
ARTICLE 62 (2)

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ARTICLE 62 (2)

TEXT OF ARTICLE 62 (2)

It [the Economic and Social Council] may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

INTRODUCTORY NOTE

1. The structure of the present study is similar to that of the studies of Article 62 (2) in the *Repertory* and its *Supplements Nos. 1 to 8*. There was no new development requiring discussion under heading C in the general survey and under the headings A, B, E, F and H in the analytical summary of practice.

I. GENERAL SURVEY

2. During the period under review, the Economic and Social Council did not expressly refer to Article 62 (2) of the Charter of United Nations as a basis for making recommendations or requesting studies and reports for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms. Contrary to what it had done in the previous period,¹ the Council did not refer to its role in the formulation of policy and coordination of activities of the United Nations system in the field of human rights. The terminology used by the Council did not appear to follow any general pattern. However, particular terminology may have been considered more appropriate concerning recommendations or studies and reports. The terms “recommends”,² “calls upon”,³ and “urges”,⁴ were frequently used with regard to recommendations, whereas the terms “requests”,⁵ “invites”,⁶ and “approves the Commission’s request to one organ or body to report”,⁷ were used mostly with regard to studies and reports.

A. Recommendations

1. GENERAL

3. During the period under review, the Economic and Social Council made many recommendations on a

variety of subjects in the field of human rights.⁸ Those subjects included matters relating, inter alia, to action to combat racism and racial discrimination; follow-up to the International Covenants on Human Rights;⁹ activities for the advancement of women; elimination of all forms of discrimination against women; elimination of violence against women in all its forms; the rights of the child; the rights of older persons; the rights of minorities; the rights of indigenous populations; the rights of migrant workers; the right of peoples to self-determination; the right to development; the right to adequate housing; the right to food; administration of juvenile justice; trafficking in children; torture and other cruel, inhuman or degrading treatment or punishment; capital punishment; question of arbitrary detention; human rights and states of emergency; national institutions for the promotion and protection of human rights; elimination of all forms of intolerance and of discrimination based on religion or belief; internally displaced persons; the right to restitution, compensation and rehabilitation for victims of grave violations of human rights; tobacco or health; the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS); protection against products harmful to health and the environment; eradication of poverty; and status of foreign citizens in criminal proceedings.

¹ See *Repertory, Supplement No. 8*, vol. IV, under Article 62 (2), para. 2.

² See, e.g., E S C resolution 1995/44.

³ See, e.g., E S C resolution 1995/45.

⁴ See, e.g., E S C resolution 1995/46.

⁵ See, e.g., E S C resolution 1995/44.

⁶ See, e.g., E S C resolution 1995/55.

⁷ See, e.g., E S C decision 1995/274.

⁸ See also *Repertory, Supplement No. 9*, vol. IV, under Article 55.

⁹ G A resolution 2200 A (XXI), annex.

4. The Council addressed recommendations primarily to the Secretary-General but also to the General Assembly; all States or Governments; Member States of the United Nations; Non-Self-Governing Territories; administering Powers of Non-Self-Governing Territories; regional commissions; specialized agencies and international organizations; the Centre for Human Rights; the Office of the United Nations High Commissioner for Human Rights; the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; non-governmental organizations; and subsidiary organs, such as the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Commission on the Status of Women, the Commission for Social Development, the Commission on Crime Prevention and Criminal Justice, the Commission on Science and Technology for Development, the Commission on Population and Development and the Committee on Non-Governmental Organizations. The Council also addressed recommendations to the Department of Humanitarian Affairs of the Secretariat; the Department of Public Information of the Secretariat; the Department for Economic and Social Information and Policy Analysis of the Secretariat; the Crime Prevention and Criminal Justice Division of the Secretariat; the Statistics Division of the Secretariat; the Population Division of the Secretariat; the Executive Boards or Heads of the United Nations funds and programmes; the International Research and Training Institute for the Advancement of Women; the United Nations Research Institute for Social Development; the Committee on Economic, Social and Cultural Rights; the Committee on the Rights of the Child; and the Committee on the Elimination of Discrimination against Women.

2. TO THE GENERAL ASSEMBLY

5. The Council made several recommendations on subjects not previously addressed to the General Assembly, such as the participation of volunteers, or "White Helmets", in activities of the United Nations in the field of humanitarian relief, rehabilitation and technical cooperation for development;¹⁰ International Research and Training Institute for the Advancement of

¹⁰ E S C resolution 1995/44.

Women;¹¹ implementation of the Programme of Action of the International Conference on Population and Development;¹² respect for the universal freedom of travel and the vital importance of family reunification;¹³ payment of honoraria to members of the Committee on Economic, Social and Cultural Rights;¹⁴ international migration and development;¹⁵ follow-up to the International Conference on Population and Development;¹⁶ International Year for the Culture of Peace (2000);¹⁷ strengthening regional support for persons with disabilities into the twenty-first century;¹⁸ 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;¹⁹ and expansion of the United Nations guidelines for consumer protection to include sustainable consumption.²⁰

6. Other recommendations to the General Assembly included a draft resolution on the International Year of Older Persons: towards a society for all ages,²¹ a draft resolution on water supply and sanitation,²² a draft resolution on follow-up to the International Year of the Family,²³ a draft resolution on follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,²⁴ a draft resolution on preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,²⁵ a draft resolution on crime prevention and criminal justice measures to eliminate violence against women,²⁶ a draft resolution on the follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action,²⁷ a draft resolution on

¹¹ E S C resolution 1995/45.

¹² E S C resolution 1995/55.

¹³ E S C decision 1995/276.

¹⁴ E S C decision 1995/302 A and B.

¹⁵ E S C decision 1995/313.

¹⁶ E S C resolution 1997/42.

¹⁷ E S C resolutions 1997/47 and 1998/37.

¹⁸ E S C resolution 1998/4.

¹⁹ E S C resolution 1998/33.

²⁰ E S C resolution 1999/7.

²¹ E S C resolutions 1995/21 and 1997/18.

²² E S C resolution 1995/46.

²³ E S C resolution 1997/21.

²⁴ E S C resolution 1997/22.

²⁵ E S C resolutions 1997/23, 1998/13 and 1999/19.

²⁶ E S C resolution 1997/24.

²⁷ E S C resolution 1998/2.

transnational organized crime,²⁸ a draft resolution on the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010),²⁹ a draft resolution on the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,³⁰ a draft resolution on policies and programmes involving youth,³¹ a draft resolution on the draft United Nations convention against transnational organized crime and the draft protocols thereto,³² a draft resolution on action against corruption³³ and a draft resolution on the preparations for the special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”.³⁴

3. TO STATES

7. During the period under review, the Economic and Social Council continued to make recommendations to States, covering the same subjects as discussed in its previous sessions. Those recommendations included: criminal justice action to combat the organized smuggling of illegal migrants across national boundaries;³⁵ improvement of the status of women in the Secretariat;³⁶ elimination of violence against women;³⁷ safeguards guaranteeing protection of the rights of those facing the death penalty;³⁸ and United Nations standards and norms in crime prevention and criminal justice.³⁹

8. Other recommendations to States were addressed to States Members of the United Nations and covered new subjects, including, inter alia, the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,⁴⁰ action against corruption,⁴¹ implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination,⁴² World Programme of Action for

Youth to the Year 2000 and Beyond,⁴³ measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences,⁴⁴ Palestinian women,⁴⁵ International Year of Older Persons: towards a society for all ages,⁴⁶ preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,⁴⁷ crime prevention and criminal justice measures to eliminate violence against women,⁴⁸ administration of juvenile justice,⁴⁹ victims of crime and abuse of power,⁵⁰ elements of responsible crime prevention: standards and norms,⁵¹ consumer protection,⁵² follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action,⁵³ transnational organized crime,⁵⁴ status of foreign citizens in criminal proceedings,⁵⁵ international cooperation for the reduction of prison overcrowding and the promotion of alternative sentencing,⁵⁶ International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010),⁵⁷ International Research and Training Institute for the Advancement of Women,⁵⁸ poverty eradication and capacity-building,⁵⁹ expansion of the United Nations guidelines for consumer protection to include sustainable consumption,⁶⁰ the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,⁶¹ the draft United Nations convention against transnational organized crime and the draft protocols thereto,⁶² development and implementation of mediation and restorative justice measures in criminal justice,⁶³ penal

²⁸ E S C resolution 1998/14.

²⁹ E S C resolution 1998/31.

³⁰ E S C resolution 1999/13.

³¹ E S C resolution 1999/18.

³² E S C resolution 1999/20.

³³ E S C resolution 1999/22.

³⁴ E S C resolution 1999/50.

³⁵ E S C resolution 1995/10.

³⁶ E S C resolutions 1995/28 and 1998/11.

³⁷ E S C resolution 1996/12.

³⁸ E S C resolution 1996/15.

³⁹ E S C resolutions 1997/32 and 1998/21.

⁴⁰ E S C resolution 1995/8.

⁴¹ E S C resolutions 1995/14, 1996/8 and 1999/22.

⁴² E S C resolution 1995/59.

⁴³ E S C resolution 1995/64.

⁴⁴ E S C resolution 1996/26.

⁴⁵ E S C resolutions 1997/16, 1998/10 and 1999/15.

⁴⁶ E S C resolution 1997/18.

⁴⁷ E S C resolutions 1997/23, 1998/13 and 1999/19.

⁴⁸ E S C resolution 1997/24.

⁴⁹ E S C resolutions 1997/30 and 1999/28.

