1995/292 of 25 July 1995.

⁵⁵⁶ See also E S C decisions 1998/266 of 30 July 1998 and 1999/234 of 27 July 1999.

⁵⁵⁷ G A resolution 54/188 of 17 December 1999.

⁵⁵⁸ G A resolutions 50/199 of 22 December 1995 and 51/109 of 12 December 1996.

⁵⁵⁹ A/52/688.

restoration of democratic rule and the full enjoyment of human rights. The General Assembly also expressed its deep concern at the continuing grave violations of human rights and fundamental freedoms, as well as the failure to respect due process of law and the past refusal of the Government of Nigeria to cooperate with the Commission on Human Rights and its mechanisms.

466. By its resolution 53/161 of 9 December 1998, 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,⁵⁶⁰ and noted with satisfaction the concrete steps 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 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 upon 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. It finally welcomed the invitation to visit the country extended to the Special Rapporteur.

467. As for it, the Economic and Social Council approved the Commission on Human Rights' request to the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions who 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 the Working Group on Arbitrary Detention.⁵⁶¹

Burundi

468. As regards the situation of human rights 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. The Assembly 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.⁵⁶²

Guatemala

⁵⁶⁰ See A/53/366 and Add.1.

⁵⁶¹ E S C decisions 1996/284 of 24 July 1996, 1997/263 of 22 July 1997 and 1998/262 of 30 July 1998.

⁵⁶² G A resolution 50/159 of 22 December 1995. See E S C decisions 1995/291 of 25 July 1995, 1996/254 of 23 July 1996, 1997/280 of 22 July 1997, 1998/274 of 30 July 1998 and 1999/227 of 27 July 1999. 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.

469. Concerning the situation of human rights in Guatemala, 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,⁵⁶³ and called upon 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 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 previous adopted constitutional reforms, and stressed the need to ensure their broad acceptance by referendum. It finally called upon the Government to follow up on the recommendations of the 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 thirty-six-year armed conflict.⁵⁶⁴

Lebanon

470. As regards the situation of human rights in Lebanon, the Economic and Social Council⁵⁶⁵ approved the Commission on Human Rights' requests to the Secretary-General to bring those resolutions to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof, and to report to the General Assembly and the Commission.⁵⁶⁶

Democratic Republic of the Congo

471. As regards the situation of human rights in the Democratic Republic of the Congo (former Zaire), the General Assembly took note of the reports of the Special Rapporteur on the situation for human rights in that country,⁵⁶⁷ 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.⁵⁶⁸ The Assembly expressed its concern at the deterioration of the situation of human rights in

⁵⁶³ A/50/881, A/51/695-S/1996/998, A/52/554, A/52/946 and A/53/853, annex.

⁵⁶⁴ G A resolutions 50/220 of 3 April 1996, 51/198 of 17 December 1997, 52/175 of 18 December 1997, 53/93 of 7 December 1998 and 54/99 of 8 December 1999. See also E S C decisions 1995/268 of 25 July 1995, 1996/270 of 23 July 1996 and 1997/261 of 22 July 1997.

⁵⁶⁵ E S C resolutions 1995/67 of 7 March 1995, 1996/68 of 23 April 1996 and 1997/55 of 15 April 1997.

⁵⁶⁶ E S C decisions 1995/278 of 25 July 1995 and 1996/274 of 23 July 1996.

⁵⁶⁷ 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.

⁵⁶⁸ Official Records of the Security Council, Fifty-third Year, Supplement for April, May and June 1998, document S/1998/581, annex.

that country, 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 upon 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 of the Congo, and encouraged the Government to extend full cooperation to its operations. It regretted the lack of cooperation of that Government with the Special Rapporteur, and urged the Government to allow the Special Rapporteur to visit the country.⁵⁶⁹

472. In its resolution 54/179 of 17 December 1999, the General Assembly welcomed the two visits of the Special Rapporteur to the Democratic of the Congo in February and August/September 1999 at the invitation of the Government and the cooperation of the Government in that regard; the Assembly 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 situation of human rights. Nevertheless, the Assembly expressed its concern at 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 upon 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.⁵⁷⁰

473. As for it, the Economic and Social Council endorsed the Commission on Human Rights' decision 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. The Council 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.⁵⁷¹

East Timor

⁵⁶⁹ G A resolutions 53/160 of 9 December 1998 and 54/179 of 17 December 1999.

⁵⁷⁰ See also E S C decisions 1995/280 of 25 July 1995, 1996/282 of 24 July 1996, 1997/267 of 22 July 1997, 1998/260 of 30 July 1998 and 1999/244 of 27 July 1999.

⁵⁷¹ See E S C decisions 1997/267 of 22 July 1997 and 1999/244 of 27 July 1999.

474. In its decision 1999/293 of 15 November 1999, the Economic and Social Council endorsed the Commission on Human Rights' call upon the Secretary-General to establish an international commission of inquiry, in order, in cooperation with the Indonesian National Commission on Human Rights and thematic Rapporteurs,⁵⁷² to gather and compile systematically information on possible violations of human rights and acts that might constituted 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. It finally 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 a durable solution to the problems in East Timor.

(ii) Thematic mandates

475. The Economic and Social Council took recommendations concerning the status of Special Rapporteurs. In decision 1998/297 of 5 August 1998, the Council noted that a difference of opinion had arisen between the United Nations and the Government of Malaysia, within the meaning of section 30 of the Convention on the Privileges and Immunities of the United Nations,⁵⁷³ 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) of 11 December 1946, 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.⁵⁷⁴ In its resolution 1999/64 of 30 July 1999, the 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

⁵⁷² 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.

