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**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON
THE FIFTY-SEVENTH SESSION OF THE COMMISSION**

Draft report of the Commission

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2001/67. Enhancement of international cooperation in the field of human rights

The Commission on Human Rights,

Bearing in mind that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling its resolution 2000/70 of 26 April 2000 on the enhancement of international cooperation in the field of human rights and General Assembly resolution 54/181 of 17 December 1999, as well as Assembly resolution 54/113 of 10 December 1999 on the United Nations Year of Dialogue among Civilizations,

Reaffirming its commitment to promoting and enhancing genuine international cooperation in the field of human rights among Member States, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,

Emphasizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming that dialogue among religions, cultures and civilizations, including in the field of human rights, could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, in particular, international cooperation,

Underlining that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

Recalling resolution 2000/22 of 18 August 2000, entitled "Promotion of dialogue on human rights issues", adopted by the Sub-Commission on the Promotion and Protection of

Human Rights at its fifty-second session, and noting that the Sub-Commission will give further consideration to the question of a dialogue among civilizations at its fifty-third session,

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, *inter alia*, international cooperation;

2. *Considers* that international cooperation in this field, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and of fundamental freedoms for all;

3. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles of the Charter of the United Nations;

4. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and the protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

5. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

6. *Welcomes* the decision of the General Assembly to proclaim the year 2001 the United Nations Year of Dialogue among Civilizations, reaffirms that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity and notes in this respect the holding of the Asian Conference on Dialogue among Civilizations on 17 February 2001 in Tehran, as well as the first meeting of the Group of Eminent Persons held in Vienna in December 2000.

7. *Decides* to continue its consideration of this question, as a matter of priority, at its fifty-eighth session.

78th meeting

25 April 2001

[Adopted without a vote. See chap. XVII.]

2001/68. The question of the death penalty

The Commission on Human Rights,

Recalling article 3 of the Universal Declaration of Human Rights, which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights and articles 6 and 37 (a) of the Convention on the Rights of the Child,

Recalling also General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 on capital punishment, as well as resolution 44/128 of 15 December 1989, in which the Assembly adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling further Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984, 1985/33 of 29 May 1985, 1989/64 of 24 May 1989, 1990/29 of 24 May 1990, 1990/51 of 24 July 1990 and 1996/15 of 23 July 1996,

Recalling its resolutions 1998/8 of 3 April 1998, 1999/61 of 28 April 1999 and 2000/65 of 26 April 2000, in which it expressed its conviction that abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights,

Welcoming the exclusion of capital punishment from the penalties that the International Criminal Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda and the International Criminal Court are authorized to impose,

Welcoming the abolition of the death penalty which has taken place in some States since the Commission's last session, and in particular in those States that have abolished the death penalty for all crimes,

Commending the States that have recently acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty,

Welcoming the recent signatures of the Second Optional Protocol by some States,

Welcoming the fact that many countries, while still keeping the death penalty in their penal legislation, are applying a moratorium on executions,

Referring to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2001/9), with respect to 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,

Deeply concerned that several countries impose the death penalty in disregard of the limitations provided for in the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,

Concerned that several countries, in imposing the death penalty, do not take into account the Safeguards guaranteeing protection of the rights of those facing the death penalty,

1. *Welcomes* the sixth quinquennial report of the Secretary-General on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty, submitted in accordance with Economic and Social Council resolution 1995/57 of 28 July 1995 (E/2000/3) and looks forward to receiving the yearly supplement on changes in law and practice concerning the death penalty worldwide as requested in Commission resolution 2000/65;

2. *Also welcomes* resolution 2000/17 of 17 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights;

3. *Calls upon* all States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

4. *Urges* all States that still maintain the death penalty:

(a) To comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, notably not to impose the death penalty for any but the most serious crimes and only pursuant to a final judgement rendered by an independent and impartial competent court, not to impose it for crimes committed by persons below eighteen years of age, to exclude pregnant women from capital punishment and to ensure the right to a fair trial and the right to seek pardon or commutation of sentence;

(b) To ensure that the notion of “most serious crimes” does not go beyond intentional crimes with lethal or extremely grave consequences and that the death penalty is not imposed for non-violent financial crimes or for non-violent religious practice or expression of conscience;

(c) Not to enter any new reservations under article 6 of the International Covenant on Civil and Political Rights which may be contrary to the object and the purpose of the Covenant and to withdraw any such existing reservations, given that article 6 of the Covenant enshrines the minimum rules for the protection of the right to life and the generally accepted standards in this area;

(d) To observe the Safeguards guaranteeing protection of the rights of those facing the death penalty and to comply fully with their international obligations, in particular with those under the Vienna Convention on Consular Relations;

(e) Not to impose the death penalty on a person suffering from any form of mental disorder or to execute any such person;

(f) Not to execute any person as long as any related legal procedure, at the international or at the national level, is pending;

5. *Calls upon* all States that still maintain the death penalty:

(a) Progressively to restrict the number of offences for which the death penalty may be imposed;

(b) To establish a moratorium on executions, with a view to completely abolishing the death penalty;

(c) To make available to the public information with regard to the imposition of the death penalty;

6. *Requests* States that have received a request for extradition on a capital charge to reserve explicitly the right to refuse extradition in the absence of effective assurances from relevant authorities of the requesting State that capital punishment will not be carried out;

7. *Requests* the Secretary-General to continue to submit to the Commission on Human Rights, at its fifty-eighth session, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty, paying special attention to the imposition of the death penalty against persons younger than eighteen years of age at the time of the offence;

8. *Decides* to continue consideration of the matter at its fifty-eighth session under the same agenda item.

*78th meeting
25 April 2001*

[Adopted by a roll-call vote of 27 votes to 18,
with 7 abstentions. See chap. XVII.]

2001/69. Promotion of the right of peoples to peace

Bearing in mind the fundamental principles of international law set forth in the Charter of the United Nations,

Reaffirming the importance of ensuring respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State in accordance with the Charter of the United Nations and international law,

Reaffirming also that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming further that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation,

Recalling the fact that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries,

Recalling resolution 1996/16 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons and the continuing arms race, and recalling the devastation inflicted by all wars,

Convinced that life without war serves as the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

1. *Reaffirms* the solemn proclamation that the peoples of our planet have a sacred right to peace;
2. *Solemnly declares* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State;
3. *Emphasizes* that ensuring the exercise of the right of peoples to peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;
4. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;
5. *Urges* all States to refrain from using weapons with indiscriminate effects on human health, the environment and economic and social well-being;
6. *Expresses concern* at the real danger of the weaponization of outer space, and the risk of the global arms race gaining new momentum;
7. *Urges* all States to refrain from taking measures which encourage the resurgence of a new arms race, bearing in mind all the resulting predictable consequences for global peace and security, for development and for the full realization of all human rights;
8. *Decides* to continue considering the issue at its fifty-eighth session under the same agenda item.

78th meeting
25 April 2001

[Adopted by a roll-call vote of 29 votes to 16,
with 7 abstentions. See chap. XVII.]

2001/70. Impunity

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, and the Vienna Declaration and Programme of Action,

Recalling all previous resolutions and decisions of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights on impunity, as well as Part II, paragraph 91, of the Vienna Declaration and Programme of Action,

Recalling also the universality, interdependence and indivisibility of all human rights, civil, cultural, economic, political and social,

Noting all previous United Nations reports on the issue of impunity,

Taking note of the report of the Secretary-General on impunity (E/CN.4/2001/88 and Corr.1),

Taking note also of Sub-Commission resolution 2000/24 on the role of universal and extraterritorial competence in preventive action against impunity,

Recognizing the importance of combating impunity for all human rights violations that constitute crimes,

Recognizing the establishment of the International Criminal Court as an important contribution to ending the culture of impunity, and recalling the report of the Secretary-General entitled, "We the peoples: the role of the United Nations in the twenty-first century" (A/54/2000) acknowledging this contribution,

Acknowledging the work of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda,

Welcoming the fact that a large number of States have already signed and/or ratified the Rome Statute of the International Criminal Court,

Welcoming also, as measures in the fight against impunity and in promoting accountability, the initiatives to establish special judicial mechanisms currently under consideration in a few countries in cooperation with the United Nations in accordance with international standards of justice, fairness and due process of law, with international support,

Convinced that the practice and expectation of impunity for violations of international human rights or humanitarian law encourage such violations and are among the fundamental obstacles to the observance of international human rights and humanitarian law and the full implementation of international human rights and humanitarian law instruments,

Convinced also that exposing violations of human rights, holding their perpetrators, including their accomplices, accountable, obtaining justice for their victims, as well as preserving historical records of such violations and restoring the dignity of victims through acknowledgement and commemoration of their suffering, will guide future societies and are integral to the promotion and implementation of all human rights and fundamental freedoms and to the prevention of future violations,

Recognizing that accountability of perpetrators, including their accomplices, of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the establishment, by a number of States where serious human rights violations have occurred in the past, of mechanisms to expose such violations, including commissions of inquiry or commissions for achieving truth and reconciliation,

Conscious that the phenomenon of impunity affects all spheres of society,

Convinced of the need for Governments to combat impunity by addressing past or ongoing violations, taking measures aimed at preventing their recurrence,

1. *Emphasizes* the importance of combating impunity to the prevention of violations of international human rights and humanitarian law and urges States to give necessary attention to the question of impunity for violations of international human rights and humanitarian law, including those perpetrated against women and children, and to take appropriate measures to address this important issue;

2. *Emphasizes* the importance of taking all necessary and possible steps to hold accountable perpetrators, including their accomplices, of violations of international human rights and humanitarian law, and urges States to take action in accordance with due process of law;