⁵⁰ E S C resolution 1997/31.

⁵¹ E S C resolution 1997/33.

⁵² E S C resolution 1997/53.

⁵³ E S C resolution 1998/2.

⁵⁴ E S C resolution 1998/14.

⁵⁵ E S C resolution 1998/22.

⁵⁶ E S C resolution 1998/23.

⁵⁷ E S C resolution 1998/31.

⁵⁸ E S C resolution 1998/48.

⁵⁹ E S C resolution 1999/5.

⁶⁰ E S C resolution 1999/7.

⁶¹ E S C resolution 1999/13.

⁶² E S C resolution 1999/20.

⁶³ E S C resolution 1999/26.

reform⁶⁴ and preparations for the special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”.⁶⁵

4. TO ALL STATES

9. As had been done in the previous period, recommendations were addressed to all States concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations.⁶⁶ Those recommendations also included new subjects, such as science and technology for development,⁶⁷ administration of juvenile justice,⁶⁸ follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,⁶⁹ implementation of the World Programme of Action for Youth to the Year 2000 and Beyond, including the World Conference of Ministers Responsible for Youth,⁷⁰ the situation of women and girls in Afghanistan,⁷¹ policies and programmes involving youth⁷² and HIV/AIDS.⁷³

5. TO GOVERNMENTS

10. As in the past, the Economic and Social Council continued to make recommendations to Governments regarding, inter alia, the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,⁷⁴ the United Nations standards and norms in crime prevention and criminal justice,⁷⁵ the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations,⁷⁶

United Nations standards and norms in crime prevention and criminal justice⁷⁷ and HIV/AIDS.⁷⁸

11. The Council also made recommendations to Governments with regard to several new subjects, including the participation of volunteers, “White Helmets”, in activities of the United Nations in the field of humanitarian relief, rehabilitation and technical cooperation for development,⁷⁹ water supply and sanitation,⁸⁰ consumer protection,⁸¹ strengthening of the coordination of emergency humanitarian assistance of the United Nations,⁸² implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination,⁸³ World Programme of Action for Youth to the Year 2000 and Beyond,⁸⁴ administration of juvenile justice,⁸⁵ measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences,⁸⁶ strengthening of the coordination of emergency humanitarian assistance of the United Nations,⁸⁷ international migration and development,⁸⁸ equalization of opportunities for persons with disabilities,⁸⁹ children with disabilities,⁹⁰ follow-up to the International Year of the Family,⁹¹ crime prevention and criminal justice measures to eliminate violence against women,⁹² victims of crime and abuse of power,⁹³ science and technology for development,⁹⁴ follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action,⁹⁵ preparations for the Tenth United Nations Congress on the Prevention of Crime

⁶⁴ E S C resolution 1999/27.

⁶⁵ E S C resolution 1999/50.

⁶⁶ E S C resolutions 1995/58, 1998/38 and 1999/52.

⁶⁷ E S C resolutions 1995/54, 1997/62, 1997/66 and 1999/61.

⁶⁸ E S C resolution 1996/13.

⁶⁹ E S C resolution 1997/22.

⁷⁰ E S C resolution 1997/55.

⁷¹ E S C resolutions 1998/9 and 1999/14.

⁷² E S C resolution 1999/18.

⁷³ E S C resolution 1999/36.

⁷⁴ E S C resolution 1995/8.

⁷⁵ E S C resolution 1995/13.

⁷⁶ E S C resolutions 1995/58, 1996/37, 1997/66, 1998/38 and 1999/52.

⁷⁷ E S C resolution 1997/32.

⁷⁸ E S C resolutions 1997/52 and 1999/36.

⁷⁹ E S C resolution 1995/44.

⁸⁰ E S C resolution 1995/46.

⁸¹ E S C resolution 1995/53. See also E S C decision 1998/215.

⁸² E S C resolution 1995/56.

⁸³ E S C resolution 1995/59.

⁸⁴ E S C resolution 1995/64.

⁸⁵ E S C resolutions 1996/13 and 1999/28.

⁸⁶ E S C resolution 1996/26.

⁸⁷ E S C resolution 1996/33.

⁸⁸ E S C resolution 1997/2.

⁸⁹ E S C resolution 1997/19.

⁹⁰ E S C resolution 1997/20.

⁹¹ E S C resolution 1997/21.

⁹² E S C resolution 1997/24.

⁹³ E S C resolution 1997/31.

⁹⁴ E S C resolution 1997/62.

⁹⁵ E S C resolution 1998/2.

and the Treatment of Offenders⁹⁶ and policies and programmes involving youth.⁹⁷

6. TO SEVERAL ADDRESSEES

12. New recommendations were also jointly made to several addressees, notably to Governments or States, and intergovernmental and non-governmental organizations, in the resolutions relative to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,⁹⁸ criminal justice action to combat the organized smuggling of illegal migrants across national boundaries,⁹⁹ implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,¹⁰⁰ action against corruption,¹⁰¹ International Year of Older Persons: towards a society for all ages,¹⁰² Convention on the Elimination of All Forms of Discrimination against Women,¹⁰³ Palestinian women,¹⁰⁴ International Research and Training Institute for the Advancement of Women,¹⁰⁵ water supply and sanitation,¹⁰⁶ tobacco or health,¹⁰⁷ elimination of violence against women,¹⁰⁸ implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,¹⁰⁹ international migration and development,¹¹⁰ equalization of opportunities for persons with disabilities,¹¹¹ administration of juvenile justice,¹¹² victims of crime and abuse of power,¹¹³ elements of responsible crime prevention: standards and norms,¹¹⁴ consumer protection,¹¹⁵ implementation of the World Programme of Action for Youth to the Year 2000 and Beyond, including the World Conference of Ministers

Responsible for Youth,¹¹⁶ eradication of poverty,¹¹⁷ situation of women and girls in Afghanistan,¹¹⁸ United Nations standards and norms in crime prevention and criminal justice,¹¹⁹ poverty eradication and capacity-building,¹²⁰ expansion of the United Nations guidelines for consumer protection to include sustainable consumption,¹²¹ development and implementation of mediation and restorative measures in criminal justice,¹²² HIV/AIDS,¹²³ preparations for the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century"¹²⁴ and revitalization of the International Research and Training Institute for the Advancement of Women.¹²⁵

7. TO THE SPECIALIZED AGENCIES

13. As in the past, recommendations were made to specialized agencies in general on HIV/AIDS,¹²⁶ Palestinian women¹²⁷ and the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations.¹²⁸

14. New subjects included water supply and sanitation,¹²⁹ science and technology for development,¹³⁰ tobacco or health,¹³¹ the International Year of Older Persons: towards a society for all ages,¹³² follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,¹³³ implementation of the World Programme of Action for Youth to the Year 2000 and Beyond, including the World Conference of Ministers

⁹⁶ E S C resolutions 1998/13 and 1999/19.

⁹⁷ E S C resolution 1999/18.

⁹⁸ E S C resolution 1995/8.

⁹⁹ E S C resolution 1995/10.

¹⁰⁰ E S C resolution 1995/11.

¹⁰¹ E S C resolutions 1995/14 and 1996/8.

¹⁰² E S C resolutions 1995/21 and 1997/18.

¹⁰³ E S C resolution 1995/29.

¹⁰⁴ E S C resolutions 1995/30, 1996/5, 1997/16, 1998/10 and 1999/15.

¹⁰⁵ E S C resolutions 1995/45 and 1996/39.

¹⁰⁶ E S C resolution 1995/46.

¹⁰⁷ E S C resolution 1995/62.

¹⁰⁸ E S C resolution 1996/12.

¹⁰⁹ E S C resolution 1996/27.

¹¹⁰ E S C resolution 1997/2.

¹¹¹ E S C resolution 1997/19.

¹¹² E S C resolution 1997/30.

¹¹³ E S C resolution 1997/31.

¹¹⁴ E S C resolution 1997/33.

¹¹⁵ E S C resolution 1997/53.

¹¹⁶ E S C resolution 1997/55.

¹¹⁷ E S C resolution 1997/60.

¹¹⁸ E S C resolutions 1998/9 and 1999/14.

¹¹⁹ E S C resolution 1998/21.

¹²⁰ E S C resolution 1999/5.

¹²¹ E S C resolution 1999/7.

¹²² E S C resolution 1999/26.

¹²³ E S C resolution 1999/36.

¹²⁴ E S C resolution 1999/50.

¹²⁵ E S C resolution 1999/54.

¹²⁶ E S C resolution 1997/52.

¹²⁷ E S C resolution 1998/10.

¹²⁸ E S C resolutions 1995/58, 1996/37, 1997/66, 1998/38 and 1999/52.

¹²⁹ E S C resolution 1995/46.

¹³⁰ E S C resolutions 1995/54 and 1999/61.

¹³¹ E S C resolution 1995/62.

¹³² E S C resolution 1997/18.

¹³³ E S C resolution 1997/22.