⁵⁷³ G A resolution 22 A (I) of 13 February 1946.

⁵⁷⁴ E S C decision 1998/297 of 5 August 1998.

the case of Dato' Param Cumaraswamy as Special Rapporteur of the Commission on Human Rights who had to be regarded as expert on mission.

476. By its decision 1997/250 of 22 July 1997,⁵⁷⁵ 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 its previous practice,⁵⁷⁶ thematic mandates were implemented during the period under review by the renewal of old mandates and the creation of new mandates.

Renewal of mandates

478. The Economic and Social Council approved during the period under review the renewal of the following thematic mandates: the Special Rapporteur on the sale of children, child prostitution and child pornography;⁵⁷⁷ the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;⁵⁷⁸ the Working Group on the Right to Development;⁵⁷⁹ 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;⁵⁸⁰ the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;⁵⁸¹ the Working Group on Enforced or Involuntary Disappearances;⁵⁸² the Representative of the Secretary-General on internally displaced persons;⁵⁸³ the Special Rapporteur on extrajudicial, summary or arbitrary executions;⁵⁸⁴ the Special Rapporteur on traditional practices affecting the health of women and children;⁵⁸⁵ the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;⁵⁸⁶ the Special Rapporteur on right to freedom of opinion and expression;⁵⁸⁷ the Special Rapporteur on the independence of judges and lawyers;⁵⁸⁸ the Special

⁵⁷⁵ See also E S C decision 1998/270 of 30 July 1998.

⁵⁷⁶ See *Supplement No. 8*, Article 55, paras. 526-528.

⁵⁷⁷ E S C resolution 1995/36 of 25 July 1995 and decision 1998/271 of 30 July 1998.

⁵⁷⁸ E S C decisions 1995/254 of 25 July 1995 and 1998/241 of 30 July 1998.

⁵⁷⁹ E S C decisions 1995/258 of 25 July 1995 and 1998/269 of 30 July 1998.

⁵⁸⁰ E S C decisions 1995/260 of 25 July 1995 and 1998/245 of 30 July 1998.

⁵⁸¹ E S C decisions 1995/265 of 25 July 1995 and 1998/254 of 30 July 1998.

⁵⁸² E S C decisions 1995/266 of 25 July 1995 and 1998/255 of 30 July 1998.

⁵⁸³ E S C decisions 1995/273 of 25 July 1995 and 1998/257 of 30 July 1998.

⁵⁸⁴ E S C decisions 1995/284 of 25 July 1995 and 1998/265 of 30 July 1998.

⁵⁸⁵ E S C decisions 1995/300 of 25 July 1995, 1997/284 of 22 July 1997 and 1999/249 of 27 July 1999.

⁵⁸⁶ E S C decision 1996/259 of 23 July 1996 and resolution 1999/12 of 27 July 1999.

⁵⁸⁷ E S C decisions 1996/266 of 23 July 1996 and 1999/238 of 27 July 1999.

⁵⁸⁸ E S C decision 1997/246 of 22 July 1997.

Rapporteur on violence against women, its causes and consequences;⁵⁸⁹ human rights and extreme poverty;⁵⁹⁰ the Working Group on Arbitrary Detention;⁵⁹¹ the Special Rapporteur on the protection of the heritage of indigenous people;⁵⁹² the Working Group on Minorities;⁵⁹³ and the Independent Expert on the effects of structural adjustments policies on the full enjoyment of human rights.⁵⁹⁴

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-Commission on Prevention of Discrimination and Protection of Minorities to create a number of new thematic mandates, with the aim of, *inter alia*, preparing studies on specific human rights, on problems in the realization of those rights, on measures necessary for the strengthening and promotion of those rights, and on possibilities of developing basic principles and guidelines about those rights. New thematic mandates were created on the following human rights issues: adverse effects on the enjoyment of human rights of the illicit movement and dumping of toxic and dangerous products and wastes;⁵⁹⁵ human rights and income distribution;⁵⁹⁶ systematic rape and sexual slavery during periods of armed conflict;⁵⁹⁷ indigenous land rights;⁵⁹⁸ effects of foreign debt on the full enjoyment of economic, social and cultural right;⁵⁹⁹ right to education;⁶⁰⁰ human rights and terrorism;⁶⁰¹ human rights of migrants;⁶⁰² concept and practice of affirmative action.⁶⁰³

* * (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 Action⁶⁰⁴ and the mandate entrusted to the High

⁵⁸⁹ E S C decision 1997/255 of 22 July 1997.

⁵⁹⁰ E S C decision XXX and 1998/250 of 30 July 1998.

⁵⁹¹ E S C decision 1997/260 of 22 July 1997.

⁵⁹² E S C decision 1997/287 of 22 July 1997.

⁵⁹³ E S C resolution 1995/31 of 25 July 1995 and decision 1998/246 of 30 July 1998.

⁵⁹⁴ E S C decisions 1996/289 of 24 July 1996, 1997/283 of 22 July 1997, 1998/276 of 30 July 1998 and 1999/251 of 27 July 1999.

⁵⁹⁵ E S C decision 1995/288 of 25 July 1995. See also E S C decision 1998/242 of 30 July 1998.

⁵⁹⁶ E S C decision 1995/295 of 25 July 1995.