3. *Welcomes* in this context the progress made in the fight against impunity, including the recognition of the principle of complementarity in the Rome Statute of the International Criminal Court;

4. *Acknowledges* the historic significance of the adoption of the Rome Statute of the International Criminal Court and calls upon all States to consider ratifying or acceding to the Statute;
5. *Calls upon* States to continue to participate actively with the Preparatory Commission for the International Criminal Court;
6. *Calls upon* States and the United Nations High Commissioner for Human Rights to consider providing to States, upon their request, concrete and practical assistance and cooperation in seeking to achieve the goals set out in the present resolution;
7. *Calls upon* States to continue to support the work of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda and consider ways to support the initiatives to establish special judicial mechanisms currently under consideration in a few countries in cooperation with the United Nations;
8. *Recognizes* that, for the victims of human rights violations, public knowledge of their suffering and the truth about the perpetrators, including their accomplices, of these violations are essential steps towards rehabilitation and reconciliation, and urges States to intensify their efforts to provide victims of human rights violations with a fair and equitable process through which these violations can be investigated and made public and to encourage victims to participate in such a process;
9. *Welcomes* in this regard the publication in some States of the reports of commissions of truth and reconciliation established by those countries to address human rights violations that have occurred there in the past and encourages other States where serious human rights violations have occurred in the past to establish appropriate mechanisms to expose such violations;
10. *Requests* the Secretary-General to seek the views of Governments, and intergovernmental and non-governmental organizations on the issue of the possible appointment of an independent expert charged with examining all aspects of the issue of impunity of perpetrators of human rights violations, with a view to a decision on this matter at the fifty-eighth session of the Commission;
11. *Also requests* the Secretary-General again to invite States to provide information on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory and to provide information on remedies available to the victims of such violations;

12. *Further requests* the Secretary-General to collect the information and comments received pursuant to the present resolution and to submit a report thereon to the Commission at its fifty-eighth session;

13. *Invites* the special rapporteurs and other mechanisms of the Commission to continue to give due consideration to the issue of impunity in the discharge of their mandates;

14. *Decides* to continue its consideration of this matter at its fifty-eighth session under the agenda item entitled "Promotion and protection of human rights".

78th meeting
25 April 2001

[Adopted by a roll-call vote of 39 votes to none,
with 13 abstentions. See chap. XVII.]

2001/71. Human rights and bioethics

The Commission on Human Rights,

Recalling that, according to the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also the ideal of free human beings enjoying freedom from fear and want, as recognized by the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Seeking to preserve the dignity and integrity of the human being,

Recalling the right of everyone, as recognized by the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific progress and its applications,

Convinced, in accordance with the International Covenant on Economic, Social and Cultural Rights, of the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific field,

Recalling the provisions of the International Covenant on Civil and Political Rights, whereby no one shall be subjected without his free consent to medical or scientific experimentation,

Recalling also the Principles of Medical Ethics concerning the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

Emphasizing that, under the Convention on the Rights of the Child, States parties are obliged to protect children against any form of violence,

Aware that the rapid development of the life sciences opens up tremendous prospects for the improvement of the health of individuals and mankind as a whole, but also that certain practices may pose dangers to the integrity and dignity of the individual,

Seeking therefore to ensure that scientific progress benefits individuals and develops in a manner respectful of fundamental human rights,

Referring to the Universal Declaration on the Human Genome and Human Rights adopted on 11 November 1997 by the General Conference of the United Nations Educational, Scientific and Cultural Organization and to General Assembly resolution 53/152 of 9 December 1998 endorsing the Declaration,

Referring also to resolution 29 C/17 on implementation of the Declaration adopted by the United Nations Educational, Scientific and Cultural Organization, and recalling that in accordance with that resolution member States are urged to keep the Director-General regularly informed of all measures they have taken to implement the principles set forth in the Declaration,

Recalling that article 1 of the Declaration states the principle that the human genome underlies the fundamental unity of all members of the human family, as well as the recognition of their inherent dignity and diversity,

Recalling also that article 10 of the Declaration affirms that no research or research applications concerning the human genome, in particular in the fields of biology, genetics and medicine, should prevail over respect for the human rights, fundamental freedoms and human dignity of individuals or, where applicable, of groups of people,

Recalling further the decision taken on 7 May 1998 whereby the Executive Board of the United Nations Educational, Scientific and Cultural Organization established the International Bioethics Committee, with the functions of reflecting on the ethical and legal issues raised by research in the life sciences, making recommendations to the General Conference and giving advice concerning the follow-up to the Declaration by identifying practices that could be contrary to human dignity,

Recalling its resolutions 1991/45 of 5 March 1991, 1993/91 of 10 March 1993, 1997/71 of 16 April 1997 and 1999/63 of 28 April 1999,

Referring to the United Nations Millennium Declaration which affirms the resolve to ensure free access to information on the human genome sequence,

Referring also to resolution 1997/42 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities regarding this question,

Recalling the adoption by the Council of Ministers of the Council of Europe, on 4 April 1997, of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine,

Convinced of the need to develop a life sciences ethic at the national and international levels, and recognizing the need to develop international rules and cooperation in order to ensure that mankind as a whole benefits from the use of the life sciences and to prevent them from being used for any purpose other than the good of mankind,

1. *Takes note* of the report of the Secretary-General (E/CN.4/2001/93);
2. *Expresses its appreciation* to the Governments that have responded to the request for information formulated by the Commission on Human Rights in its resolution 1999/63 of 28 April 1999 and invites the Governments which have not yet responded to do so;
3. *Reaffirms* the importance of receiving answers from the organizations and specialized agencies of the United Nations and invites the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights and the other United Nations bodies and specialized agencies concerned to report to the Secretary-General on the activities conducted in their respective areas to ensure that the principles set forth in the Universal Declaration on the Human Genome and Human Rights are taken into account;
4. *Invites* the Secretary-General to draw up proposals, on the basis of these contributions and for consideration by the General Assembly at its fifty-sixth session, concerning ways to ensure proper coordination of activities and thinking on bioethics throughout the United Nations system and to consider establishing a working group of independent experts from, *inter alia*, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Intellectual Property Organization, which would reflect, in particular, on the possible follow-up to the Universal Declaration on the Human Genome and Human Rights and report to the Secretary-General within a period to be determined by him;

5. *Invites* the United Nations High Commissioner for Human Rights to pay all due attention to this question within her area of competence;

6. *Draws the attention* of Governments to the importance of research on the human genome and its applications for the improvement of the health of individuals and mankind as a whole, to the need to safeguard the rights of the individual and his/her dignity, as well as his/her identity and unity, and to the need to protect the confidentiality of genetic data concerning a named person;

7. *Invites* Governments to consider establishing independent, multidisciplinary and pluralist committees of ethics to assess, notably in conjunction with the International Bioethics Committee of the United Nations Educational, Scientific and Cultural Organization, the ethical, social and human questions raised by the biomedical research undergone by human beings and, in particular, research relating to the human genome and its applications, and also invites them to inform the Secretary-General of the establishment of any such bodies, with a view to promoting exchanges of experience between such institutions;

8. *Requests again* the Sub-Commission on the Promotion and Protection of Human rights to consider what contribution it can make to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration on the Human Genome and Human Rights and to report on this matter to the Commission at its fifty-ninth session;

9. *Requests* the Secretary-General to submit a report based on these contributions for consideration by the Commission at its fifty-ninth session.

78th meeting

25 April 2001

[Adopted without a vote. See chap. XVII.]

2001/72. The role of good governance in the promotion of human rights

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations applying to every individual and every organ of society, and also the Vienna Declaration and Programme of Action (A/CONF.157/23), which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of all human rights,

Emphasizing that the strengthening of good governance at the national level, including through the building of effective and accountable institutions for promoting growth and sustainable human development, is a continuous process for all Governments regardless of the level of development of the countries concerned,

Noting the growing recognition of the importance of good governance in the promotion of human rights, and in particular in the United Nations Millennium Declaration adopted by heads of State and Government at the Millennium Summit of the United Nations,

Noting also that good governance practices necessarily vary according to the particular circumstances and needs of different societies, and that the responsibility for determining and implementing such practices, based on transparency and accountability, and for creating and maintaining an enabling environment conducive to the enjoyment of all human rights at the national level, rests with the State concerned,

Affirming the need for enhanced cooperation at the international level between States and through the United Nations system, to ensure that States needing external inputs in order to improve good governance activities have access, if and when required, to the necessary information and resources,

Recognizing the need for a closer examination of the role of good governance for the promotion of human rights and the relationship between good governance practices and the promotion and protection of all human rights in all countries,

1. *Recognizes* that transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is a sine qua non for the promotion of human rights, including the right to development;

2. *Emphasizes*, in this context, the need to promote partnership approaches to international development cooperation and to ensure that prescriptive approaches to good governance do not impede such cooperation;

3. *Welcomes* the provision by States of practical examples of activities that have been effective in strengthening good governance practices for the promotion of human rights at the national level, including activities in the context of development cooperation between States, for inclusion in a compilation of indicative ideas and practices that could be consulted by the interested States when required, in response to the invitation of the United Nations High Commissioner for Human Rights issued pursuant to paragraph 3 of Commission

resolution 2000/64 of 26 April 2000, and requests the High Commissioner to reiterate this invitation to States and to extend it to United Nations and other relevant international bodies;

4. *Invites* the United Nations High Commissioner for Human Rights, where appropriate and relevant, to draw on the material provided in response to the invitations issued pursuant to paragraph 3 of the present resolution and paragraph 3 of resolution 2000/64 in her work and to inform the Commission of the utility of the material in this respect;

5. *Decides* to continue consideration of the question of the role of good governance in the promotion of human rights at its fifty-eighth session under the same agenda item.