Responsible for Youth,¹³⁴ eradication of poverty,¹³⁵ malaria and diarrhoeal diseases, in particular cholera,¹³⁶ mainstreaming the gender perspective into all policies and programmes in the United Nations system,¹³⁷ International Research and Training Institute for the Advancement of Women¹³⁸ and poverty eradication and capacity-building.¹³⁹

8. TO CERTAIN SPECIALIZED AGENCIES

15. During the period under review, the Economic and Social Council addressed a number of recommendations, namely to certain specialized agencies, notably UNESCO and other specialized agencies, in a resolution on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;¹⁴⁰ WHO and the United Nations agencies concerned in a resolution on malaria and diarrhoeal diseases, in particular cholera;¹⁴¹ UNESCO, WHO, concerned United Nations organizations and bodies, including UNICEF in a resolution on children with disabilities;¹⁴² ILO, UNESCO, WHO, the World Bank and other international and regional financial institutions, as well as non-governmental organizations and academic institutions, in a resolution concerning the administration of juvenile justice;¹⁴³ UNESCO, UNICEF, relevant United Nations bodies, non-governmental organizations, religious bodies and groups, educational institutions, artists and the media in a resolution on the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010)¹⁴⁴ and WHO, in collaboration with UNICEF, other concerned United Nations agencies and programmes and other relevant international organizations in a resolution on malaria and diarrhoeal diseases, in particular cholera.¹⁴⁵

¹³⁴ E S C resolution 1997/55.

¹³⁵ E S C resolution 1997/60.

¹³⁶ E S C resolution 1998/36.

¹³⁷ E S C resolution 1998/43.

¹³⁸ E S C resolution 1998/48.

¹³⁹ E S C resolution 1999/5.

¹⁴⁰ E S C resolution 1995/59.

¹⁴¹ E S C resolution 1995/63.

¹⁴² E S C resolution 1997/20.

¹⁴³ E S C resolution 1997/30.

¹⁴⁴ E S C resolution 1998/31.

¹⁴⁵ E S C resolution 1998/36.

9. TO SPECIALIZED AGENCIES WITH OTHER ACTORS

16. In accordance with its previous practice, the Economic and Social Council also addressed recommendations to specialized agencies jointly with other actors: to United Nations specialized agencies, bodies and organs, as well as intergovernmental and other organizations, in a resolution on the implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;¹⁴⁶ to specialized agencies and other organizations of the United Nations system, as well as international and regional organizations, in a resolution concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and international institutions associated with the United Nations;¹⁴⁷ and to specialized agencies, relevant United Nations bodies and institutes, and intergovernmental and non-governmental organizations, in a resolution on the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.¹⁴⁸

17. New recommendations were addressed to the United Nations specialized agencies and bodies, the Secretary-General, all Governments, intergovernmental organizations and relevant non-governmental organizations in consultative status with the Economic and Social Council, in a resolution on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;¹⁴⁹ to specialized agencies, relevant United Nations funds and programmes, non-governmental organizations and the private sector, as well as international financial institutions, in a resolution on the International Year of Older Persons: towards a society for all ages;¹⁵⁰ to specialized agencies, relevant United Nations bodies and programmes, the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme Network, intergovernmental and

¹⁴⁶ E S C resolution 1995/27. See also E S C resolution 1996/28.

¹⁴⁷ E S C resolutions 1995/58, 1996/37, 1997/66, 1998/38 and 1999/52.

¹⁴⁸ E S C resolution 1999/19.

¹⁴⁹ E S C resolution 1995/59.

¹⁵⁰ E S C resolution 1997/18.

non-governmental organizations and other entities, in a resolution concerning the victims of crime and abuse of power;¹⁵¹ to specialized agencies, organs and programmes of the United Nations system, international organizations, multilateral financial institutions, non-governmental organizations, the private sector and other groups, in a resolution concerning malaria and diarrhoeal diseases, in particular cholera;¹⁵² to specialized agencies, all relevant programmes, funds and other bodies within the United Nations system, the regional commissions and intergovernmental and non-governmental organizations concerned, as well as regional financial institutions, in a resolution concerning the policies and programmes involving youth;¹⁵³ and to specialized agencies and United Nations programmes and funds, in a resolution concerning HIV/AIDS.¹⁵⁴

10. TO NON-GOVERNMENTAL ORGANIZATIONS

18. In accordance with its previous practice, the Economic and Social Council addressed non-governmental organizations in general, in most cases in combination with other addressees. At times, it specially addressed non-governmental organizations in consultative status with the Council or non-governmental organizations with a particular interest, concern or competence in a subject. Those new recommendations concerned, inter alia, the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,¹⁵⁵ the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,¹⁵⁶ the International Year of Older Persons: towards a society for all ages,¹⁵⁷ the implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,¹⁵⁸ the Convention on the Elimination of All Forms of Discrimination against Women,¹⁵⁹ Palestinian women,¹⁶⁰ the International

Research and Training Institute for the Advancement of Women,¹⁶¹ tobacco or health,¹⁶² action against corruption,¹⁶³ equalization of opportunities for persons with disabilities,¹⁶⁴ children with disabilities,¹⁶⁵ follow-up to the International Year of the Family,¹⁶⁶ crime prevention and criminal justice measures to eliminate violence against women,¹⁶⁷ administration of juvenile justice,¹⁶⁸ victims of crime and abuse of power,¹⁶⁹ elements of responsible crime prevention: standards and norms,¹⁷⁰ consumer protection,¹⁷¹ implementation of the World Programme of Action for Youth to the Year 2000 and Beyond, including the World Conference of Ministers Responsible for Youth,¹⁷² science and technology for development,¹⁷³ follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action,¹⁷⁴ the situation of women and girls in Afghanistan,¹⁷⁵ United Nations standards and norms in crime prevention and criminal justice,¹⁷⁶ malaria and diarrhoeal diseases, in particular cholera,¹⁷⁷ expansion of the United Nations guidelines for consumer protection to include sustainable consumption¹⁷⁸ and policies and programmes involving youth.¹⁷⁹

B. Studies and reports

1. GENERAL

19. During the period under review, the Economic and Social Council adopted a number of decisions with regard to new issues of reporting by several United Nations bodies.

20. In respect of the reporting obligations of States parties to international instruments on human rights

¹⁵¹ E S C resolution 1997/31.

¹⁵² E S C resolution 1998/36.

¹⁵³ E S C resolution 1999/18.

¹⁵⁴ E S C resolution 1999/36.

¹⁵⁵ E S C resolution 1995/8.

¹⁵⁶ E S C resolutions 1995/11 and 1996/27.

¹⁵⁷ E S C resolutions 1995/21 and 1997/18.

¹⁵⁸ E S C resolution 1995/27.

¹⁵⁹ E S C resolution 1995/29.

¹⁶⁰ E S C resolutions 1995/30, 1997/16, 1998/10 and 1999/15.

¹⁶¹ E S C resolutions 1995/45, 1996/39 and 1998/48.

¹⁶² E S C resolution 1995/62.

¹⁶³ E S C resolution 1996/8.

¹⁶⁴ E S C resolution 1997/19.

¹⁶⁵ E S C resolution 1997/20.

¹⁶⁶ E S C resolution 1997/21.

¹⁶⁷ E S C resolution 1997/24.

¹⁶⁸ E S C resolution 1997/30.

¹⁶⁹ E S C resolution 1997/31.

¹⁷⁰ E S C resolution 1997/33.

¹⁷¹ E S C resolution 1997/53.

¹⁷² E S C resolution 1997/55.

¹⁷³ E S C resolutions 1997/62 and 1999/61.

¹⁷⁴ E S C resolution 1998/2.

¹⁷⁵ E S C resolutions 1998/9 and 1999/14.

¹⁷⁶ E S C resolution 1998/21.

¹⁷⁷ E S C resolution 1998/36.

¹⁷⁸ E S C resolution 1999/7.

¹⁷⁹ E S C resolution 1999/18.

and the effective functioning of bodies established pursuant to such instruments, the Council noted the backlog of reports of States parties that were awaiting consideration by the Committee on Economic, Social and Cultural Rights. The Council was aware that such a situation seriously undermined the effectiveness and threatened the credibility of the system for monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights. The Council therefore authorized, on an exceptional basis, the holding of an extraordinary additional session of three weeks' duration in the second half of 1995 in addition to the Committee's two annual sessions; it also authorized a special five-day meeting of the Committee's pre-session working group, to be held immediately following the conclusion of the Committee's twelfth session in 1995, in order to prepare for the consideration of reports of States parties during the extraordinary additional session of the Committee in the second half of 1995.¹⁸⁰ The Council also endorsed the proposal made by the Committee that US\$ 10,000 annually be included within the overall budget of the Centre for Human Rights of the Secretariat, to enable the Committee to bring in specialists to participate in its general discussion and to commission papers dealing with those technical dimensions of its work, especially relating to indicators, which required expert elaboration.¹⁸¹

21. More generally concerning reporting obligations under international instruments on human rights, the Council approved the requests of the Commission on Human Rights to the Secretary-General: (a) to provide adequate resources in respect of each human rights treaty body; (b) to make the most efficient use of existing resources in order to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information; and (c) to seek in the biennium 2000-2001

the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information.¹⁸²

22. In a resolution related to the follow-up to the Fourth World Conference on Women,¹⁸³ the Council decided that the Commission on the Status of Women should, inter alia: (a) assist the Council in monitoring, reviewing and appraising progress achieved and problems encountered in the implementation of the Beijing Declaration and Platform for Action at all levels and should advise the Council thereon; (b) identify issues where United Nations system-wide coordination needed to be improved in order to assist the Council in its coordination function; and (c) identify emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men that required urgent consideration and make substantive recommendations thereon.