⁵⁹⁷ E S C decision 1996/291 of 24 July 1996. See also E S C decision 1999/252 of 27 July 1999.

⁵⁹⁸ E S C decision 1997/289 of 22 July 1997.

⁵⁹⁹ E S C decision 1998/249 of 30 July 1998.

⁶⁰⁰ E S C decision 1998/253 of 30 July 1998.

⁶⁰¹ E S C decision 1998/278 of 30 July 1998.

⁶⁰² E S C decision 1999/239 of 27 July 1999.

⁶⁰³ E S C decision 1999/253 of 27 July 1999.

⁶⁰⁴ See A/CONF.157/23.

Commissioner for Human Rights by the General Assembly, the United Nations programme on human rights 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 of 20 December 1993 created the post of the High Commissioner for Human Rights.⁶⁰⁵ This resolution also provides that the High Commissioner for Human Rights 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.⁶⁰⁶ The specific objectives of the plan on human rights issues included, *inter alia*, an 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,⁶⁰⁷ 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 activities. Pursuant to this 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 reform of the Secretary-General relating to mainstreaming human rights in the substantive areas of the Organization's work programme, raised the world's expectations and increased the pressure on this Office, which was already confronted with financial and human constraints hindering its ability to respond properly to the requests of Governments or the concerns of victims of human rights violations.⁶⁰⁸

⁶⁰⁵ See *Supplement No. 8*, Article 55, paras. 530-535.

⁶⁰⁶ See A/51/6/Rev.1. See also the report of the High Commissioner for Human Rights E/CN.4/1998/122, paras. 21-27.

⁶⁰⁷ See the report of the Secretary-General entitled "Renewing the United Nations: programme for reform" A/51/950.

⁶⁰⁸ See the reports of the High Commissioner for Human Rights A/54/36 and E/CN.4/2000/5, sect. III.

485. Pursuant to General Assembly recommendations, the High Commissioner elaborated its Office 1995 programme 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.⁶⁰⁹ As from 1999, this Office policy has been adjusted to reflect these 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 have been given to national strategies and systems, the mainstreaming of human rights in 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.⁶¹⁰

486. The High Commissioner for Human Rights undertook a series of actions with a view to implementing the Secretary-General's programme for reform,⁶¹¹ including: a review of technical cooperation programme, strengthening and coordinating the substantive and technical support to legislative bodies, treaty monitoring committees and the special procedures mechanisms. Within the reform framework, the Office of the 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.⁶¹²

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 High Commissioner for Human Rights, to highlight their efforts to strengthen human rights around the world.⁶¹³ 1998 was also the year of commemoration of the five-year review of the implementation of the Vienna Declaration and Programme of Action.⁶¹⁴ Those two events have been the occasion for the principal organs,⁶¹⁵ and the Office of the High Commissioner for Human Rights, to review the

⁶⁰⁹ See the report of the High Commissioner for Human Rights E/CN.4/1995/98, para. 7.

⁶¹⁰ See the report of the High Commissioner for Human Rights E/CN.4/1999/9, para. 2.

⁶¹¹ See the report of the High Commissioner for Human Rights A/52/36.

⁶¹² The human rights field activities increased considerably from 1 in 1992 to 19 in 1999. See A/54/36, paras. 36-39.

⁶¹³ See the report of the High Commissioner for Human Rights A/53/36, paras. 19-32. See also G A resolution 53/168 of 10 December 1998.

⁶¹⁴ See the reports of the High Commissioner for Human Rights E/CN.4/1998/104 and Corr.1 and 2, E/CN.4/1999/9; the report of the Secretary-General E/1998/60 and Corr.1. See also G A resolution 53/166 of 9 December 1998.

⁶¹⁵ See G A resolutions 53/168 of 10 December 1998 and 53/166 of 9 December 1998; E/1998/60 and E/1999/83.

progress of the United Nations in the field of human rights. This review showed the significant increase in the world expectations for an 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 and despite the chronic resource constraints, the Office of the High Commissioner for Human Rights succeeded in meeting a number of objectives assigned to it, such as strengthening the administrative support to treaty bodies and special procedures, the increase of human rights field presences, the increase of technical cooperation projects, 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, the development of regional cooperation on human rights, the promotion of economic, social and cultural rights and the right to development, the promotion of the rights of specific groups, including women, children, indigenous people, minorities, migrants, and others.⁶¹⁶

489. The prevailing challenges to human rights protection especially armed conflicts, extreme poverty, and the adverse consequences of globalization reinforced this Office commitment to mobilizing its energy to promote the realization of economic, social and cultural rights, and the right to development through a two-fold strategy. On the one hand, the enhancement of its capacity-building programme with Governments, United Nations agencies, regional institutions, civil society organizations and the corporate sector.⁶¹⁷ On the other hand, by 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.⁶¹⁸

(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 ensuring effective and efficient action.⁶¹⁹

491. It may be recalled that the Centre for Human Rights, 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 a Centre for Human Rights. That decision was taken within the scope of the Secretary-General’s administrative authority under the Charter of the United Nations. Hence, the administrative arrangements proposed by the Secretary-General to boost up the efficiency of the Secretariat enabling it to respond to new challenging requirements of the General

⁶¹⁶ See the report of the High Commissioner for Human Rights A/54/36.

⁶¹⁷ See the report of the High Commissioner for Human Rights E/1999/96.

⁶¹⁸ See the report of the High Commissioner for Human Rights A/54/36, paras. 59-75.