*78th meeting
25 April 2001*

[Adopted without a vote. See chap. XVII.]

2001/73. Human rights and international solidarity

The Commission on Human Rights,

Underlining that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Recalling that at the World Conference on Human Rights States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development,

Taking into account that article 2 of the International Covenant for Economic, Social and Cultural Rights states that each State party to the Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the

maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures,

Expressing concern at the fact that the immense potentialities for benefit resulting from the process of globalization and economic interdependence have not reached all countries, communities and individuals, and at the increasing marginalization from their benefits of several countries, particularly the least developed and the African countries,

Recognizing the need for new and additional resources to finance the development programmes of developing countries,

Reaffirming the crucial importance of increasing the resources allocated for official development assistance, and recalling the pledge of the industrialized countries to allocate 0.7 per cent of their gross domestic product for official development assistance,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries towards the realization of the right to development of their peoples and the promotion of the full enjoyment of economic, social and cultural rights by everyone has been insufficient,

1. *Reaffirms* the interdependence between the concepts of democracy, development, and respect for human rights and fundamental freedoms;

2. *Welcomes* the recognition set forth in the declaration adopted by the heads of States and Governments at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century, in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice, and that those who suffer, or who benefit least, deserve help from those who benefit most;

3. *Urges* the international community to consider urgently ways and means to promote and consolidate international assistance to developing countries in their endeavours for development and for the promotion of conditions that make possible the full realization of all human rights;

4. *Decides* to continue its examination of this issue at the fifty-eighth session under the same agenda item.

*78th meeting
25 April 2001*

[Adopted by a roll-call vote of 36 votes to 16. See chap. XVII.]

2001/74. Abduction of children from northern Uganda

The Commission on Human Rights,

Guided by the principles set out in the Universal Declaration of Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights,

Recalling the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights, which expressed concern about violations of human rights during armed conflicts affecting the civilian population, especially women, children, the elderly and the disabled,

Recalling the obligation of States parties to respect and strictly observe international humanitarian law in accordance with the Geneva Conventions of 12 August 1949 for the protection of war victims, the Additional Protocols thereto of 1977 and other relevant principles of international law,

Welcoming the adoption by the General Assembly of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which will serve to strengthen international instruments that protect war-affected children,

Recalling its resolution 2000/60 of 26 April 2000 in which the Commission requested the Office of the United Nations High Commissioner for Human Rights to undertake an assessment of the situation of the abduction of children from northern Uganda on the ground in the affected areas,

Noting the report of the Secretary-General on children and armed conflict (A/55/163-S/2000/712) submitted to the General Assembly and the Security Council, and the findings and recommendations presented in the report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/55/442),

Deeply concerned at the continuing abduction, torture, detention, rape, enslavement and forced recruitment of children from northern Uganda,

1. *Takes note* of the report of the Special Representative of the Secretary-General for Children and Armed Conflict (E/CN.4/2001/76);

2. *Condemns in the strongest terms* the Lord's Resistance Army for the continued abduction, torture, killing, rape, enslavement and forcible recruitment of children in northern Uganda;

3. *Demands* the immediate cessation of all abductions and attacks on civilian populations, in particular women and children, in northern Uganda by the Lord's Resistance Army;

4. *Calls* for the immediate and unconditional release and safe return of all abducted children currently held by the Lord's Resistance Army;

5. *Calls upon* the United Nations Voluntary Fund for Victims of Torture, established by the General Assembly in its resolution 36/151 of 16 December 1981, to continue to provide assistance to the victims and their families suffering from the effects of torture inflicted by the Lord's Resistance Army;

6. *Urges* Member States, international organizations, humanitarian bodies and all other concerned parties with any influence on the Lord's Resistance Army to exert all possible pressure on it to release, immediately and unconditionally, all children abducted from northern Uganda;

7. *Urges* all parties supporting the continuation of abductions and detentions of children by the Lord's Resistance Army to cease immediately all assistance to and collaboration with the rebel Army;

8. *Welcomes* the bilateral agreement between the Sudan and Uganda signed by the Presidents of the two countries at Nairobi on 8 December 1999;

9. *Also welcomes* the return of some of the abducted children and calls for more efforts to be exerted to release the remaining children held in captivity by the rebels;

10. *Expresses its appreciation* of the commitment made by the Governments of the Sudan and Uganda to make a special effort to locate persons, especially children, who have been abducted in the past and to return them to their families;

11. *Notes* the recent efforts exerted by the Governments of the Sudan and Uganda, complemented by those of the Special Representative of the Secretary-General for Children and

Armed Conflict, the United Nations Children's Fund and intergovernmental organizations, which resulted in the identification and reunification of more of those children with their families;

12. *Takes note with appreciation* of the statement of the High Commissioner for Human Rights in which she presented the preliminary findings of the team which was sent by her Office to carry out an assessment of the situation on the ground in the affected areas;

13. *Underscores* the gravity of the matter and urges the United Nations and the international community to continue concerted efforts aimed at improving the situation concerning the abduction of children and meeting the needs of the victims;

14. *Decides* to continue its consideration of the question at its fifty-eighth session under the same agenda item.

*79th meeting
25 April 2001*

[Adopted without a vote. See chap. XIII.]

2001/75. Rights of the child

The Commission on Human Rights,

Bearing in mind the Convention on the Rights of the Child, emphasizing that its provisions and other relevant human rights instruments must constitute the standard in the promotion and protection of the rights of the child, and reaffirming that the best interests of the child shall be the primary consideration in all actions concerning children,

Welcoming the developments in recent years in international legal standards, especially the adoption of the 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, International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, acknowledging the historic significance of the establishment of the Rome Statute of the International Criminal Court, and noting with interest the entry into force of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,

Reaffirming the consensus reached in the relevant resolutions of the fifty-sixth session of the Commission on Human Rights and the fifty-fifth session of the General Assembly, as well as in all previous resolutions on this subject,

Reaffirming also the fundamental principle set forth in the Vienna Declaration and Programme of Action and in the Beijing Declaration and Platform for Action, adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20, chap. I) that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights, and underlining the need for further mainstreaming the rights of the child as well as a gender perspective in all policies and programmes relating to children,

Reaffirming further the World Declaration on the Survival, Protection and Development of Children and the Plan of Action adopted in September 1990 by the World Summit for Children (A/45/625, annex) and the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights, which, *inter alia*, states that national and international mechanisms and programmes for the safeguard and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children, female infanticide, harmful child labour and the immediate elimination of its worst forms, sale of children and organs, child prostitution and child pornography, as well as other forms of sexual abuse, and which reaffirms that all human rights and fundamental freedoms are universal,

Welcoming the role of the Committee on the Rights of the Child in examining the progress made by States parties in implementing the obligations undertaken in the Convention, and in providing recommendations to States parties on its implementation and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, in enhancing awareness of the principles and provisions of the Convention,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, inadequate social and economic conditions in an increasingly globalized world economy, pandemics, in particular HIV/AIDS, natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Alarmed by the reality of daily violations of children's rights, including the right to life, to physical security and to freedom from arbitrary detention, torture and any form of exploitation, as well as economic, social and cultural rights, as laid out in relevant international instruments,

Supporting the preparatory process for the special session of the General Assembly to be convened in September 2001 by way of follow-up to the World Summit for Children and encouraging States to participate actively therein in order to promote an effective review of progress made, as well as the identification of obstacles affecting the full implementation of the outcome of the World Summit for Children, as a reaffirmation of their commitment to the rights of the child, and encouraging the establishment of forward-looking strategies, taking into account a strong child rights approach,

Welcoming the integration of child-related issues into the preparations for and the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in September 2001,

Stressing the importance of taking into account a child rights approach in the preparations for the special session of the General Assembly on HIV/AIDS to be convened in June 2001 and the need for a concerted approach for children affected or infected by the pandemic, including those orphaned as a result of the HIV/AIDS pandemic, focusing in particular on the worst-hit regions in Africa, and to give importance to the treatment, care and support of children infected by HIV/AIDS,

Welcoming the reports of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/2001/74), of the Special Rapporteur on the right to education (E/CN.4/2001/52), of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2001/78 and Add.1-2), of the Special Representative of the Secretary-General on the impact of armed conflict on children to the General Assembly at its fifty-fifth session (A/55/442) and to the Commission on Human Rights at its fifty-seventh session (E/CN.4/2001/76), and of the Secretary-General on children and armed conflict (A/55/163-S/2000/712),

Reaffirming that the family is the fundamental group of society and the natural environment for the growth and well-being of children, and recognizing that children should grow up in a family environment and social atmosphere of peace, respect, happiness, love and understanding,

Concerned at the number of illegal adoptions, of children growing up without parents and of child victims of family and social violence, neglect and abuse,

Mindful of the commitments made by heads of State and Government and the targets identified in the United Nations Millennium Declaration pertaining to the realization, promotion and protection of the rights of the child,

Recognizing that partnership between Governments, international organizations, and relevant bodies and organizations of the United Nations system, in particular the United Nations Children's Fund, and all actors of civil society, in particular non-governmental organizations, as well as the private sector, is important to realize the rights of the child,

Welcoming the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010) and the Declaration and Programme of Action on a Culture of Peace, which serve as the basis for the International Decade,

Welcoming also the convening of the Second World Congress against Commercial Sexual Exploitation of Children in Yokohama, Japan, in December 2001, and the regional consultation meetings,

I. IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS
OF THE CHILD AND OTHER INSTRUMENTS

1. *Urges once again* the States that have not yet done so to consider signing and ratifying or acceding to the Convention on the Rights of the Child as a matter of priority, with a view to reaching the goal of universal adherence, and to consider signing and ratifying the 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 as a matter of priority so that they can enter into force as soon as possible, bearing in mind the convening of the special session of the General Assembly for follow-up to the World Summit for Children in September 2001;

2. *Reiterates its concern* at the great number of reservations to the Convention, and urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

3. *Calls upon* States parties to implement the Convention fully and to ensure that the rights set forth in the Convention are respected without discrimination of any kind, that the best interests of the child are a primary consideration in all actions concerning children, to recognize the child's inherent right to life and that the child's survival and development is ensured to the

maximum extent possible, and that the child is able to express his/her views freely in all opinions on matters affecting him/her and that these views are listened to and given due weight in accordance with his/her age and maturity;

4. *Urges* States parties to take all appropriate measures for the implementation of the rights recognized in the Convention, bearing in mind article 4 of the Convention, by strengthening relevant governmental structures for children, including, where appropriate, ministers in charge of child issues and independent commissioners for the rights of the child;

5. *Calls upon* States parties:

(a) To accept, as a matter of priority, the amendment to article 43, paragraph 2, of the Convention regarding the extension of the Committee on the Rights of the Child from ten to eighteen members;

(b) To ensure that the members are of high moral standing and recognized competence in the field covered by the Convention, serving in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems;

(c) To comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee on the Rights of the Child, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention and to strengthen their cooperation with the Committee;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights, United Nations mechanisms, all relevant organs of the United Nations system, in particular special representatives, special rapporteurs and working groups regularly and systematically to include a child rights perspective in the fulfilment of their mandates, and calls upon States to cooperate closely with them;

7. *Reaffirms* the importance of ensuring adequate and systematic training in the rights of the child for law enforcement and other professions whose work has an impact on children, as well as coordination between various governmental bodies;

8. *Calls upon* all States to put an end to impunity, where applicable, for all crimes, including where children are victims, in particular those of genocide, crimes against humanity and war crimes, and to bring perpetrators of such crimes to justice;

9. *Calls upon* all States and relevant actors concerned to continue to cooperate with the special rapporteurs and special representatives of the United Nations system in the implementation of their mandates, requests the Secretary-General to provide them with appropriate staff and facilities from the United Nations regular budget, when this is in accordance with their respective mandates, invites States to continue to make voluntary contributions where appropriate, and urges all relevant parts of the United Nations system to provide them with comprehensive reporting to make the full discharge of the mandate possible;

10. *Decides*, with regard to the Committee on the Rights of the Child, to request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, and invites the Committee to continue to enhance its constructive dialogue with the States parties and its transparent and effective functioning;

II. PROTECTION AND PROMOTION OF THE RIGHTS OF THE CHILD

Identity, family relations and birth registration

Reaffirming paragraph 15 of Commission on Human Rights resolution 2000/85 of 27 April 2000,

11. *Calls upon* all States:

(a) To continue to intensify efforts to ensure the registration of all children immediately after birth, including by the consideration of simplified, expeditious and effective procedures;

(b) To undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference and, where a child is illegally deprived of some or all of the elements of his or her identity, to provide appropriate assistance and protection with a view to re-establishing speedily his or her identity;

(c) To ensure as far as possible the right of the child to know and be cared for by his or her parents, and to ensure that a child shall not be separated from his or her parents against their will, except when the competent authorities, subject to judicial review, determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child, in conformity with article 9 of the Convention;

Health

Reaffirming paragraphs 16 to 19 of Commission on Human Rights resolution 2000/85,

12. *Calls upon* all States to take all appropriate measures to develop sustainable health systems and social services and to ensure access to such systems and services without discrimination, and to pay particular attention to adequate food and nutrition to prevent disease and malnutrition, to prenatal and post-natal health care, to special needs of adolescents, to reproductive and sexual health and to threats from substance abuse and violence, and calls upon all States parties to take all necessary measures to ensure the right of all children, without discrimination, to the enjoyment of the highest attainable standard of health in accordance with article 24 of the Convention on the Rights of the Child;

13. *Also calls upon* all States to give support and rehabilitation to children and their families affected by HIV/AIDS, to involve children and their caregivers, as well as the private sector, to ensure the effective prevention of HIV infections through correct information and access to affordable, voluntary and confidential care, treatment and testing, giving due importance to the prevention of mother-to-child transmission of the virus;

Education

Reaffirming paragraphs 20 and 21 of Commission on Human Rights resolution 2000/85,

14. *Calls upon* all States:

(a) To recognize the right to education on the basis of equal opportunity by making primary education free and compulsory to all and ensuring that all children, including girls, children in need of special protection and indigenous children and children belonging to minorities, have access without discrimination to education of good quality, as well as making secondary education generally available and accessible to all, and in particular by the progressive introduction of free education, bearing in mind that affirmative action contributes to achieving equal opportunity and combating exclusion, and that the education of the child is carried out and that States parties develop and implement programmes for the education of the child in accordance with articles 28 and 29 of the Convention on the Rights of the Child;

(b) To take all appropriate measures to prevent racism and discriminatory and xenophobic attitudes and behaviour, through education, keeping in mind the important role that children play in changing these practices;

(c) To ensure that children, from an early age, benefit from education and from participation in activities which develop respect for human rights and emphasize the practice of non-violence with the aim of instilling in them the values and goals of a culture of peace;

15. *Reaffirms* the Dakar Framework for Action and calls for its full implementation, and in this regard invites the United Nations Educational, Scientific and Cultural Organization to continue to implement its mandated role in coordinating Education for All partners and maintaining their collaborative momentum;

16. *Notes with interest* the recent adoption by the Committee on the Rights of the Child of a general comment on the aims of education, as well as the adoption of general comments as a means of cooperating with States parties in the implementation of the Convention;

Freedom from violence

Reaffirming paragraphs 22 to 24 of Commission on Human Rights resolution 2000/85,

17. *Notes with appreciation* the initiative of the Committee on the Rights of the Child on State violence against children, welcomes the upcoming general discussion in September 2001 on the theme of violence suffered by children in schools and within the family, and welcomes the recommendation by the Committee on the Rights of the Child that the Secretary-General should be requested, through the General Assembly, to conduct an in-depth study on the issue of violence against children, *inter alia* the different types of violent treatment of which children are victims, identify their causes, the extent of such violence and its impact on children, and put forward recommendations for action, including effective remedies and preventive and rehabilitation measures;

18. *Calls upon* all States to take all appropriate national, bilateral and multilateral measures to prevent all forms of violence against children and to protect them from torture and other forms of violence, physical violence including domestic violence, child abuse, mental and sexual violence, abuse by the police and other law enforcement authorities or by employees in juvenile detention centres, orphanages, child care institutions and others, as well as violence in the street and in schools;

19. *Also calls upon* all States to investigate and submit cases of torture and other forms of violence against children to the competent authorities for the purpose of prosecution and to impose appropriate disciplinary or penal sanctions against those responsible for such practices;

III. NON-DISCRIMINATION

20. *Calls upon* all States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist not to deny to a child belonging to such a minority or who is indigenous the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language;
The girl child

Reaffirming paragraphs 26 to 28 of Commission on Human Rights resolution 2000/85,

21. *Calls upon* all States to take all necessary measures, including legal reforms where appropriate:

(a) To ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms and to base programmes and policies for the girl child on the rights of the child;

(b) To eliminate all forms of discrimination against girls, including all forms of violence, harmful traditional or customary practices, including female genital mutilation, the root causes of son preference, marriages without free and full consent of the intending spouses and early marriages, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls;

Children with disabilities

Reaffirming paragraph 29 of Commission on Human Rights resolution 2000/85,

22. *Calls upon* all States to take all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities and, where necessary, to develop and enforce legislation against their discrimination to ensure dignity, promote self-reliance and facilitate the child's active participation in the community, including adequate and effective access to education of good quality for children with disabilities and their parents, taking into account the situation of children with disabilities living in poverty;

Migrant children

Reaffirming paragraph 30 of Commission on Human Rights resolution 2000/85,

23. *Calls upon* all States to ensure, as appropriate, school access to migrant children, especially those who are unaccompanied, as well as access to the highest attainable standard of social services, particularly access to and provision of health care;

IV. PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN IN PARTICULARLY DIFFICULT SITUATIONS

Children working and/or living on the street

Reaffirming paragraph 31 of Commission on Human Rights resolution 2000/85,

24. *Calls upon* all States to prevent arbitrary and summary executions, torture, all kinds of violence against and exploitation of children working and/or living on the street and other violations of their rights, and to bring the perpetrators to justice, to adopt and implement policies for the protection, rehabilitation and reintegration of these children, and to adopt economic and social solutions to address the problems of children working and/or living on the street;

Refugee and internally displaced children

Reaffirming paragraph 32 of Commission on Human Rights resolution 2000/85,

25. *Calls upon* all States to protect refugee children, unaccompanied children seeking asylum and internally displaced children, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for voluntary repatriation, and wherever possible, local integration and resettlement, to give priority to family tracing and reunification, and, where appropriate, to cooperate with international humanitarian and refugee organizations;

Child labour

Reaffirming paragraphs 33 and 34 of Commission on Human Rights resolution 2000/85,

26. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, and to the immediate elimination of the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, as well as to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

27. *Calls upon* all States that have not yet done so to consider ratifying International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, adopted in June 1999;

Children alleged to have or recognized as having infringed penal law

Reaffirming paragraphs 35 and 36 (a) and (d) of Commission on Human Rights resolution 2000/85,

28. *Calls upon:*

(a) The Governments of all States, in particular States in which the death penalty has not been abolished, to comply with their obligations as assumed under relevant provisions of international human rights instruments, including in particular articles 37 and 40 of the Convention on the Rights of the Child and articles 6 and 14 of the International Covenant on Civil and Political Rights, keeping in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

(b) All States to take appropriate steps to ensure compliance with the principle that depriving children of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children are separated from adults, to the greatest extent feasible, unless it is considered in their best interest not to do so, and also to take appropriate steps to ensure that no child in detention is sentenced to forced labour or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education and basic instruction, taking into consideration the special needs of children with disabilities in detention, in accordance with their obligations under the Convention on the Rights of the Child.