23. With regard to the mandates of special rapporteurs or special representatives on thematic issues in the field of human rights, the Council decided to extend those mandates, for a period of one year, for the Special Rapporteurs on the effects of structural adjustment policies on the full enjoyment of human rights¹⁸⁴ and on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal conflict.¹⁸⁵ The Council created or extended for a period of two years the mandates of the Special Rapporteur on traditional practices affecting the health of women and children¹⁸⁶ and of the Independent Expert on the question of human rights and extreme poverty.¹⁸⁷ It created or renewed for three years the following mandates, while it decided or maintained their annual reporting cycle: the Special Rapporteur on the sale of children, child prostitution and child pornography;¹⁸⁸ the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;¹⁸⁹ the Special

¹⁸⁰ E S C decision 1995/217. See also E S C decision 1999/287; in that decision, the Council requested that the additional sessions of the Committee on Economic, Social and Cultural Rights in 2000 and 2001 be devoted entirely to the consideration of reports of the States parties in order to reduce the backlog of reports, and also requested the Committee to consider ways and means to improve the efficiency of its working methods and to report to the Council in 2001 on the actions taken in that regard.

¹⁸¹ E S C decision 1995/303.

¹⁸² E S C decision 1998/252.

¹⁸³ E S C resolution 1996/6.

¹⁸⁴ E S C decisions 1996/289, 1997/283, 1998/276 and 1999/251.

¹⁸⁵ E S C decisions 1996/291 and 1999/252.

¹⁸⁶ E S C decisions 1995/300, 1997/284 and 1999/249.

¹⁸⁷ E S C decision 1998/250.

¹⁸⁸ E S C resolution 1995/36 and E S C decision 1998/271.

¹⁸⁹ E S C decisions 1995/254 and 1998/241.

Rapporteur on incidents and governmental actions inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;¹⁹⁰ the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;¹⁹¹ the Special Representative on internally displaced persons;¹⁹² the Special Rapporteur on extrajudicial, summary or arbitrary executions;¹⁹³ the Special Rapporteur on the adverse effects on the enjoyment of human rights of the illicit movement and dumping of toxic and dangerous products and wastes;¹⁹⁴ the Special Rapporteur on human rights and income distribution;¹⁹⁵ the Special Rapporteur on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance;¹⁹⁶ the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;¹⁹⁷ the Special Rapporteur on the independence of judges and lawyers;¹⁹⁸ the Special Rapporteur on violence against women;¹⁹⁹ the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights;²⁰⁰ the Special Rapporteur on the right to education;²⁰¹ the Special Rapporteur on terrorism and human rights;²⁰² and the Special Rapporteur on the human rights of migrants.²⁰³ The following mandates were also created or extended for a three-year period: those of the Working Group of the Commission on Human Rights on Enforced or Involuntary Disappearances;²⁰⁴ of the Working Group of the Commission on Arbitrary Detention;²⁰⁵ and of the Working Group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the Promotion of the Rights of Persons Belonging to National or Ethnic, Religious and

Linguistic Minorities.²⁰⁶ It was decided to maintain for those working groups the principle of submitting annual reports. Concerning thematic procedures, the Council approved the requests of the Commission on Human Rights to the Secretary-General regarding the United Nations budget for the biennium 1998-1999, and ensuring 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 Commission or the appropriate United Nations organs.²⁰⁷

24. The Council authorized the Commission on Human Rights to establish for a two-year period an intergovernmental group of experts with the mandate to elaborate a strategy for the implementation and promotion of the right to development, as set forth in the Declaration on the Right to Development, in its integrated and multidimensional aspects.²⁰⁸ On the same issue, the Council two years later endorsed the recommendation of the Commission to establish a follow-up mechanism, initially for a period of three years, consisting of the following:

(a) The establishment of an open-ended working group to meet for a period of five working days each year, after the fifty-fifth and fifty-sixth sessions of the Commission, with a mandate:

- (i) To monitor and review progress made in the promotion and implementation of the right to development;
- (ii) To review reports and any other information submitted by States, United Nations agencies, other relevant international organizations and non-governmental organizations on the relationship between their activities and the right to development;
- (iii) To submit to the Commission for consideration a sessional report on its deliberations;

¹⁹⁰ E S C decisions 1995/260 and 1998/245.

¹⁹¹ E S C decisions 1995/265 and 1998/254.

¹⁹² E S C decisions 1995/273 and 1998/257.

¹⁹³ E S C decisions 1995/284 and 1998/265.

¹⁹⁴ E S C decisions 1995/288 and 1998/242.

¹⁹⁵ E S C decision 1995/295.

¹⁹⁶ E S C decision 1996/259 and E S C resolution 1999/12.

¹⁹⁷ E S C decisions 1996/266 and 1999/238.

¹⁹⁸ E S C decision 1997/246.

¹⁹⁹ E S C decision 1997/255.

²⁰⁰ E S C decision 1998/249.

²⁰¹ E S C decision 1998/253.

²⁰² E S C decision 1998/278.

²⁰³ E S C decision 1999/239.

²⁰⁴ E S C decisions 1995/266 and 1998/255.

²⁰⁵ E S C decision 1997/260.

²⁰⁶ E S C resolution 1995/31; in its decision 1998/246, the Council decided to extend the mandate of the working group with a view to its holding one session of five working days annually.

²⁰⁷ E S C decisions 1997/250 and 1998/270.

²⁰⁸ E S C decision 1996/258.

(b) To appoint an independent expert with a mandate to submit to the working group at each of its sessions a study on the current state of progress in the implementation of the right to development as a basis for a focused discussion, taking into account, inter alia, the deliberations and suggestions of the working group.²⁰⁹

25. The Council also endorsed the decision of the Commission on Human Rights to establish a working group consisting of five intergovernmental experts, appointed on the basis of equitable geographical representation after consultations with the regional groups, to meet for two periods of five working days prior to the fifty-fourth session of the Commission, with a mandate to: (a) gather all relevant information from Governments, non-governmental organizations and any other relevant sources on the existing obstacles to the effective and full protection of human rights of migrants; (b) elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of migrants; and (c) submit a report to the Commission at its fifty-fourth session.²¹⁰

26. The Council further requested, on a priority basis pursuant to Article 96, paragraph 2 of the Charter of the United Nations and in accordance with General Assembly 89 (I), an advisory opinion of the International Court of Justice on the legal question of the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations in the case of a specific Special Rapporteur of the Commission on Human Rights, taking into account, inter alia, the legal obligations of a Government in that case. The Council also called on the Government concerned to ensure that all judgements and proceedings in that matter in its courts were stayed pending receipt of the advisory opinion of the International Court of Justice, which should be accepted as decisive by the parties.²¹¹

27. Subsequently, in its resolution 1999/64, the Council expressed its appreciation to the International Court of Justice for having given its advisory opinion on 29 April 1999, in which the Court stated, inter alia, that article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations was

applicable in the case of the Special Rapporteur; that the Special Rapporteur was entitled to immunity from legal process of every kind; that the Government concerned had the obligation to inform its courts of the finding of the Secretary-General that the Special Rapporteur was entitled to immunity from legal process; that the courts had the obligation to deal with the question of immunity from legal process as a preliminary issue to be expeditiously decided at the start of the procedure; that the Special Rapporteur should be held financially harmless for any costs imposed upon him by the courts, in particular taxed costs; that the Government concerned had the obligation to communicate that advisory opinion to its courts in order to give effect to its international obligations and respect the Special Rapporteur's immunity.²¹² In the same resolution,²¹³ the Council also took note of the stated commitment by the Government concerned to abide by the advisory opinion, and noted in this regard that the Government had conveyed the advisory opinion to its competent judicial authorities; and the Council further requested the Government to make further efforts in order that the advisory opinion would be given effect.

2. ON ECONOMIC, SOCIAL AND CULTURAL HUMAN RIGHTS

28. The Economic and Social Council continued to initiate studies and reports on tobacco or health²¹⁴ and science and technology for development.²¹⁵ New studies and reports requested during the period under review concerned, inter alia, the participation of volunteers, or "White Helmets", in activities of the United Nations in the field of humanitarian relief, rehabilitation and technical cooperation for development,²¹⁶ water supply and sanitation,²¹⁷ consumer protection,²¹⁸ the strengthening of the coordination of emergency humanitarian assistance of the United Nations,²¹⁹ the realization of the right to adequate housing,²²⁰ follow-up to the International

²⁰⁹ E S C decision 1998/269.

²¹⁰ E S C decision 1997/243, which was renewed by the Council in its decision 1998/244.

²¹¹ E S C decision 1998/297.

²¹² See E S C resolution 1999/64.

²¹³ Ibid.

²¹⁴ E S C resolutions 1995/62 and 1999/56.

²¹⁵ E S C resolutions 1997/62 and 1999/61.

²¹⁶ E S C resolution 1995/44.

²¹⁷ E S C resolution 1995/46.

²¹⁸ E S C resolution 1995/53. See also E S C decision 1998/215.

²¹⁹ E S C resolutions 1995/56 and 1996/33.

²²⁰ E S C decision 1995/259.