⁶¹⁹ See the reports of the Secretary-General A/51/950, paras. 78-79 and A/52/584 on “United Nations Reform: Measures and Proposals,” paras. 23-26.

Assembly. At this juncture, the imperatives linked to the implementation of Vienna Programme of Action, the medium-term plan, the High Commissioner's mandate and an efficient management of resources supported the idea of a unified Secretariat structure servicing the human rights programme.⁶²⁰

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. The process was completed by September 1996.⁶²¹ In conformity with the objectives of the programme for reform of the United Nations,⁶²² the Office of the United Nations High Commissioner for Human Rights and the Centre for Human Rights have been consolidated into a single Office of the United Nations High Commissioner for Human Rights in 1997.⁶²³ The Secretary-General bulletin approving the new structure of the Office of the High Commissioner for Human Rights⁶²⁴ clarifies the responsibilities of the High Commissioner for Human Rights as accountable to the Secretary-General, 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 of 20 December 1993.⁶²⁵

d) Advisory services and technical co-operation

493. During the period under review, advisory services and technical cooperation to assist countries in promoting and protecting all human rights at the national and regional levels continued to be implemented through different approaches.

494. In many instances, for example, 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,⁶²⁶ but also on minority issues, including the prevention and resolution of disputes,⁶²⁷ 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

⁶²⁰ A/52/584.

⁶²¹ See Secretary-General's report entitled "Restructuring the Centre for Human Rights", A/C.5/50/71. See also the report of the High Commissioner for Human Rights A/51/36, paras. 118-119.

⁶²² A/51/950, para. 79.

⁶²³ See the report of the High Commissioner for Human Rights A/52/36, para. 8.

⁶²⁴ See ST/SGB/1997/10. See also ST/SGB/1997/5 and the report of the High Commissioner for Human Rights E/CN.4/1998/122, paras. 36-37.

⁶²⁵ See ST/SGB/1997/10, para. 3.2.

⁶²⁶ G A resolutions 50/176 of 22 December 1995, 52/128 of 12 December 1997 and 54/176 of 17 December 1999.

⁶²⁷ G A resolutions 50/180 of 22 December 1995, 51/91 of 12 December 1996, 52/123 of 12 December 1997 and 54/162 of 17 December 1999.

human rights institutions and advisory services on treaty accession, reporting and international obligations as related to human rights.⁶²⁸

495. The General Assembly encouraged States and Governments to make full use of technical assistance offered by the United Nations programmes of advisory services and technical assistance, in order to strengthen national capacities and infrastructures in the field of administration of justice;⁶²⁹ in the field of the promotion and protection of the right to freedom of thought, conscience and religion;⁶³⁰ 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;⁶³¹ 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.⁶³²

496. The General Assembly bearing in mind that, in its resolution 48/141 of 20 December 1993, it 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 assistance funds sufficient to provide any substantial financial assistance to national projects that had a direct impact on the realization of human rights and the maintenance of the rule of law in countries that were committed to those ends, but which faced economic hardship.⁶³³ The Assembly further took note with interest of the proposals contained in the reports of the Secretary-General⁶³⁴ 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 in strengthening their institutions which upheld the rule of law. It also took note of the cooperation between the United Nations Development Programme and the Office of the 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 assistance to national projects aiming at the realization of human

⁶²⁸ G A resolutions 50/185 of 22 December 1995, 52/129 of 12 December 1997 and 54/173 of 17 December 1999.

⁶²⁹ See for example G A resolutions 50/181 of 22 December 1995 and 52/124 of 12 December 1997.

⁶³⁰ G A resolutions 50/183 of 22 December 1995, 51/93 of 12 December 1996, 52/122 of 12 December 1997, 53/140 of 9 December 1998 and 54/159 of 17 December 1999.

⁶³¹ G A resolutions 50/153 of 21 December 1995, 51/77 of 12 December 1996, 52/107 of 12 December 1997, 53/128 of 9 December 1998 and 54/149 of 17 December 1999.

⁶³² G A resolutions 51/102 of 12 December 1996 and 53/148 of 9 December 1998.

⁶³³ G A resolutions 50/179 of 22 December 1995, 51/96 of 12 December 1996, 52/125 of 12 December 1997 and 53/142 of 9 December 1998.

⁶³⁴ A/51/555, A/52/475 and A/53/309.

rights and the maintenance of 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.⁶³⁵

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 return in post-conflict societies through broad-based programmes of human rights education and strengthening of local non-governmental organizations through programmes of advisory services and technical cooperation.⁶³⁶

498. As for it, the Economic and Social Council approved the Commission on Human Rights' requests 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 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, as well as 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.⁶³⁷ It also approved the Commission's request to the Board of Trustees to continue to exercise its full mandate as 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 and evaluation of completed projects.⁶³⁸

499. Throughout the period under review, the Council also continued to approve the Commission on Human Rights' requests to the Secretary-General to appoint or extend the mandate of Experts assisting some Governments in the field of human rights, and to provide to those Experts all necessary support. Some countries benefited from that expertise including for example Equatorial Guinea,⁶³⁹ Afghanistan,⁶⁴⁰ Haiti,⁶⁴¹ Somalia,⁶⁴² Cambodia,⁶⁴³ Rwanda,⁶⁴⁴ Guatemala⁶⁴⁵ and East Timor.⁶⁴⁶

⁶³⁵ G A resolutions 50/179 of 22 December 1995, 51/96 of 12 December 1996, 52/125 of 12 December 1997 and 53/142 of 9 December 1998. See also E S C decisions 1995/270 of 25 July 1995 and 1996/267 of 23 July 1996.