V. PREVENTION AND ERADICATION OF THE SALE OF CHILDREN,
CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Reaffirming paragraphs 37 to 42 of Commission on Human Rights resolution 2000/85,

29. *Calls upon* all States:

(a) To take all appropriate national, bilateral and multilateral measures, *inter alia* to develop national laws, policies, programmes and practices and to collect comprehensive and disaggregated gender-specific data, to facilitate the participation of child victims of sexual exploitation in the development of strategies and to ensure the effective implementation of relevant international instruments concerning the prevention and the combat of trafficking and sale of children for any purpose or in any form, including the transfer of the organs of the child for profit, child prostitution and child pornography, and encourages all actors of civil society, the private sector and the media to cooperate in efforts to this end;

(b) To increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(c) To criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism and the use of the Internet for these purposes, while ensuring that, in the treatment by the criminal justice system of children who are victims, the best interests of the child shall be a primary consideration, and to take effective measures to ensure prosecution of offenders, whether local or foreign, by the competent national authorities, either in the offender's country of origin or in the country of destination, in accordance with due process of law;

(d) To combat the existence of a market that encourages such criminal practices against children, including through preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children;

30. *Decides* to renew the mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography for a further three years, and requests the Special Rapporteur to submit a report to the Commission on Human Rights at its fifty-eighth session;

VI. PROTECTION OF CHILDREN AFFECTED BY ARMED CONFLICT

Reaffirming paragraphs 43 to 56 of Commission on Human Rights resolution 2000/85,

31. *Notes* the importance of the third debate held by the Security Council, on 26 July 2000, on children and armed conflict and the undertaking by the Council to give special attention to the protection, welfare and rights of children when taking action aimed at maintaining peace and security, and reaffirms the essential role of the General Assembly and the Economic and Social Council for the promotion and protection of the rights and welfare of children;

32. *Notes with appreciation* the Winnipeg Agenda for War-Affected Children and efforts by regional organizations, in particular the Organization for Security and Co-operation in Europe, the European Union, the Economic Community of West African States, the Organization of American States and the Organization of African Unity, to include prominently the rights and protection of children affected by armed conflict in their policies and programmes;

33. *Notes* the adoption of the Rome Statute of the International Criminal Court, in particular the inclusion therein 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;

34. *Calls upon* States:

(a) To end the use of children as soldiers contrary to obligations assumed under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and other relevant international human rights instruments;

(b) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to raise the minimum age for voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(c) To ensure that children are not forcibly or compulsorily recruited into their armed forces;

(d) To take all feasible measures to prevent recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of legal measures necessary to prohibit and criminalize such practices;

35. *Calls upon*:

(a) All States and other parties to armed conflict to respect fully international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977;

(b) All States and relevant United Nation bodies and agencies and regional organizations to integrate the rights of the child into all activities in conflict and post-conflict situations and to facilitate the participation of children in the development of strategies in this regard, making sure that there are opportunities for children's voices to be heard;

(c) All States and relevant United Nations bodies to continue to support national and international mine action efforts, including through financial contributions, mine awareness programmes, mine clearance, victim assistance and child-centred rehabilitation, taking note of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, and welcomes the positive effects on children of

concrete legislative and other measures with respect to anti-personnel mines, and also taking note of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) to the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and the implementation of these instruments by those States that become parties to them;

36. *Recommends* that, whenever sanctions are imposed in the context of armed conflict, their impact on children be assessed and monitored and, to the extent that there are humanitarian exemptions, they be child-focused and formulated with clear guidelines for their application, in order to address possible adverse effects of the sanctions, and reaffirms the recommendations of the General Assembly and the International Conference of the Red Cross and the Red Crescent;

VII. RECOVERY AND SOCIAL REINTEGRATION

Reaffirming paragraph 57 of Commission on Human Rights resolution 2000/85,

37. *Encourages* States to cooperate, including through bilateral and multilateral technical cooperation and financial assistance, in the implementation of their obligations under the Convention on the Rights of the Child, including in the prevention of any activity contrary to the rights of the child and in the rehabilitation and social integration of the victims, such assistance and cooperation to be undertaken in consultation among concerned States and other relevant international organizations;

VIII.

38. *Decides:*

(a) To request the Secretary-General to submit to the Commission at its fifty-eighth session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child and on the problems addressed in the present resolution;

(b) To continue its consideration of this question at its fifty-eighth session under the same agenda item.

79th meeting
25 April 2001
[Adopted without a vote. See chap. XIII.]

**2001/76. Equitable geographical distribution of the membership
of the human rights treaty bodies**

The Commission on Human Rights,

Reaffirming the importance of the goal of universal ratification of the United Nations human rights instruments,

Welcoming the significant increase in the number of ratifications of United Nations human rights instruments, which has especially contributed to their universality,

Reiterating the importance of the effective functioning of treaty bodies established pursuant to United Nations human rights instruments for the full and effective implementation of such instruments,

Recalling that, with regard to the election of the members of the human rights treaty bodies, the Commission has already recognized the importance of giving consideration to equitable geographical distribution and gender balance of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights,

Recalling also that the Commission has already encouraged States parties to United Nations human rights treaties, individually and through meetings of States parties, to consider how to give better effect, *inter alia*, to the principle of equitable geographical distribution of the membership of treaty bodies,

Expressing concern at the clear regional imbalance in the current composition of the membership of the human rights treaty bodies, with the exception of the Committee on Economic, Social and Cultural Rights, which is already applying a quota system in the distribution of its seats by regional groups,

Noting in particular that the current status quo tends to be particularly detrimental for the election of experts from some regional groups,

Convinced that the goal of equitable geographical distribution of the membership of human rights treaty bodies is perfectly compatible and can be fully realized and achieved in harmony with the need to ensure gender balance and the representation of the principal legal systems in those bodies and the high moral character, acknowledged impartiality and recognized competence in the field of human rights of their members,

1. *Decides* to recommend that the General Assembly encourage States parties to the United Nations human rights instruments to establish quota distribution systems by geographical region for the election of the members of the treaty bodies;
2. *Recommends* the introduction of flexible procedures when establishing the quotas for each geographical region in each treaty body, encompassing the following criteria:
 - (a) Each of the five regional groups established by the General Assembly must be assigned a quota of the membership of each treaty body equivalent to the proportion of the total number of States parties to the instrument that it represents;
 - (b) There must be provision for periodic revisions that reflect the relative changes in the geographical distribution of States parties;
 - (c) Automatic periodic revisions should be envisaged in order to avoid amending the text of the instrument when the quotas are revised;
3. *Stresses* that the process needed to achieve the goal of equitable geographical distribution of the membership of human rights treaty bodies can contribute to raising awareness of the importance of gender balance, to the representation of the principal legal systems, and to the principle that the members of the treaty bodies shall be elected and serve in their personal capacity and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights;
4. *Decides* to continue its consideration of this question at its fifty-eighth session under the same agenda item.

*79th meeting
25 April 2001*

[Adopted by a roll-call vote of 35 votes to 15,
with 2 abstentions. See chap. XVIII.]

**2001/77. Regional cooperation for the promotion and protection of
human rights in the Asian and Pacific region**

The Commission on Human Rights,

Recalling its resolution 2000/74 of 26 April 2000,

Reiterating that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Stressing that regional cooperation can play an important role in promoting universal respect for, and observance of, human rights and fundamental freedoms,

Recognizing the importance of an inclusive, step-by-step, practical and building-block approach towards enhancing regional cooperation for the promotion and protection of human rights in accordance with the pace and priorities to be set by the Governments of the Asian and Pacific region by consensus,

Recognizing also the importance of human rights education in both formal and non-formal contexts and the significant role the media can play in the promotion and protection of human rights,

Recognizing further the valuable contribution that independent national institutions, intergovernmental organizations and non-governmental organizations can make in the field of human rights in the Asian and Pacific region,

Welcoming the convening of the ninth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held in Bangkok from 28 February to 2 March 2001,

1. *Welcomes* the report of the Secretary-General (E/CN.4/2001/98) and the progress achieved in the implementation of Commission resolution 2000/74;
2. *Stresses* the importance of the linkages and mutually reinforcing aspects of all four areas of the Tehran Framework for Regional Technical Cooperation in the Asian and Pacific Region adopted at the sixth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region in 1998, namely human rights education, national institutions for the promotion and protection of human rights, national plans

of action for the promotion and protection of human rights and the strengthening of national human rights capacities, and strategies for the realization of the right to development and economic, social and cultural rights;

3. *Also stresses* that developing and strengthening national capacities for the promotion and protection of human rights in accordance with national conditions provides the strongest foundation for effective and enduring regional cooperation in the field of human rights in the Asian and Pacific region;