Covenant on Economic, Social and Cultural Rights,²²¹ the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome,²²² effects of structural adjustment policies on the full enjoyment of human rights,²²³ follow-up to the International Conference on Population and Development,²²⁴ the International Year for the Culture of Peace (2000),²²⁵ consumer protection,²²⁶ eradication of poverty,²²⁷ protection against products harmful to health and the environment,²²⁸ adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights,²²⁹ effects of foreign debt on the full enjoyment of economic, social and cultural rights,²³⁰ the question of human rights and extreme poverty,²³¹ the right to education²³² and the right to development.²³³

3. ON CIVIL AND POLITICAL HUMAN RIGHTS

29. The Economic and Social Council continued to request studies and reports on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations²³⁴ and the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms.²³⁵

30. New studies and reports requested during the period under review concerned the use of mercenaries as a means of violating human rights and impeding the

exercise of the right of peoples to self-determination,²³⁶ measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance,²³⁷ implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;²³⁸ the problem of missing persons in the territory of the former Yugoslavia;²³⁹ torture and other cruel, inhuman or degrading treatment or punishment;²⁴⁰ the question of enforced or involuntary disappearances;²⁴¹ strengthening the rule of law;²⁴² the question of internally displaced persons;²⁴³ the composition of the staff of the Centre for Human Rights;²⁴⁴ extrajudicial, summary and arbitrary executions;²⁴⁵ the question of human rights and states of emergency;²⁴⁶ the right to freedom of opinion and expression;²⁴⁷ forced evictions;²⁴⁸ the human rights dimensions of popular transfer, including the implantation of settlers and settlements;²⁴⁹ human rights and mass exoduses;²⁵⁰ human rights and terrorism;²⁵¹ defamation of religions;²⁵² and the concept and practice of affirmative action.²⁵³

²²¹ E S C resolution 1996/38. See also E S C decision 1997/244.

²²² E S C resolution 1996/47. See also E S C resolutions 1997/52 and 1999/36.

²²³ E S C decisions 1996/289, 1997/283, 1998/176 and 1999/251.

²²⁴ E S C resolution 1997/42.

²²⁵ E S C resolution 1997/47.

²²⁶ E S C resolution 1997/53.

²²⁷ E S C resolution 1997/60.

²²⁸ E S C resolution 1998/41.

²²⁹ E S C decision 1998/242.

²³⁰ E S C decision 1998/249.

²³¹ E S C decisions 1998/250 and 1999/236.

²³² E S C decisions 1998/253 and 1999/235.

²³³ E S C decision 1998/269.

²³⁴ E S C resolutions 1995/58, 1996/37, 1997/66, 1998/38 and 1999/52.

²³⁵ E S C decision 1998/256.

²³⁶ E S C decisions 1995/254 and 1998/241.

²³⁷ E S C decisions 1995/255, 1997/277, 1997/293 and 1998/251.

²³⁸ E S C decisions 1995/260, 1996/260, 1997/145 and 1998/145.

²³⁹ E S C decision 1995/264.

²⁴⁰ E S C decisions 1995/265 and 1998/254.

²⁴¹ E S C decisions 1995/266 and 1998/255.

²⁴² E S C decisions 1995/270 and 1996/267.

²⁴³ E S C decisions 1995/273 and 1998/257.

²⁴⁴ E S C decisions 1995/275 and 1996/272.

²⁴⁵ E S C decisions 1995/284, 1996/279 and 1998/265.

²⁴⁶ E S C resolution 1996/21 and E S C decisions 1997/286 and 1998/279.

²⁴⁷ E S C decisions 1996/266 and 1999/238.

²⁴⁸ E S C decision 1996/290.

²⁴⁹ E S C decision 1996/292.

²⁵⁰ E S C decision 1997/278.

²⁵¹ E S C decision 1998/278.

²⁵² E S C decision 1999/250.

²⁵³ E S C decision 1999/253.

4. ON THE RIGHTS OF SPECIFIC GROUPS AND INDIVIDUALS

31. Other new reports and studies were related to the World Programme of Action for Youth to the Year 2000 and Beyond;²⁵⁴ the possible establishment of a permanent forum for indigenous people;²⁵⁵ human rights and disability;²⁵⁶ the protection of the heritage of indigenous people;²⁵⁷ the International Year of Older Persons: towards a society for all ages;²⁵⁸ equalization of opportunities for persons with disabilities;²⁵⁹ children with disabilities;²⁶⁰ the sale of children, child prostitution and child pornography;²⁶¹ migrants and human rights;²⁶² indigenous land rights;²⁶³ involvement of children in armed conflicts;²⁶⁴ policies and programmes involving youth;²⁶⁵ and treaties, agreements and other constructive arrangements between States and indigenous populations requested in the previous period.²⁶⁶

5. ON WOMEN'S RIGHTS

32. As in the previous period, the Economic and Social Council continued to request studies and reports on the elimination of violence against women,²⁶⁷ improvement of the status of women in the Secretariat²⁶⁸ and Palestinian women.²⁶⁹

33. New studies and reports requested during the period under review concerned the Convention on the Elimination of All Forms of Discrimination against Women;²⁷⁰ the question of integrating the human rights of women into the human rights mechanisms of the

United Nations;²⁷¹ traditional practices affecting the health of women and children;²⁷² the system-wide medium-term plan for the advancement of women (1996-2001);²⁷³ systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, including internal armed conflict;²⁷⁴ follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action;²⁷⁵ the situation of women and girls in Afghanistan;²⁷⁶ and revitalization of the International Research and Training Institute for the Advancement of Women.²⁷⁷

6. ON RIGHTS RELATING TO THE ADMINISTRATION OF JUSTICE IN GENERAL

34. In accordance with its practice, the Economic and Social Council also requested during the review period studies and reports on capital punishment,²⁷⁸ victims of crime and abuse of power²⁷⁹ and United Nations standards and norms in crime prevention and criminal justice.²⁸⁰

35. New studies and reports requested during the period under review concerned further criminal justice action to combat the organized smuggling of illegal migrants across national boundaries,²⁸¹ action against corruption,²⁸² implementation of resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,²⁸³ administration of juvenile justice,²⁸⁴ measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences,²⁸⁵ implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,²⁸⁶ preparations

²⁵⁴ E S C resolution 1995/64.

²⁵⁵ E S C decisions 1995/262, 1998/247 and 1999/242.

²⁵⁶ E S C decisions 1995/274 and 1996/261.

²⁵⁷ E S C decisions 1995/297 and 1997/287 and E S C resolution 1996/24.

²⁵⁸ E S C resolution 1997/18.

²⁵⁹ E S C resolution 1997/19.

²⁶⁰ E S C resolution 1997/20.

²⁶¹ E S C resolution 1995/36 and E S C decisions 1996/288, 1997/281, 1998/271 and 1999/249.

²⁶² E S C decisions 1997/243, 1998/244 and 1999/239.

²⁶³ E S C decision 1997/289.

²⁶⁴ E S C decisions 1998/271 and 1999/249.

²⁶⁵ E S C resolution 1999/18.

²⁶⁶ E S C decisions 1995/298, 1996/293 and 1997/288.

²⁶⁷ E S C resolutions 1995/27 and 1996/12 and E S C decision 1997/255.

²⁶⁸ E S C resolution 1995/28.

²⁶⁹ E S C resolutions 1995/30, 1996/5, 1997/16, 1998/10 and 1999/15.

²⁷⁰ E S C resolution 1995/29.

²⁷¹ E S C decision 1995/289.

²⁷² E S C decisions 1995/300, 1997/284 and 1999/249.

²⁷³ E S C resolution 1996/34.

²⁷⁴ E S C decisions 1996/291 and 1999/252.

²⁷⁵ E S C resolutions 1998/2 and 1999/50.

²⁷⁶ E S C resolutions 1998/9 and 1999/14.

²⁷⁷ E S C resolution 1999/54.

²⁷⁸ E S C resolution 1995/57.

²⁷⁹ E S C resolution 1997/31.

²⁸⁰ E S C resolution 1998/21.

²⁸¹ E S C resolution 1995/10.

²⁸² E S C resolutions 1995/14, 1996/8, 1998/16 and 1999/22.

²⁸³ E S C resolution 1995/27.

²⁸⁴ E S C resolutions 1996/13, 1997/30 and 1999/28.

²⁸⁵ E S C resolution 1996/26.

²⁸⁶ E S C resolutions 1996/27 and 1997/22.

for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,²⁸⁷ crime prevention and criminal justice measures to eliminate violence against women,²⁸⁸ elements of responsible crime prevention: standards and norms,²⁸⁹ international cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing,²⁹⁰ the draft United Nations convention against transnational organized crime and the draft protocols thereto,²⁹¹ development and implementation of mediation and restorative justice measures in criminal justice²⁹² and penal reform.²⁹³

7. ON THE SITUATION OF HUMAN RIGHTS IN SPECIFIC COUNTRIES

36. In conformity with its previous practice, the Economic and Social Council initiated studies and reports on the situation of human rights in several countries, which it entrusted to Special Rapporteurs, Special Envoys or Special Representatives, notably for Afghanistan,²⁹⁴ Cambodia,²⁹⁵ Cuba,²⁹⁶ Equatorial Guinea,²⁹⁷ Guatemala,²⁹⁸ Haiti,²⁹⁹ Iran (Islamic Republic of),³⁰⁰ Iraq,³⁰¹ southern Lebanon and western Bekaa,³⁰² Myanmar,³⁰³ Rwanda,³⁰⁴ Somalia,³⁰⁵ the

Sudan,³⁰⁶ the territory of the former Yugoslavia³⁰⁷ and Zaire (the Democratic Republic of the Congo since 1997),³⁰⁸ New reports concerned Burundi,³⁰⁹ East Timor³¹⁰ and Nigeria.³¹¹

8. ADDRESSEES OF REQUESTS FOR STUDIES AND REPORTS

37. In accordance with previous practice, requests for studies and reports were addressed in most cases to the Secretary-General but also to Member States, States parties to international conventions on human rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, special agencies, regional commissions, non-governmental organizations, ad hoc working groups of experts and various special rapporteurs. Concerning working groups and special rapporteurs (or special representatives and independent experts), the Economic and Social Council always approved the requests of the Commission on Human Rights to the Secretary-General to provide them with all necessary assistance, in particular the staff and resources required to perform their functions.