⁶³⁶ G A resolutions 50/182 of 22 December 1995, 52/132 of 12 December 1997 and 54/180 of 17 December 1999.

⁶³⁷ E S C decision 1995/269 of 25 July 1995.

⁶³⁸ E S C decision 1997/257 of 22 July 1997.

⁶³⁹ E S C decisions 1997/275 of 22 July 1997 and 1999/233 of 27 July 1999.

⁶⁴⁰ See E S C decisions 1997/273 of 22 July 1997, 1998/267 of 30 July 1998 and 1999/226 of 27 July 1999. See also G A resolutions 50/189 of 22 December 1995, 51/108 of 12 December 1996, 52/145 of 12 December 1997, 53/165 of 9 December 1998 and 54/185 of 17 December 1999.

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 follow up on relevant resolutions and recommendations concerning the strengthening of national institutions.⁶⁴⁷

501. In subsequent resolutions,⁶⁴⁸ it welcomed the high priority given by the Office of the United Nations High Commissioner for Human Rights to 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 to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for that purpose.

502. Furthermore, the role of national human rights institutions in the protection of economic, social and cultural rights has been examined by the Committee on Economic,

⁶⁴¹ E S C decisions 1996/269 of 23 July 1996, 1997/262 of 22 July 1997 and 1999/248 of 27 July 1999. See also G A resolutions 50/196 of 22 December 1995, 51/110 of 12 December 1996, 52/138 of 12 December 1997 and 53/159 of 9 December 1998.

⁶⁴² See, for example, E S C decisions 1996/268 of 23 July 1996 and 1997/258 of 22 July 1997.

⁶⁴³ See E S C decisions 1997/259 of 22 July 1997, 1998/259 of 30 July 1998 and 1999/247 of 27 July 1999. See also G A resolutions 50/178 of 22 December 1995, 51/98 of 12 December 1996, 52/135 of 12 December 1997, 53/145 of 9 December 1998 and 54/171 of 17 December 1999.

⁶⁴⁴ E S C decisions 1995/292 of 25 July 1995, 1996/281 of 24 July 1996 and 1997/274 of 22 July 1997. See also G A resolutions 50/200 of 22 December 1995, 51/114 of 12 December 1996, 52/146 of 12 December 1997, 53/156 of 9 December 1998 and 54/188 of 17 December 1999.

⁶⁴⁵ E S C decisions 1996/270 of 23 July 1996 and 1997/261 of 22 July 1997. See also G A resolutions 50/220 of 3 April 1996, 51/198 of 17 December 1997, 52/175 of 18 December 1997, 53/93 of 7 December 1998 and 54/99 of 8 December 1999.

⁶⁴⁶ E S C decision 1999/293 of 15 November 1999.

⁶⁴⁷ G A resolution 50/176 of 22 December 1995.

⁶⁴⁸ G A resolutions 52/128 of 12 December 1997 and 54/176 of 17 December 1999. See also E S C decisions 1996/265 of 23 July 1996, 1997/253 of 22 July 1997 and 1999/245 of 27 July 1999.

Social and Cultural Rights at its nineteenth session (1998).⁶⁴⁹ 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 had too often either not been accorded to national institutions or had been neglected or given a low priority by it. 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 upon 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.⁶⁵⁰

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 necessary for the implementation of the Beijing 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.⁶⁵¹ Consequently, the Commission asked Governments to provide 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 level in order to ensure effectiveness in gender mainstreaming.⁶⁵²

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 universal human rights standards, as contained in international human rights instruments, and their protection.⁶⁵³ It welcomed the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights 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

⁶⁴⁹ See Human Rights/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. 59-60.

⁶⁵⁰ *Ibid.*

⁶⁵¹ See for example E S C resolution 1999/17 of 28 July 1999.

⁶⁵² *Ibid.*

⁶⁵³ See *Supplement No. 8*, Article 55, paras. 557-558.

advisory services and technical assistance, public information and education, with a view to exchanging information and experience in the field of human rights.⁶⁵⁴ It welcomed the growing exchanges between the High Commissioner/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. It 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, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, relevant recommendations.⁶⁵⁵

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 the Asia and Pacific 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 Commission on Human Rights' request to the Secretary-General to establish an open-ended team composed of representatives of interested Governments of the 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.⁶⁵⁶ The Council also approved the Commission's request to the Secretary-General to give adequate attention to the countries in the Asian and Pacific region by allocating more resources from existing funds to enable the countries of the region to benefit from all the activities under the programme of advisory services and technical assistance in the field of human rights.⁶⁵⁷

f) Assistance to victims of human rights violations

507. The assistance to victims of human rights comprised during this period assistance to the victims of racism and all forms of racial discrimination, the United Nations Fund for Victims of Torture and the United Nations Voluntary Fund for Indigenous Populations.

Racism and racial discrimination

⁶⁵⁴ G A resolutions 51/102 of 12 December 1995 and 53/148 of 9 December 1998.

⁶⁵⁵ *Ibid.*

⁶⁵⁶ See, for example, E S C decisions 1995/267 of 25 July 1995, 1996/271 of 23 July 1996 and 1997/256 of 22 July 1997.