4. *Commends* the contribution of the Government of Thailand, as the host of the ninth workshop, to the promotion and protection of human rights in the Asian and Pacific region;

5. *Endorses* the conclusions of the ninth workshop on the next steps to be taken to facilitate the process of regional cooperation in the Asian and Pacific region;

6. *Welcomes* the in-depth discussions held during the ninth workshop reviewing developments in the Asian and Pacific region over the past year in the four priority areas under the Tehran Framework for Regional Technical Cooperation in the Asian and Pacific Region;

7. *Also welcomes* the greater and valuable sharing of concrete national experiences at the ninth workshop on the implementation of all four areas of the Tehran Framework for Regional Technical Cooperation in the Asian and Pacific Region;

8. *Takes note* of the contribution of independent national institutions, intergovernmental organizations and representatives of non-governmental organizations to the ninth workshop and the initiative by the Office of the High Commissioner for Human Rights to hold a consultation of non-governmental actors one day prior to the official opening of the ninth workshop;

9. *Also takes note* of the diversity of views expressed at the ninth workshop on possible regional or subregional modalities of cooperation for the promotion and protection of human rights in the Asian and Pacific region as part of an inclusive, step-by-step, practical and building-blocks approach, as well as of the evaluation undertaken on the implementation of the Tehran Framework for Regional Technical Cooperation in the Asian and Pacific Region;

10. *Takes note with interest* of the interactive discussions held during the inter-sessional workshops on the role of national human rights institutions in advancing the international human rights of women (Fiji, May 2000), human rights for parliamentarians (Mongolia, August 2000) and national institutions and economic, social and cultural rights (Philippines, November 2000);

11. *Takes note* of the discussions at the ninth workshop and at the regional inter-sessional workshops on, *inter alia*, all the obstacles to the effective realization of economic, social and cultural rights and the right to development and the need for international cooperation to support the efforts of countries to overcome them;

12. *Also takes note* of the view exchanged at the ninth workshop that national plans of action, human rights education and national institutions are important instruments for combating racism and related forms of discrimination, and that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance should consider ways in which these instruments can better address such issues, with particular attention paid to all vulnerable groups in society;

13. *Encourages* all States in the region to take concrete steps at the national level in connection with the implementation of the Tehran Framework for Regional Technical Cooperation in the Asian and Pacific Region and to ensure that regional workshops undertaken within the Framework are accompanied by concrete and sustainable subregional and national activities, as well as training and awareness programmes for government officials and key professional groups concerned such as the police, prison officials, educators, judges, lawyers and parliamentarians;

14. *Welcomes* the establishment of independent national institutions in countries of the Asian and Pacific region and their important contribution to the process of regional cooperation, *inter alia* through the work of the Asia-Pacific Forum of National Human Rights Institutions, and notes the discussions at the relevant workshop in this regard;

15. *Also welcomes* the efforts of the Office of the High Commissioner for Human Rights in developing partnerships for the implementation of its activities under the Tehran Framework for Regional Technical Cooperation in the Asian and Pacific Region to enhance national capacities for the promotion and protection of human rights in the region;

16. *Encourages* all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations, under the programme of advisory services and technical cooperation in the field of human rights, to further strengthen national human rights capacities, and in this regard calls upon the High Commissioner to continue to give adequate attention to the programme;

17. *Requests* the Secretary-General to submit to the Commission at its fifty-eighth session a report containing the conclusions of the tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region and information on the progress achieved in the implementation of the present resolution;

18. *Decides* to continue its consideration of the question at its fifty-eighth session under the same agenda item.

*79th meeting
25 April 2001*

[Adopted without a vote. See. Chap. XVIII.]

**2001/78. Composition of the staff of the Office of the United Nations
High Commissioner for Human Rights**

The Commission on Human Rights,

Recalling that, in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission on Human Rights reaffirmed that the paramount consideration for employing staff at every level was the need for the highest standards of efficiency, competence and integrity and was convinced that this objective was compatible with the principle of equitable geographical distribution and took into account Article 101, paragraph 3, of the Charter of the United Nations,

Recalling also Part II, paragraphs 11 and 17, of the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities, while recognizing the necessity for restructuring United Nations human rights machinery, in accordance with its real needs,

Reaffirming the significance of national and regional particularities and various historical, cultural and religious backgrounds, as well as of different political, economic and legal systems,

Taking into account the need to pay particular attention to the recruitment of personnel for the Office of the United Nations High Commissioner for Human Rights from developing countries, thus improving the present staff composition, based on a more equitable geographical distribution,

Noting with concern that the report of the United Nations High Commissioner for Human Rights submitted pursuant to Commission resolution 2000/73 of 26 April 2000 (E/CN.4/2001/100) concerning the geographical composition and the functions of the Office staff clearly reflects that one region is unequivocally over-represented in the staff composition and that the imbalance has worsened (see annexes to the present resolution),

Expressing again its concern over the under-representation of the developing countries on the staff of the Office of the High Commissioner, particularly bearing in mind the criteria of equitable geographical distribution,

1. *Takes note* of the report of the High Commissioner on the composition of the staff of the Office of the High Commissioner (E/CN.4/2001/100);

2. *Reiterates its support* of the statement of the High Commissioner to the Third Committee at the fifty-second session of the General Assembly, in which she expressed her willingness to ensure a good geographical balance and a sense of bringing together North and South in a joint commitment to human rights, in the process of filling key senior positions in the Office;

3. *Reaffirms* that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for recruiting the staff of the Organization, mindful of the criteria of equitable geographical distribution;

4. *Also reaffirms* General Assembly resolutions 49/222 A and B of 23 December 1994 and 20 July 1995, 51/226 of 3 April 1997 and 53/221 of 7 April 1999 on human resources management;

5. *Further reaffirms* section IX, paragraph 8, of General Assembly resolution 53/221, on human resources management, which reiterates the request to the Secretary-General to increase further his efforts to improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in all departments;

6. *Considers* that it is necessary, in the process of restructuring the Office of the United Nations High Commissioner for Human Rights, to take urgent, concrete and immediate action to change the currently prevailing geographical distribution of staff of the Office in favour of a more equitable distribution of posts, in accordance with Article 101 of the Charter, particularly by recruiting personnel from developing countries, including to key posts, and in this regard invites the High Commissioner to consider the establishment of a task force within her

Office with the mandate to work in cooperation with relevant components of the United Nations Secretariat in the recruitment and training of qualified personnel from developing countries for the staff of the Office;

7. *Requests* the Secretary-General to take the necessary measures to ensure that particular attention is paid to recruiting personnel from developing countries, in particular from unrepresented Member States, for the existing vacancies and for additional posts in the Office of the High Commissioner to ensure an equitable geographical distribution, giving particular priority in this regard to recruitment for high-level and Professional posts and to the recruitment of women;

8. *Requests once again* the Secretary-General, in signing agreements with countries as a result of which Junior Professional Officers are provided to the Office of the High Commissioner, to urge those countries to ensure the allocation of additional financial resources to guarantee that personnel from developing countries are able to work as Junior Professional Officers, with a view to conforming with the principle of equitable geographical distribution; furthermore, a permanent mechanism must be established, by virtue of which every Junior Professional Officer from a donor country who joins the Office will be matched by another Junior Professional Officer from a developing country;

9. *Emphasizes* the importance of openly advertising all posts, including ad hoc appointments for field operations, including the dissemination of detailed job descriptions among all States prior to the filling of those posts;

10. *Requests* the High Commissioner to ensure that Junior Professional Officers are not given sensitive political assignments where their impartiality may be questioned;

11. *Reaffirms* the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and requests the High Commissioner to continue to ensure that the fulfilment of her mandate and that of the Office is guided by these principles;

12. *Stresses* that the staff of the Office of the High Commissioner need to maintain their neutrality and fully respect the independence of the work of all mechanisms of the Commission and the treaty bodies, while providing support to their functioning;

13. *Requests* the High Commissioner to submit a comprehensive report on the implementation of the present resolution to the Commission at its fifty-eighth session, which should include:

(a) The composition of the staff of the Office, organized by the five United Nations regional groups established by the General Assembly (African States, Asian States, Latin American and Caribbean States, Western European and Other States and Eastern European States) and reflecting, *inter alia*, grade, nationality and gender, including with regard to non-regular staff;

(b) Measures adopted to improve the current situation and their results;

(c) Recommendations to improve the current situation;

14. *Draws the attention* of the General Assembly to the present resolution in the context of the consideration of the agenda item on human resources management;

15. *Decides* to consider this matter under the same agenda item at its fifty-eighth session.

ANNEX I

Staff of the Office of the United Nations High Commissioner for Human Rights

Geographical distribution (number of posts)

Regional groups	Posts subject to geographical distribution		Posts not subject to geographical distribution		Total	
	2000	2001	2000	2001	2000	2001
African States	11	10	25	21	36	31
Asian States	15	13	1	6	16	19
Latin American and Caribbean States	8	9	8	10	16	19
Eastern European States	5	5	1	6	6	11
Western European and Other States*	36	41	61	69	97	110
Total	75	78	96	112	171	190

* Includes Switzerland and Israel.

ANNEX II

Staff of the Office of the United Nations High Commissioner for Human Rights Geographical distribution (per cent)

Regional groups	Posts subject to geographical distribution		Posts not subject to geographical distribution		Total	
	2000	2001	2000	2001	2000	2001
African States	15	13	26	19	21	16
Asian States	20	17	1	5	9	10
Latin American and Caribbean States	11	11	8	9	9	10
Eastern European States	6	6	1	5	3	6
Western European and Other States*	48	53	63	62	56	58

* Includes Switzerland and Israel.