****C. Procedures for the handling of communications concerning human rights**

II. ANALYTICAL SUMMARY OF PRACTICE

****A. Competence of the Economic and Social Council to make recommendations to non-member States**

****B. Competence of the Economic and Social Council to make recommendations to the Trusteeship Council**

C. Power of the Economic and Social Council to conduct inquiries or investigations into matters relating to human rights

38. During the period under review, concerning the situation of human rights in East Timor the power of the Economic and Social Council in this area was disputed.

²⁸⁷ E S C resolutions 1997/23 and 1998/13.

²⁸⁸ E S C resolution 1997/24.

²⁸⁹ E S C resolution 1997/33.

²⁹⁰ E S C resolution 1998/23.

²⁹¹ E S C resolution 1999/20.

²⁹² E S C resolution 1999/26.

²⁹³ E S C resolution 1999/27.

²⁹⁴ E S C decisions 1995/285, 1996/280, 1997/273, 1998/267 and 1999/226.

²⁹⁵ E S C decisions 1995/271, 1997/259, 1998/259 and 1999/247.

²⁹⁶ E S C decisions 1995/277, 1996/275 and 1997/271.

²⁹⁷ E S C decisions 1995/282, 1996/273, 1997/275, 1998/268 and 1999/233.

²⁹⁸ E S C decisions 1995/268, 1996/270 and 1997/261.

²⁹⁹ E S C decisions 1995/281, 1996/269, 1997/262 and 1999/248.

³⁰⁰ E S C decisions 1995/279, 1996/287, 1997/264, 1998/273 and 1999/228.

³⁰¹ E S C decisions 1995/286, 1996/277, 1997/269, 1998/263 and 1999/229.

³⁰² E S C decisions 1995/278, 1996/274 and 1997/265.

³⁰³ E S C decisions 1995/283, 1996/285, 1997/272, 1998/261 and 1999/231.

³⁰⁴ E S C decisions 1995/292, 1996/281, 1997/274, 1998/266 and 1999/234.

³⁰⁵ E S C decisions 1995/272, 1996/268, 1997/258 and 1999/246.

³⁰⁶ E S C decisions 1995/287, 1996/278, 1997/268, 1998/264 and 1999/230.

³⁰⁷ E S C decisions 1995/290, 1996/276, 1997/266, 1998/272 and 1999/232.

³⁰⁸ E S C decisions 1995/280, 1996/282, 1997/267, 1998/260 and 1999/244.

³⁰⁹ E S C decisions 1995/219, 1995/291, 1996/254, 1997/280, 1998/274 and 1999/227.

³¹⁰ E S C decision 1999/293.

³¹¹ E S C decisions 1996/284, 1997/263 and 1998/262.

SITUATION OF HUMAN RIGHTS IN EAST TIMOR

39. Two approaches conflicted during discussions regarding the adoption in 1999 of an Economic and Social Council draft decision on the situation of human rights in East Timor. Delegations that did not support the draft decision contested the legitimacy and procedural methods adopted at the fourth special session of the Commission on Human Rights in adopting the draft decision under discussion, in particular the convening of a special session of the Commission without the support of the countries of the region concerned, the parallel role on the same issue of the General Assembly and of the Security Council and the failure to obtain the required majority for the convening of the special session. Those delegations requested the Council to disapprove the procedures used by the Commission in that case.³¹²

40. Regarding the substance of the draft decision, an opinion was expressed that the mandate given to the international commission of inquiry in East Timor was not properly defined, and delegations feared that the inquiries would remain incomplete unless the international commission received assistance from the Government of the State concerned, which otherwise seemed determined to deal very seriously with the human rights issue.³¹³

41. Lastly, delegations stressed the cost of the mandate: the statement of programme budget implications of the draft decision showed that, if the Council adopted the decision, expenses of over US\$ 660,000 would be incurred; as several delegations had already emphasized in the Third Committee of the General Assembly, they felt that far too much money was allocated to the monitoring activities of the Office of the United Nations High Commissioner for Human Rights, at the expense of technical cooperation.³¹⁴

42. A vote was taken by roll-call on the draft decision; it was adopted as Economic and Social Council decision 1999/293, by 27 votes to 10, with 11 abstentions.

43. Council decision 1999/293 endorsed Commission resolution 1999/S-4/1,³¹⁵ which called on the

Secretary-General to establish an international commission of inquiry in East Timor, with adequate representation of Asian experts, in order to gather and compile systematically information on possible violations of human rights and acts that might constitute breaches of international humanitarian law committed in East Timor since the announcement in January 1999 of the vote and to provide the Secretary-General with its conclusions, with a view to enabling him to make recommendations on future actions. The decision also requested, *inter alia*, the United Nations High Commissioner for Human Rights to prepare a comprehensive programme of technical cooperation in the field of human rights, in cooperation with other United Nations activities, focusing especially on capacity-building and reconciliation, with a view to achieving a durable solution to the problems in East Timor.

44. After the vote on the decision, the delegation of the State concerned indicated that it had voted against the resolution in the Commission on Human Rights and that its Government was therefore not legally bound by the decision taken by the Council. The delegation added that its new Government was however determined to cooperate fully with the United Nations human rights machinery, provided that that machinery was based on mutual respect and effective promotion of human rights; the Government also undertook to promote a culture of respect for human rights in the country, in particular by prosecuting individuals who were guilty of post-ballot human rights violations in East Timor.³¹⁶

45. One of the delegations supporting the decision emphasized that cooperation with the State concerned was essential for the investigation of human rights violations in East Timor and that the decision taken by the Council was positive for the future of East Timor, since it would promote the process of reconciliation. With regard to the criticisms of certain bodies of the United Nations, the delegation was of the view that it would be preferable not to put procedural issues before substance. The question under consideration was very important with regard to democracy and transparency in human rights matters, and the right of peoples to self-determination, which was the lesson to be learned from the events in East Timor. According to the same delegation, it was to be hoped that it would be possible

³¹² See E/1999/SR.50, pp. 4-6.

³¹³ *Ibid.*, p. 6.

³¹⁴ *Ibid.*

³¹⁵ See E/1999/23/Add. 1, chap. II.

³¹⁶ See E/1999/SR.50, p. 7.

to count on the full participation of the State concerned and that the newly independent State of East Timor would have its place in the region.³¹⁷

D. Power of the Economic and Social Council to evaluate allegations of violations of human rights and to make recommendations thereon

46. During the period under review, the power of the Council in this area was discussed in the context of the situation of human rights in Burundi, the situation of Palestinian women and the applicability of the Convention on the Privileges and Immunities of the United Nations in the case of a Special Rapporteur of the Commission on Human Rights.

1. SITUATION OF HUMAN RIGHTS IN BURUNDI

47. During the discussions concerning the adoption in 1995 of a decision on the situation of human rights in Burundi, the question about whether the Council had the power to evaluate allegations of violations of human rights in that country was not disputed. However, one delegation stated that, although it had joined the consensus which had resulted in the adoption by the Commission on Human Rights of the draft decision submitted to the Council, as a matter of procedure it was concerned at the practice of considering substantive issues at the Council's organizational session. According to that delegation, it was not the first time that the Council had received, at its organizational session, letters from the Chairman of the Commission on Human Rights dealing with substantive issues that should be considered at the Council's substantive session. While that delegation felt that the draft decision that was being considered should be adopted by consensus by the Council, that should not create a precedent for considering substantive issues at the Council's organizational sessions.³¹⁸

³¹⁷ Ibid., pp. 7 and 8.

³¹⁸ See E/1995/SR.7, pp. 14 and 15. In accordance with the Rules of Procedure of the Council (see E/5715/Rev.2), the Council's organizational sessions are limited to the drawing up of the basic programmes of work of the Council for the year (article 8) and the consideration of the provisional agenda for its substantive sessions (article 9, para. 4); substantive issues have to be dealt with during substantive sessions at the beginning of which the Council adopts its (final) agenda (article 13, para. 1).

48. Economic and Social Council decision 1995/291 on the situation of human rights in Burundi was adopted without a vote; it approved the Commission's request to its Chairperson to appoint rapidly, after consultation with the Bureau of the Commission, a special rapporteur with the task of drawing up, on the basis of all information he or she might consider relevant and contacts with the authorities and population of Burundi, a report on the situation of human rights in the country for submission to the Commission at its next session.

2. SITUATION OF PALESTINIAN WOMEN

49. As in the past, the Economic and Social Council continued to deal with the situation of Palestinian women, and adopted, inter alia, resolution 1995/30, by 43 votes to 1, with 4 abstentions.

50. By that resolution, the Council, inter alia, reaffirmed that the occupation of the Palestinian territory by Israel constituted a major obstacle for Palestinian women with regard to their advancement, self-reliance and integration in the development plan of their society; called on Israel to facilitate the return of all refugee and displaced Palestinian women and children and those who were political deportees to their homes and properties in the occupied Palestinian territory, in compliance with the relevant United Nations resolutions; urged Member States, international financial organizations of the United Nations system, non-governmental organizations and other relevant institutions to intensify their efforts to provide financial and technical assistance to Palestinian women for the creation of projects responding to their needs; requested the Secretary-General to continue to review the situation and to assist Palestinian women by all available means; and to submit to the Commission on Human Rights a report on the implementation of that resolution.