⁶⁵⁷ *Ibid.*

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 to that end requested the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions.⁶⁵⁸

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 if possible also 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.⁶⁵⁹ 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 this Fund on annual basis among the programmes for which funds were pledged at the United Nations Pledging Conference for Development.⁶⁶⁰

United Nations Voluntary Fund for Indigenous Populations

510. The General Assembly, recalling its resolution 40/131 of 13 December 1985 establishing the United Nations Voluntary Fund for Indigenous Populations, decided that that Fund should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional 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

⁶⁵⁸ G A resolutions 50/136 of 21 December 1995, 51/81 of 12 December 1996, 52/111 of 12 December 1997, 53/132 of 9 December 1998 and 54/154 of 17 December 1999.

⁶⁵⁹ G A resolutions 51/86 of 12 December 1996, 53/149 of 9 December 1998 and 54/156 of 17 December 1999.

⁶⁶⁰ E S C decision 1998/254 of 30 July 1998.

its resolutions to the attention of Member States and to invite them to consider contributing to the Fund.⁶⁶¹

g) Public awareness-raising and human rights teaching

511. The 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 rights,⁶⁶² and believed that the World Public Information 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 attached by the World Conference on Human Rights to human rights education and information. The 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,⁶⁶³ 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 Information Campaign on Human Rights.⁶⁶⁴ 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 by the provision of timely and relevant information on human rights issues.⁶⁶⁵

513. The Assembly encouraged the High Commissioner/Centre for Human Rights 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.⁶⁶⁶ It requested the human rights treaties bodies, when examining reports of States parties, to place emphasis on the

⁶⁶¹ G A resolutions 50/156 of 21 December 1995 and 53/130 of 9 December 1998.

⁶⁶² See, for example, G A resolution 50/177 of 22 December 1995.

⁶⁶³ A/51/506, annex.

⁶⁶⁴ A/51/558, A/52/469 and Add.1, A/53/313 and A/54/399 and Add.1.

⁶⁶⁵ G A resolutions 51/104 of 12 December 1996, 52/127 of 12 December 1997, 53/153 of 9 December 1998 and 54/161 of 17 December 1999.

⁶⁶⁶ G A resolutions 51/104 of 12 December 1996, 52/127 of 12 December 1997, 53/153 of 9 December 1998 and 54/161 of 17 December 1999.

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/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 High Commissioner in this regard.⁶⁶⁷

514. The Assembly stressed the need for close collaboration between the Office of the High Commissioner and the Department of Public Information in the implementation of the Plan of Action and the World Public Information Campaign, and the need to harmonize their activities with those of other international organizations, such as the United Nations Educational, Scientific and Cultural Organization 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. It finally urged Governments and intergovernmental and non-governmental organizations to contribute to the mid-term 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 High Commissioner in 2000, by providing appropriate information on steps taken in this regard.⁶⁶⁸

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.⁶⁶⁹ 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 activities such as education, training and research in these areas 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.⁶⁷⁰

⁶⁶⁷ *Ibid.*

⁶⁶⁸ *Ibid.*

⁶⁶⁹ G A resolution 53/144 of 9 December 1998, annex, article 15.

⁶⁷⁰ G A resolution 53/144 of 9 December 1998, annex, article 16.

Public information and education on specific issues

516. As regards the World Conference on Human Rights, held at 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 programmes, human rights education and public information, in order to promote increased awareness of human rights and fundamental freedoms.⁶⁷¹

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 principles of human rights, particularly among young people, and in that regard renewed its invitation to the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education.⁶⁷²

518. Concerning the elimination of all forms of religious intolerance, the General Assembly considered it desirable to enhance the promotion 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 the United Nations information centres, as well as by other interested bodies.⁶⁷³

519. Regarding national institutions for the promotion and protection of human rights, the General 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.⁶⁷⁴

520. Concerning the dissemination of information on decolonization, the General Assembly considered it important to continue its efforts to ensure the widest possible

⁶⁷¹ See, for example, G A resolutions 50/201 of 22 December 1995, 51/118 of 12 December 1996, 52/148 of 12 December 1997 and 53/166 of 9 December 1998.

⁶⁷² See G A resolutions 50/136 of 21 December 1995, 51/81 of 12 December 1996, 52/111 of 12 December 1997, 53/132 of 9 December 1998 and 54/154 of 17 December 1999.

⁶⁷³ See G A resolutions 50/183 of 22 December 1995, 51/93 of 12 December 1996, 52/122 of 12 December 1997, 53/140 of 9 December 1998 and 54/159 of 17 December 1999.

⁶⁷⁴ G A resolutions 50/176 of 22 December 1995, 52/128 of 12 December 1997 and 54/176 of 17 December 1999.

dissemination of information on decolonization, with particular emphasis on the options of self-determination available for the peoples of Non-Self-Governing Territories.⁶⁷⁵

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 the Standard Rules, the World Programme of Action and the Long-term Strategy. It encouraged Governments and intergovernmental and non-governmental organizations to take practical actions, 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.⁶⁷⁶

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 the United Nations Development Fund for Women 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.⁶⁷⁷ 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 prevented violence against women.⁶⁷⁸

523. Concerning acts involving the sale of children, child prostitution, child pornography and child sex tourism, the article 9 of the Optional Protocol to the Convention on the Rights on the sale of children, child prostitution and child pornography affirms that States parties shall promote awareness in 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 Protocol. In fulfilling their obligations under this 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.⁶⁷⁹

⁶⁷⁵ G A resolutions 50/40 of 6 December 1995, 51/147 of 13 December 1996, 52/79 of 10 December 1997, 53/69 of 3 December 1998 and 54/92 of 6 December 1999.