*79th meeting
25 April 2001*

[Adopted by a roll-call vote of 34 votes to 16,
with 2 abstentions. See chap. XVIII.]

2001/79. Regional arrangements for the promotion and protection of human rights

The Commission on Human Rights,

Recalling its resolution 1993/51 of 9 March 1993 and its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling also General Assembly resolution 32/127 of 16 December 1977 and its subsequent resolutions in this regard,

Bearing in mind the relevant resolutions of the Commission on Human Rights concerning advisory services and technical cooperation in the field of human rights, including its most recent on that subject, resolution 2000/80 of 26 April 2000,

Bearing also in mind the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights, which reiterates, *inter alia*, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling that the World Conference recommended that more resources should be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

Reaffirming that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, and their protection,

Noting the progress achieved so far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

Considering that cooperation between the United Nations and regional arrangements in the field of human rights continues to be both substantive and supportive and that possibilities exist for increased cooperation,

1. *Takes note with satisfaction* of the report of the Secretary-General on regional arrangements for the promotion and protection of human rights (E/CN.4/2001/97);
2. *Welcomes* the continuing cooperation and assistance of the Office of the United Nations High Commissioner 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 through technical cooperation which is aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;
3. *Also welcomes*, in that respect, the close cooperation of the Office of the High Commissioner in the organization of regional and subregional training courses and workshops in the field of human rights, high-level governmental expert meetings and regional conferences of national human rights institutions, aimed at creating greater understanding in the regions of issues concerning the promotion and protection of human rights, improving procedures and examining the various systems for the promotion and protection of universally accepted human rights standards, and identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;

4. *Recognizes*, therefore, that progress in promoting and protecting all human rights depends primarily on efforts made at the national and local levels and that the regional approach should imply intensive cooperation and coordination with all partners involved, while bearing in mind the importance of international cooperation;

5. *Stresses* the importance of the programme of technical cooperation in the field of human rights, renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations, under this programme, of 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, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with Governments of all regions;

6. *Welcomes* the growing exchanges between the United Nations and the bodies created by the United Nations in accordance with the treaties dealing with human rights, on the one hand, and regional intergovernmental organizations, such as the Council of Europe, the Organization for Security and Cooperation in Europe, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights, on the other;

7. *Also welcomes* the appointment by the High Commissioner of four human rights personalities to serve as regional advisers, who will play a significant role in the promotion of human rights and human rights advocacy through the design of strategies and the development of partnerships for human rights, facilitate coordination of human rights technical cooperation in the region and assist regional cooperation at large, for example among national institutions, parliamentary human rights bodies, bar associations and non-governmental organizations;

8. *Recalls* in this regard the positive experience of the regional presence in southern Africa, which will serve as guidance in the development of the regional approach of the Office of the High Commissioner for Human Rights;

9. *Notes with interest* the programme for Africa of the Office of the High Commissioner and the objective of strengthening cooperation between the Office and the Organization of African Unity with a view to reviewing, on a regular basis, needs in the area of human rights in the various subregions;

10. *Also notes with interest* the greater and valuable sharing of concrete national experiences at the Ninth Workshop on Regional Cooperation for the Promotion and Protection of

Human Rights in the Asian and Pacific Region on the implementation of the Tehran Framework for Technical Cooperation, which contributes to the promotion and protection of human rights in the region;

11. *Further notes with interest* the Quito Framework for Technical Cooperation in the Field of Human Rights as a basis for the regional strategy of the Office of the High Commissioner, aimed at strengthening national capacities for the promotion of human rights in Latin America and the Caribbean, and in this regard welcomes the establishment in Mexico City in November 2000 of a Regional Network of National Institutions;

12. *Welcomes* the continued cooperation between the Office of the High Commissioner and regional organizations in Europe and Central Asia, in particular the development, as a priority, of a regional approach to preventing trafficking in persons;

13. *Invites* States in areas in which regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to establishing, within their respective regions, suitable regional machinery for the promotion and protection of human rights;

14. *Requests* the Secretary-General, as foreseen in programme 19 (Human rights) of the medium-term plan for the period 1998-2001, to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to make available adequate resources from within the regular budget of technical cooperation to the activities of the Office of the High Commissioner to promote regional arrangements;

15. *Requests* the Office of the High Commissioner to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the various regions under the programme of technical cooperation and to make, where necessary, relevant recommendations;

16. *Invites* the Secretary-General, in the report he will present to the General Assembly at its fifty-seventh session, to provide information about the progress made since the adoption of the Vienna Declaration and Programme of Action on reinforcing the exchange of information and extending collaboration between the organs of the United Nations dealing with human rights and regional organizations in the field of the promotion and protection of human rights;

17. *Requests* the Secretary-General to submit to it at its fifty-ninth session a report on the state of regional arrangements for the promotion and protection of human rights, to formulate

concrete proposals and recommendations on ways and means to strengthen cooperation between United Nations and regional arrangements in the field of human rights and to include therein the results of action taken in pursuance of the present resolution;

18. *Decides* to consider this question further at its fifty-ninth session.

79th meeting
25 April 2001

[Adopted without a vote. See chap. XVIII.]

2001/80. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling the relevant resolutions of the General Assembly, notably resolution 48/134 of 20 December 1993, and its own resolutions concerning national institutions for the promotion and protection of human rights,

Welcoming the rapidly growing interest worldwide in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role such national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that it is the prerogative of each State to choose, for the establishment of a national institution, the legal framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards,

Recalling the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in which was reaffirmed the important and constructive role played by national human rights institutions and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Taking note of the Programme of Action (see A/CONF.157/NI/6) adopted by national institutions meeting in Vienna from 14 to 16 June 1993 during the World Conference on Human Rights, in which it was recommended that United Nations activities and programmes

should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee created by national institutions,

Welcoming also the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums, and noting in this regard the establishment, in November 2000, of the Network of National Human Rights Institutions of the Americas,

Noting the importance of appropriate participation by national institutions in United Nations meetings dealing with human rights,

1. *Reaffirms* the importance of the development of effective, independent, pluralistic national institutions for the promotion and protection of human rights in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights, annexed to General Assembly resolution 48/134 of 20 December 1993;

2. *Encourages* States to establish or, where they already exist, to strengthen such institutions, as outlined in the Vienna Declaration and Programme of Action;

3. *Recognizes* that national institutions have a potentially crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights and calls upon all States to ensure that all human rights are appropriately reflected in the mandate of their national human rights institutions when established;

4. *Welcomes* the decisions of a growing number of States to establish, or to consider establishing, such institutions, including the trend towards their establishment in developed countries;

5. *Takes note with satisfaction* of the efforts of those States that have provided their national institutions with more autonomy and independence, including through giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

6. *Recognizes* the important and constructive role that individuals, groups and organs of society can play for the better promotion and protection of human rights and encourages efforts by national institutions to establish partnerships and increase cooperation with civil society;

7. *Welcomes* the practice of national institutions which conform with the Principles relating to the status of national institutions for the promotion and protection of human rights of participating in an appropriate manner in their own right in meetings of the Commission on Human Rights and its subsidiary bodies;

8. *Also welcomes* the continuation of the practice of national institutions convening regional meetings in some regions and its initiation in others, and encourages national institutions in cooperation with the High Commissioner for Human Rights to organize similar events with Governments and non-governmental organizations in their own regions;

9. *Affirms* the important role of national human rights institutions, in cooperation with other mechanisms for the promotion and protection of human rights, in combating racial and related forms of discrimination and in the protection and promotion of the human rights of women and the rights of particularly vulnerable groups, including children and people with disabilities, and in this context:

(a) *Welcomes* the participation of national institutions in preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at the national, regional and global levels and urges them to participate actively in the Conference itself;

(b) *Welcomes* the participation by national institutions in the five-year review of the implementation of the Platform for Action adopted at the Fourth World Conference on Women;

(c) *Encourages* the involvement of national institutions in preparations at the national, regional and global levels for the General Assembly Special Session on Children;

10. *Reaffirms* the role of national institutions, where they exist, as appropriate agencies, *inter alia*, for the dissemination of human rights materials and other public information activities during the United Nations Decade for Human Rights Education (1995-2004);

11. *Commends* the United Nations High Commissioner for Human Rights for the priority accorded to the establishment and strengthening of national human rights institutions, including through technical cooperation, and calls upon her Office to continue to strengthen its coordinating role in this field and allocate the resources necessary for this work;

12. *Expresses its appreciation* to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions;

13. *Welcomes* the important role of the Coordinating Committee of national institutions, in close cooperation with the Office of the High Commissioner, in assessing conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights and in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

14. *Requests* the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee during the sessions of the Commission, under the auspices of, and in cooperation with, the Office of the High Commissioner;

15. *Also requests* the Secretary-General to continue to provide, from within existing resources and from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for international and regional meetings of national institutions;

16. *Requests* the Secretary-General to report to the Commission at its fifty-eighth session on the implementation of the present resolution;

17. *Decides* to continue its consideration of this question at its fifty-eighth session.

*79th meeting
25 April 2001*

[Adopted without a vote. See chap. XVIII.]