51. Speaking in explanation of the vote, the delegation which voted against the draft resolution said that it had objected to it because it did not believe that the Council was the appropriate forum for dealing with such issues, which were for the parties to address in the Middle East peace process. That delegation added that the parties concerned by the conflict in question had demonstrated their ability to resolve difficult issues since signing the historic Declaration of Principles on Interim Self-Government Arrangements in 1993, and that consideration by the Council of issues which were

for the parties to address only distracted attention from their efforts and complicated the ongoing search for peace.³¹⁹

52. Another delegation stated that it had voted in favour of the draft resolution but shared with certain representatives concern about the language of the resolution which in their opinion did not properly reflect the recent developments in the Middle East peace process.³²⁰

53. At its ensuing session, the Council adopted, by 46 votes to 1, with 1 abstention, a resolution on the same issue.³²¹ The opinion was again expressed that the Council was not the appropriate forum to discuss issues which should be sorted out bilaterally by various parties in the Middle East and that the resolution failed to take account of the progress that had been made in the region since the inauguration of the peace process.³²²

54. One delegation also said that its Government was committed to supporting efforts to achieve a just and enduring peace in the Middle East on the basis of United Nations Security Council resolutions. Finding ways to implement those resolutions reflected the fundamental interests of the parties concerned. Bilateral negotiations between the parties should be allowed to run their proper course without being pre-empted by any resolution before the Council. Its Government had reservations about some parts of the resolution, which sought to pre-empt questions which should be addressed in the context of an overall peace settlement. The basic aspiration of the resolution adopted by the Council was to establish a just and lasting peace in the Middle East; for that reason, its Government had supported the resolution while reserving its position on certain aspects of its wording.³²³

3. APPLICABILITY OF THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS IN THE CASE OF A SPECIAL RAPPORTEUR OF THE COMMISSION ON HUMAN RIGHTS

55. After the adoption, without vote, of Economic and Social Council resolution 1999/64 on the matter,³²⁴ one delegation indicated that it had joined the consensus on the resolution on the understanding that the resolution did not establish a precedent with regard to the work of the Special Rapporteurs of the Commission on Human Rights. That delegation added that the matter should perhaps have been the subject of wider analysis by the Council of the working methods of the Special Rapporteurs and their various mandates. The delegation attached great importance to the work of the Special Rapporteurs and believed that they should avoid any action that might endanger their independence and discretion.³²⁵

56. The observer for the State concerned about the advisory opinion of 29 April 1999 of the International Court of Justice stated that his Government had already conveyed the advisory opinion to the competent national judicial authorities. Nevertheless, as the civil suits brought against the Special Rapporteur were private suits to which his Government was not a party, the Government could not be expected to pre-empt the course of action to be taken by any of the parties concerned in that case, or by the courts. Consequently, the Government could not inform the United Nations of the course of action it would take on the basis of such pre-emption.³²⁶

57. The observer also stated that it was a well-known and internationally accepted principle of law that the judicial arm of government should be independent of the executive; according to that principle, his Government was not therefore in a position to direct either the court or the concerned parties to take steps in accordance with the advisory opinion, or any other step; however, the Government was in a position, and had the right, to wait and observe the further actions of the parties concerned and the position of the court in each of the cases involved, before it could definitively inform the United Nations of the steps it intended to take in a manner consonant with the advisory opinion;

³¹⁹ See E/1995/SR.51, p. 24.

³²⁰ *Ibid.*

³²¹ See E S C resolutions 1996/5, 1997/16, 1998/10 and 1999/15.

³²² See E/1996/SR.43, p. 13, and E/1998/SR.44, p. 17.

³²³ See E/1996/SR.43, pp. 13 and 14.

³²⁴ See *Repertory, Supplement No. 9*, vol. IV, para. 27.

³²⁵ See E/1999/SR.46, p. 11.

³²⁶ *Ibid.*, p. 10.

how soon the Government could inform the United Nations of the matter would depend on how soon all the parties, including the court, acted.³²⁷

****E. Questions relating to the procedure for dealing with communications concerning human rights**

****F. Questions relating to the procedure for dealing with allegations regarding infringements of trade union rights**

G. Human rights and domestic jurisdiction

58. The question of human rights and domestic jurisdiction was discussed with regard to the question of the death penalty, human rights questions in general and in connection with the power of the Economic and Social Council to evaluate allegations of violations of human rights and to make recommendations in the following cases: Cuba, Iran (Islamic Republic of), Iraq, Myanmar and the Sudan.

1. QUESTION OF THE DEATH PENALTY

59. During the general debate on human rights questions at the 1998 session of the Economic and Social Council, some delegations expressed their dissociation from Commission on Human Rights resolution 1998/8 on the question of the death penalty.³²⁸ According to those delegations, there was no international consensus on the abolition of capital punishment, as illustrated by joint statements in the Council on the same issue. A balance must be achieved between the rights of convicted persons and those of victims and of societies to live in peace and security, and experience had shown that capital punishment preserved and safeguarded the law and order interests of society; it was therefore inappropriate to make decisions in international forums on matters that were for sovereign States alone to decide, and such decisions were a sovereign prerogative and could not be imposed on States by international bodies.³²⁹ One State representative also added that his country had not abolished the death penalty, and believed that any such decision was a matter for individual States, to decide

which should however take account of international standards and agreements.³³⁰

60. The opinion was also expressed that Commission resolution 1998/8 represented a significant departure from established norms and international practice, that international law did not prohibit capital punishment, and that the International Covenant on Civil and Political Rights explicitly recognized the right of countries to impose capital punishment for the most serious crimes.³³¹

61. In the disputed resolution 1998/8 of the Commission on Human Rights, the Commission, *inter alia*, called on all States Parties to the International Covenant on Civil and Political Rights that had not yet done so to consider acceding to or ratifying the second Optional Protocol to the International Covenant on Civil and Political Rights, with the aim of abolishing the death penalty, and urged all States that still maintained the death penalty: (a) to comply fully with their obligations under the International Covenant on Civil and Political Rights and the Covenant on the Rights of the Child, notably not to impose the death penalty for any but the most serious crimes, not to impose it for crimes committed by persons younger than 18 years of age, to exclude pregnant women from capital punishment and to ensure the right to seek pardon or commutation of sentence; and (b) to observe the safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50. The Commission also called on all States that still maintained the death penalty: (a) progressively to restrict the number of offences for which the death penalty might be imposed; (b) to establish a moratorium on executions, with a view to completely abolishing the death penalty; and (c) to make available to the public information with regard to the imposition of the death penalty. The Commission decided to continue consideration of the matter at its ensuing session under the same item.³³²

2. HUMAN RIGHTS QUESTIONS IN GENERAL

62. During the general debate on human rights questions at the Council's 1999 session, one delegation stated that some delegations still had a selective approach to human rights and were exercising pressure

³²⁷ Ibid.

³²⁸ See E/1998/23-E/CN.4/1998/177, pp. 56-58.

Commission resolution 1998/8 was adopted only by the Commission; it was not a draft resolution recommended by the Commission for adoption by the Economic and Social Council.

³²⁹ See E/1998/SR.46, pp. 5 and 7.

³³⁰ Ibid., p. 7.

³³¹ Ibid., p. 6.

³³² See E/1998/23-E/CN.4/1998/177, pp. 57 and 58.

on other countries. For that delegate, it was quite normal that countries should have different approaches and practices with regard to human rights. The cornerstone of the United Nations was the principle of non-interference, and no country had the right on any pretext whatsoever to interfere in the internal affairs of other countries and to impose its own value judgements and ideology on others. The international community should maintain vigilance and oppose such courses of action, which only threatened the stability of international relations. Global peace and universal development were aspirations common to all peoples and constituted the necessary preconditions for the promotion and protection of human rights.³³³

63. In that context, another delegate said that his country considered inadmissible the practice of “double standards” and interference in the internal affairs of a country in order to pursue political interests under the guise of defending human rights or preventing international conflicts. The achievement of progress towards universal respect for human rights by attacking the underlying causes of violations of those rights required collective, constructive and balanced actions by the entire international community on a basis of solidarity and cooperation.³³⁴

64. The opinion was also expressed that the Commission on Human Rights, which should base its action on the principles of universality, objectivity and non-selectivity, was being paralysed by attempts at political manipulation and polarization being made by a group of countries under the leadership of some States which refused to admit that there could exist models of political, economic and social organization other than their own, and were attempting to impose their own approach to human rights on the whole world. However, effective protection of human rights was based precisely on the recognition of peculiar features of a historical, cultural, religious and legal character encountered at national and regional levels. No country could claim to be the supreme moral judge of the human rights situation in other countries.³³⁵

65. Contrary to those opinions, some States were of the view that it was their moral duty to bring assistance to victims of violations on human rights in any country, and that their action had not been motivated by

political considerations, which was confirmed by the number of co-sponsors of draft resolutions on the situation of human rights in different countries and the outcome of the votes on those draft resolutions in the Commission on Human Rights.³³⁶

3. SITUATION OF HUMAN RIGHTS IN THE SUDAN

66. During the period under review, the Economic and Social Council continued to deal with the situation of human rights in the Sudan. For example, by its decision 1996/278, adopted without vote, it endorsed the Commission on Human Rights decision to extend for an additional year the mandate of the Special Rapporteur on the situation of human rights in the Sudan.