⁶⁷⁶ G A resolutions 50/144 of 21 December 1995 and 54/121 of 17 December 1999.

⁶⁷⁷ G A resolutions 52/94 of 12 December 1997 and 54/136 of 17 December 1999.

⁶⁷⁸ See G A resolution 52/86 of 12 December 1997, annex, Part IX, point 14.

⁶⁷⁹ G A resolution 54/263 of 25 May 2000, annex II, article 9.2.

524. As regards 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, to facilitate the exchange of experiences and information among Governments on effective policies.⁶⁸⁰

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.⁶⁸¹ 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*.⁶⁸²

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 the Convention.⁶⁸³

527. Regarding 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.⁶⁸⁴

528. As regards the question of traffic 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

⁶⁸⁰ G A resolution 52/81 of 12 December 1997. See also this study, below, section h), para. 536.

⁶⁸¹ G A resolutions 50/141 of 21 December 1995, 52/80 of 12 December 1997 and 54/24 of 10 November 1999. See also this study, below, section h), para. 531.

⁶⁸² G A resolutions 50/141 of 21 December 1995, 52/80 of 12 December 1997 and 54/24 of 10 November 1999.

⁶⁸³ G A resolutions 50/169 of 22 December 1995, 51/85 of 12 December 1996, 52/115 of 12 December 1996, 53/137 of 9 December 1998 and 54/158 of 17 December 1999.

⁶⁸⁴ G A resolution 50/180 of 22 December 1995.

particular education and campaigns to increase public awareness of the issue at the national and grass-roots levels.⁶⁸⁵

h) International Days, Years and Decades

529. During the period under review, the General Assembly and the Economic and Social Council continued in conformity with their previous practice⁶⁸⁶ to celebrate days, anniversaries, years or decades, in whole or in part, to the promotion of human rights and fundamental freedoms.

530. In general and by its resolution 53/199 of 15 December 1998, the General Assembly, recalling Economic and Social Council resolution 1998/1 of 6 February 1998, reaffirmed the importance of the guidelines for international years and anniversaries, adopted by the General Assembly in its decision 35/424 of 5 December 1980, for the consideration of proposals for the proclamation of international years, 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 Assembly for consideration and action, unless the Assembly decided to bring them to the attention of the Economic and Social Council for evaluation, in accordance with the provisions of the above-mentioned guidelines.

531. By its resolution 53/109 of 9 December 1998, the General Assembly noted with satisfaction the successful launching of the International Year of Older Persons, with the theme “A society for all ages”, on 1 October 1998 around the world and at United Nations Headquarters by the Secretary-General, 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 ahead beyond 1999.⁶⁸⁷ The General 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 of the International Day of Older Persons, 1 October, on the theme “Late-life potentials and contributions in a new age”.⁶⁸⁸

532. By its resolution 51/88 of 12 December 1996, the General Assembly decided to convene, during its fifty-third session, a one-day plenary meeting, on 10 December 1998, to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights. In its resolution 52/117 of 12 December 1997, it welcomed the activities undertaken by the United Nations High Commissioner for Human Rights to contribute to the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights and urged those Governments that had not yet ratified the international human rights treaties and

⁶⁸⁵ G A resolutions 50/167 of 22 December 1995, 51/66 of 12 December 1996, 52/98 of 12 December 1997 and 53/116 of 9 December 1998.

⁶⁸⁶ See *Supplement No. 8*, Article 55, paras. 580-598.

⁶⁸⁷ See also resolutions 50/141 of 21 December 1995 and 52/80 of 12 December 1997; E S C resolution 1995/21 of 24 July 1995; E S C decisions 1996/242 of 22 July 1996 and 1998/225 of 28 July 1998.

⁶⁸⁸ G A resolution 53/109 of 9 December 1998. See also G A resolution 54/24 of 10 November 1999

protocols adopted within the framework of the United Nations system to consider doing so, and called upon 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. By its resolution 53/168 of 10 December 1998, 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 of 20 December 1995, 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 (1996). It decided that the aim of the activities during the Year shall 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 upon 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 of 16 December 1996, the General Assembly decided that the theme for the first United Nations Decade for the Eradication of Poverty shall be "Eradicating poverty is an ethical, social, political and economic imperative of humankind", and decided that the themes for 1997 and 1998 shall be "Poverty, environment and development" and "Poverty, human rights and development", respectively; the themes for the remaining years of the Decade will be decided every two years, commencing in 1998, at the fifty-third session of the General Assembly. It also 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 actions 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 of 18 December 1998, 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 shall be, respectively, "Women and the eradication of poverty" and "Globalization and the eradication of poverty". The Assembly reaffirmed that the eradication of poverty should aim to social and economic integration of people living in poverty and to the promotion and protection of all human rights and fundamental freedoms for all, including the right to development. It finally 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.⁶⁸⁹

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.⁶⁹⁰ It regretted the lack of interest, support and financial resources for the Third Decade and its related Programme of Action, 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 the implementation of the activities of the Third Decade during the biennium 1998-1999.⁶⁹¹ By its resolution 53/132 of 9 December 1998, the General Assembly decided to observe the year 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, aimed at drawing the world's attention to the objectives of the World Conference 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 of 17 December 1999, 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 this context called upon Governments, the United Nations and non-governmental organizations to observe the international Year in a suitable manner, including through programmes of action.

535. By its resolution 50/157 of 21 December 1995, 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 the programme of activities for the Decade. In its resolution 51/78 of 12 December 1996, the General Assembly reaffirmed the adoption of a declaration on the rights of indigenous people as a major objective of the Decade. The General Assembly 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.⁶⁹² In its resolution 54/150 of 17 December 1999, the General Assembly took note of the mid-term report of the United Nations High Commissioner for Human Rights, in her capacity as coordinator of the International

⁶⁸⁹ See also G A resolution 53/146 of 9 December 1998.

⁶⁹⁰ See G A resolutions 50/136 of 21 December 1995, 51/81 of 12 December 1996 and 52/111 of 12 December 1997.

⁶⁹¹ G A resolutions 52/111 of 12 December 1997 and 53/132 of 9 December 1998.

⁶⁹² G A resolutions 52/108 of 12 December 1997, 53/129 of 9 December 1998 and 54/150 of 17 December 1999.

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 of 21 December 1995, the General Assembly, recalling its resolutions 44/82 of 8 December 1989, 45/133 of 14 December 1990, 46/92 of 16 December 1991 and 47/237 of 20 September 1993, concerning the proclamation, preparations for and observance of the International Year of the Family, 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 to encourage the organization of subregional and interregional meetings and relevant research.⁶⁹³

537. By its resolution 50/173 of 22 December 1995, the General Assembly, bearing in mind its resolutions 48/126 of 20 December 1993 and 49/213 of 23 December 1994 on the proclamation of the United Nations Year for Tolerance,⁶⁹⁴ and its resolution 49/184 of 23 December 1994 proclaiming the United Nations Decade for Human Rights Education (1995-2004) encouraged countries, regional organizations, non-governmental organizations and the Director-General of the United Nations Educational, Scientific and Cultural Organization 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 High Commissioner, 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.⁶⁹⁵ 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

⁶⁹³ G A resolutions 52/81 of 12 December 1997 and 54/124 of 17 December 1999.

⁶⁹⁴ See also G A resolutions 51/95 of 12 December 1996 and 53/151 of 9 December 1998.

⁶⁹⁵ G A resolutions 50/177 of 22 December 1995 and 52/127 of 12 December 1997.

information activities in the field of human rights, including the World Public Information Campaign on Human Rights.⁶⁹⁶

538. By its resolution 52/15 of 20 November 1997, the General Assembly, recalling Economic and Social Council resolution 1997/47 of 22 July 1997, proclaimed the year 2000 as the International Year for the Culture of Peace. With its resolution 53/25 of 10 November 1998, the General Assembly, recalling the Economic and Social Council resolution 1998/31 of 29 July 1998, proclaimed the period 2001–2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World and invited Member States to take the necessary steps to ensure that the practice of peace and nonviolence was taught at all levels in their respective societies, including in educational institutions.

539. By its resolution 52/149 of 12 December 1997, the General Assembly, recalling Economic and Social Council decision 1997/251 of 22 July 1997, in preparing for the fiftieth anniversary of the Universal Declaration of Human Rights, proclaimed 26 June 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 of 17 December 1999, the General Assembly, recalling the Declaration on the Elimination of Violence Against Women, adopted by the General Assembly in its resolution 48/104 of 20 December 1993, and its resolution 52/86 of 12 December 1997, 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. THE QUESTION OF THE MEANING OF THE EXPRESSION “FOR ALL WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE, OR RELIGION”

541. As in the previous period,⁶⁹⁷ 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.

⁶⁹⁶ G A resolution 51/104 of 12 December 1996.

⁶⁹⁷ See *Supplement No. 8*, Article 55, paras. 599-601.

542. Two instruments adopted during this period contain, without a 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 Freedoms⁶⁹⁸ and the Declaration and Programme of Action on a Culture of Peace.⁶⁹⁹ 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.⁷⁰⁰ According to article 12 of the International Convention for the Suppression of Terrorist Bombings,⁷⁰¹ and article 15 of the International Convention for the Suppression of the Financing of Terrorism⁷⁰² 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.⁷⁰³

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 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.⁷⁰⁴

544. On its part, 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 25.⁷⁰⁵

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 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

⁶⁹⁸ G A resolution 53/144 of 9 December 1998, annex. See the Preamble.

⁶⁹⁹ G A resolution 53/243 of 13 September 1999, annex. See the Preamble.

⁷⁰⁰ G A resolution 54/4 of 6 October 1999, annex. See the Preamble.

⁷⁰¹ G A resolution 52/164 of 15 December 1997, annex. See also G A resolution 54/109 of 9 December 1999, annex.

⁷⁰² G A resolution 54/109 of 9 December 1999.

⁷⁰³ See also this study, para. 224.

⁷⁰⁴ *Ibid.*, paras. 278-280.

⁷⁰⁵ *Ibid.*, paras. 264-265.

South Africa, but, for the Committee, the article as adopted prohibited all forms of racial segregation in all countries.⁷⁰⁶

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.”*⁷⁰⁷

* * 5. THE QUESTION OF THE MEANING OF THE TERM “UNIVERSAL”;
THE TERRITORIAL SCOPE OF THE PROVISIONS RELATING TO
HUMAN RIGHTS

⁷⁰⁶ *Ibid.*, paras. 217-218.

⁷⁰⁷ See also this study, paras. 309-311.