67. After the adoption of that decision, the representative of the Sudan indicated that her Government was fully aware that the conflict in southern Sudan was the source of many human rights violations. The attitude of the rebels was a significant factor. Her Government was making the utmost efforts to achieve peace in southern Sudan and called on all rebel factions to respond to its overtures and to regional peace efforts; the Government was also committed to the preservation of human rights and rejected the use of the concept to pursue political ends or for reasons of bilateral problems between States.³³⁷

68. Another representative supported the position of the Sudan and stated that, while his delegation reaffirmed the importance of respect for human rights and fundamental freedoms in all parts of the world, there was however, as it had already noted, a double standard within the Commission on Human Rights. He added that the political and legal aspects of the dispatch of observers to monitor human rights in the Sudan had not been clarified; therefore, his country totally rejected interference in the internal affairs of any State and reaffirmed its consistent position against any action or measure which undermined the sovereignty of any State, including the Sudan.³³⁸

69. Opposing views were also expressed during the debates concerning Council decision 1996/278. In speaking on behalf of some States which supported that decision, one delegation said that those States

³³³ See E/1999/SR.42, pp. 6 and 7.

³³⁴ Ibid., p. 7.

³³⁵ Ibid., pp. 7 and 8.

³³⁶ Ibid., pp. 9 and 10.

³³⁷ See E/1996/SR.46, p. 18.

³³⁸ Ibid., p. 17.

remained deeply concerned about the human rights situation in the Sudan, where continued serious human rights violations included summary executions, slavery and similar practices, torture and the denial of the freedoms of expression, association and peaceful assembly. The Government of the Sudan should take immediate action to restore the human rights of the population. Many violations of human rights continued to be committed in the context of the hostilities, and those States called on the parties to the conflict to ensure full respect for humanitarian law. The representative urged that Government to honour the commitments given to the Commission on Human Rights by cooperating fully with the Special Rapporteur in the discharge of his mandate. The States supporting the decision felt that the Commission, at its next session, should take a positive decision on the question of the placement of human rights field officers to monitor the situation of human rights in the Sudan.³³⁹

70. At the Council's ensuing session prior to the vote on Council decision 1997/268, the representative of the Sudan explained that he continued to object to such a draft decision since it had adverse implications for his country's national sovereignty and because the situation in his country could in no way justify the placement of human rights field officers.³⁴⁰

71. Nevertheless, that decision was adopted by 31 votes to 3, with 14 abstentions. The Council extended for an additional year the mandate of the Special Rapporteur, with a view, *inter alia*, to reporting to the Commission on Human Rights in 1998 on the future need for human rights field officers.

4. SITUATION OF HUMAN RIGHTS IN MYANMAR

72. As in the case of the Sudan, the question of possible conflict between Article 62 paragraph 2, and Article 2, paragraph 7, of the Charter of the United Nations was raised in the course of debates concerning the human rights situation in Myanmar. In fact, the delegation of that country protested against Commission on Human Rights resolution 1996/80, which had been endorsed by the Council without vote in its decision 1996/285 on the situation of human rights in Myanmar, arguing that its Government had already stated its position with regard to that

Commission's resolution proposing, *inter alia*, to extend for one year the mandate of the Special Rapporteur on the situation of human rights in the country. Myanmar rejected as intrusive the visits by the Special Rapporteur. The delegation stated that the Government of Myanmar also rejected the statements made by the representatives of some countries supporting the Council's decision, statements which the representative said violated Article 2, paragraph 7, of the Charter which prohibited interference in the internal affairs of States.³⁴¹

73. Contrary to that position and speaking on behalf of some States supporting the Council's decision, one delegation expressed concern at the further serious deterioration of the human rights situation in Myanmar, following the adoption by the Commission, in April, of the resolution in question. It was particularly concerned about further restrictions on freedom of speech, movement and association, as well as the continuation of arbitrary arrest and torture, forced labour and military portage and the displacement of entire communities.³⁴²

74. In that context, another delegation added that its Government was concerned about the refusal of the authorities of Myanmar to enter into dialogue with pro-democracy groups and urged those authorities to immediately release all political prisoners and take measures to end human rights violations. It also indicated that its Government wondered whether the time had not come to consider imposing an arms embargo and economic sanctions on Myanmar within the framework of the United Nations.³⁴³

5. SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

75. Prior to voting on the 1996 draft decision of the Economic and Social Council on the human rights situation in the Islamic Republic of Iran, one representative, speaking on behalf of a group of States supporting the draft decision, welcomed the preliminary visit to that country made by the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, and noted with satisfaction the visits made by the Special Rapporteur on religious intolerance and the Special Rapporteur on freedom of

³³⁹ See E/1996/SR.46, pp. 17 and 18.

³⁴⁰ See E/1997/SR.38, p. 7.

³⁴¹ See E/1996/SR.47, p. 7.

³⁴² *Ibid.*

³⁴³ *Ibid.*, p. 8.

opinion and expression.³⁴⁴ However, despite the cooperation of the Iranian Government with the United Nations human rights mechanisms, the view of that group of States was that there had been little tangible evidence of an improvement in the situation of human rights in the country, and that the Government should put an end to the violations of human rights which continued to occur and also take effective measures to eliminate discrimination against women.³⁴⁵

76. In explaining his country's position, the observer for the Islamic Republic of Iran stated that his Government was prepared to continue to cooperate with the Special Representative and the Special Rapporteurs and to consider their observations, conclusions and recommendations in a constructive manner, which called for a commensurate response from the Commission on Human Rights, the Council and the Third Committee of the General Assembly. He called on the members of the Council, nevertheless, to reject the politicization of human rights by voting against the draft decision.³⁴⁶

77. At the request of the representative of one Council member, a recorded vote was taken; the draft decision was adopted by 28 votes to 8, with 15 abstentions.³⁴⁷ It endorsed, *inter alia*, the Commission's decision to extend for an additional year the mandate of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran. One representative stated that his country had abstained from the vote because it felt that that was necessary in order to maintain the possibility of future cooperation between the Government of the Islamic Republic of Iran and the Commission on Human Rights. That delegation categorically rejected the politicization of such human rights activities.³⁴⁸

6. SITUATION OF HUMAN RIGHTS IN CUBA

78. Prior to voting on a draft decision on the situation of human rights in Cuba, the representative of that country indicated that his delegation would vote against the draft decision. The representative noted that the Council was once again considering the extension for an additional year of the mandate of the Special

Rapporteur, who had been found lacking in objectivity and impartiality in his approach to the so-called human rights situation in Cuba; he stated that the Special Rapporteur's sources of information lacked all credibility because of his bias in favour of the declared enemies of Cuba. The Government of Cuba, while stating that it would never accept a report by such a person, nevertheless reiterated its continued openness to dialogue and cooperation with the United Nations and with all parties respecting Cuban sovereignty, on the basis of equality and in the name of understanding and coordination.³⁴⁹

79. At the request of that representative, a recorded vote was taken and the draft decision was adopted as Economic and Social Council decision 1997/271 by 20 votes to 8, with 21 abstentions. That decision endorsed the decision of the Commission on Human Rights to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Cuba.

7. SITUATION OF HUMAN RIGHTS IN IRAQ

80. During the period under review, the Economic and Social Council continued to deal with the situation of human rights in Iraq. During the discussions preceding the adoption of Council decision 1999/229 on the situation of human rights in Iraq, the observer for Iraq stated that his country was the subject of a systematic campaign designed to conceal from international opinion the human rights violations caused by the embargo, of which it was a victim and by the aggression committed by some States in contempt of international law and the Charter of the United Nations. The observer deplored the politicization of the work of the Commission on Human Rights and the lack of objectivity of the Special Rapporteur on the situation of human rights in Iraq. He affirmed that the Special Rapporteur was exaggerating the importance of certain insignificant details, while ignoring the catastrophic effects of the sanctions and the bombardments on the living conditions of the Iraqi people, a situation on which detailed reports had been prepared by the specialized agencies of the United Nations. The observer added that the Commission on Human Rights and the Special Rapporteur should have recommended that the embargo placed on Iraq should be lifted.³⁵⁰

³⁴⁴ *Ibid.*

³⁴⁵ *Ibid.*

³⁴⁶ *Ibid.*, p. 9.

³⁴⁷ See E S C decision 1996/287.

³⁴⁸ See E/1996/SR.47, p. 9.

³⁴⁹ See E/1997/SR.38, p. 8.

³⁵⁰ See E/1999/SR.42, pp. 13 and 14.

81. A roll-call vote was taken and decision 1999/229 was adopted by 29 votes to none, with 17 abstentions, thus extending for another year the mandate of the Special Rapporteur on the situation of human rights in Iraq.

82. One representative indicated that his country had abstained from voting because the decision included considerations of a racial character and that could have adverse repercussions on the territorial integrity of Iraq. The presence of permanent observers was an interference in the internal affairs of a member country and contrary to the sovereignty of States and the Charter of the United Nations.³⁵¹

83. In that context, another representative explained that his delegation had abstained from voting because the decision contained a provision deleterious to the territorial integrity of Iraq. In addition, account should be taken of the humanitarian situation in that country,

which had been dragged down in a process of pauperization by an embargo of unprecedented duration. The international community had to take into consideration the consequences of its decisions for Iraqi society and to lift the embargo imposed on Iraq, which needed to have access to all its resources in order to improve the food and health situation of its population.³⁵²

84. Another representative stated that he was in favour of strengthening the mechanisms of the Commission on Human Rights and the introduction of cooperation with States. However, he considered as a matter of objectivity that the Special Rapporteur on the situation of human rights in Iraq should pay particular attention to the repercussions of sanctions and bombardments on the economic and social rights of the Iraqi people.³⁵³

****H. Question of recommendations to non-member States**

³⁵¹ Ibid., p. 14.

³⁵² Ibid., pp. 14 and 15.

³⁵³ Ibid, p. 15.