2001/81. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other relevant human rights instruments,

Recalling its resolution 2000/81 of 26 April 2000,

Bearing in mind the statement by the President of the Security Council on the situation in Somalia of 11 January 2001 (PRST/2001/1), the report of the Secretary-General on the situation in Somalia of 19 December 2000 (S/2000/1211), Security Council resolution 1265 (1999) of 17 December 1999 on the protection of civilians in armed conflict, the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict

situations (S/1998/883) and General Assembly resolution 54/192 of 17 December 1998 entitled “Safety and security of humanitarian personnel and protection of United Nations personnel”,

Recalling Security Council resolution 751 (1992) of 24 April 1992 on the situation in Somalia,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

Noting with appreciation the efforts made by the United Nations, the Organization of African Unity, the League of Arab States, the European Union, the Organization of the Islamic Conference, the Movement of Non-Aligned Countries, the countries of the Intergovernmental Authority on Development and the Intergovernmental Authority Partners’ Forum in favour of peace,

Expressing satisfaction that the people of the northern regions of Somalia, despite all difficulties, continue to enjoy relative peace and stability, as well as the provision of basic services,

Considering that the people of Somalia should not be abandoned by the international community and that human rights should be placed on the agenda of talks regarding the future of Somalia,

Commending the initiative taken by the President of the Republic of Djibouti to promote peace and national reconciliation in Somalia by convening the Arta Conference, which has led to the establishment of the Transitional National Government and the Transitional National Assembly, and noting with appreciation the impetus provided to the national reconciliation process by the Intergovernmental Authority on Development,

Commending the work done by Somali civil society groups and non-governmental organizations, including humanitarian organizations, in the humanitarian field in their efforts to promote and protect human rights,

Noting with concern that some parties in Somalia, including the self-administering areas of “Somaliland” and “Puntland” and some armed movements, have not participated so far in the national reconciliation process based on the Arta Conference,

Noting also with concern that the humanitarian and security situation remains fragile in several parts of Somalia, including Mogadishu,

Recognizing the massive challenges facing Somalia with respect to immediate assistance as well as reconstruction and development,

Underlining that the peace process in Somalia must continue and be completed through dialogue and not by resorting to the use of force,

Acknowledging the note by the Secretariat on the situation of human rights in Somalia (E/CN.4/2001/105),

1. *Welcomes:*

(a) The establishment of the Transitional National Government and the Transitional National Assembly as an outcome of the Arta Peace Conference, which constitutes a major achievement in the Somali peace process;

(b) The support given by the Office of the United Nations High Commissioner for Human Rights through the appointment of the human rights officer for Somalia based in Nairobi in the framework of the office of the United Nations Resident Humanitarian Coordinator for Somalia and expresses the hope that he will be able to continue to give meaningful assistance to the Somali people through the fulfilment of his mandate;

(c) The integration by a number of United Nations agencies of human rights issues in their programmes;

(d) The invitation by the Security Council to the Secretary-General to prepare a proposal for a peace-building mission in Somalia when the security situation allows it and to put in place a trust fund for its realization;

2. *Underlines* the need for human rights to be an integral part of a future United Nations peace-building mission in Somalia;

3. *Expresses the hope* that the Transitional National Government and the Transitional National Assembly will contribute to the restoration of the State, to the preservation of national unity and to the territorial integrity of the country through the process of national reconciliation;

4. *Expresses deep concern* at reported cases of rape, arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence, in particular against women and children, and at the absence of an effective judicial system, essential to ensure the right to a fair trial in accordance with international standards, and takes note of the need for appropriate investigation throughout Somalia in order to bring perpetrators to justice;

5. *Condemns:*

(a) The ongoing widespread violations and abuses of human rights and humanitarian law, in particular against minorities, women and children, as well as the forced displacement of civilians;

(b) All violations of international humanitarian law, including the forced or compulsory recruitment of children for use in armed conflict and the use of these children in armed conflict by the militias;

(c) All acts of violence such as hostage-taking, abduction and murder, particularly of humanitarian relief workers and of United Nations agency personnel, particularly the recent abduction in Mogadishu of United Nations personnel and non-governmental organization humanitarian relief workers by militia belonging to armed movements;

6. *Strongly urges* the Transitional National Government, the Transitional National Assembly, and all parties and administrations of Somalia:

(a) To create the environment that would bring into the reconciliation process those that did not participate in the Arta Conference, with the objective of widening and deepening the process of national reconciliation;

(b) To respect human rights and international humanitarian standards as set out in international instruments, in particular those pertaining to internal armed conflicts;

(c) To support the re-establishment of the rule of law throughout the country, in particular by applying internationally accepted criminal justice standards;

(d) To protect and facilitate the work of United Nations personnel, humanitarian relief workers and representatives of non-governmental organizations and of the international media, and to guarantee all persons involved in humanitarian action, freedom of movement throughout the country and safe and unhindered access to civilians in need of protection and humanitarian assistance;

7. *Calls upon:*

(a) The Transitional National Government and the Transitional National Assembly to continue, in a spirit of constructive dialogue, the process of engaging all groups in the country, including the north-eastern and north-western self-administering areas (“Somaliland” and “Puntland”), with a view to completing the process of national reconciliation and preparing for the installation of permanent governance arrangements through the democratic process;

(b) The authorities of the self-administering areas of “Somaliland” and “Puntland” to establish constructive relations with the institutions which are emerging from the Arta process;

(c) All groups, in particular armed movements, to support and participate in the demobilization efforts undertaken by the Transitional National Government and the Transitional National Assembly;

(d) All States to refrain from any military intervention in the internal situation in Somalia and to abide by the arms embargo;

(e) Subregional, regional and international organizations and concerned countries to continue to intensify the coordinated efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

(f) Individual donor countries, international organizations and non-governmental organizations further to incorporate human rights principles and objectives in the humanitarian and development work they carry out in Somalia and to cooperate with the future independent expert;

(g) The international community to continue to provide increased assistance in response to the United Nations appeals for relief, rehabilitation and reconstruction efforts in all regions of Somalia, including those aimed at the strengthening of civil society, encouraging governance and the re-establishment of the rule of law, and to support the activities of the Office of the United Nations High Commissioner for Human Rights concerning Somalia;

(h) All States having information about violations of the provisions of Security Council resolution 733 (1992) of 23 January 1992 concerning a mandatory arms embargo against Somalia to provide this information to the Committee on Somalia of the Security Council created pursuant to resolution 751 (1992) with a view to supporting the work of the Committee;

(i) The United Nations, its Member States and specialized agencies, non-governmental organizations and the Bretton Woods institutions to assist the Transitional National Government, the Transitional National Assembly and the regions which have established peace and stability through self-administration in addressing the massive challenges facing Somalia with respect to reconstruction and development and the immediate need for urgent assistance, particularly in the area of human rights, demobilization (with special attention to combating HIV/AIDS and other communicable diseases), disarmament and rehabilitation of basic infrastructure;

8. *Commends* the work carried out by the former independent expert and calls upon the Secretary-General to appoint a new independent expert;

9. *Invites* Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

10. *Requests* the High Commissioner for Human Rights to provide for the translation of the present resolution, accompanied by an appropriate background explanatory note, into the Somali language and for its wide dissemination within the country through the human rights officer for Somalia based in Nairobi;

11. *Decides*:

(a) To extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and requests the future independent expert to report to the Commission on Human Rights at its fifty-eighth session;

(b) To request the Secretary-General to continue to provide the future independent expert also with all necessary assistance in carrying out his/her mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner in providing advisory services and technical assistance;

(c) To continue its consideration of this question at its fifty-eighth session under the same agenda item.

*79th meeting
25 April 2001*

[Adopted without a vote. See chap. XIX.]

2001/82. Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991, including Part III thereof, relating to human rights,

Bearing in mind its resolution 2000/79 of 26 April 2000, General Assembly resolution 55/95 of 4 December 2000 and previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to assure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Desiring that the international community continue to respond positively to assist efforts to investigate the tragic history of Cambodia, including responsibility for past international crimes, such as acts of genocide and crimes against humanity during the regime of Democratic Kampuchea from 1975 to 1979,

Bearing in mind the request in June 1997 by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, the letter dated 15 March 1999 from the Secretary-General to the President of the General Assembly and the President of the Security Council (A/53/850-S/1999/231) and the report of the Group of Experts appointed by the Secretary-General annexed thereto, and the discussions held between the Government of Cambodia and the United Nations Secretariat on standards and procedures for bringing to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights in the years 1975-1979,

Recognizing the legitimate concern of the Government and people of Cambodia in the pursuit of internationally accepted principles of justice and of national reconciliation,

Recognizing also that accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia,

I. SUPPORT OF AND COOPERATION WITH THE UNITED NATIONS

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Welcomes* the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (E/CN.4/2001/102);

3. *Also welcomes* the report of the Special Representative of the Secretary-General for human rights in Cambodia (E/CN.4/2001/103), commends the Government of Cambodia for its openness and spirit of cooperation during the visits of the Special Representative and encourages the Government to continue its cooperation at all levels of government, and supports the Special Representative's appeal to increase international assistance to Cambodia and to continue working towards the reduction of poverty;

4. *Requests* the Government of Cambodia and the Office of the United Nations High Commissioner for Human Rights to sign without further delay the memorandum of understanding for the extension of the agreement for the implementation of the mandate of the office in Cambodia after March 2000, notes with regret the delays thus far encountered in the process, and encourages the Government of Cambodia to continue to cooperate with the office;

5. *Notes with appreciation* the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office of the High Commissioner in Cambodia, as defined in resolutions of the General Assembly and the Commission, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing to the Trust Fund;

II. ADMINISTRATIVE, LEGISLATIVE AND JUDICIAL REFORM

6. *Notes with concern* the continued problems related to the rule of law and the functioning of the judiciary, *inter alia*, of corruption, including interference by the executive with the independence of the judiciary, welcomes the Government's continued commitment to reform the judiciary, commends its current efforts to prepare the laws and codes that are essential components of the basic legal framework, and urges the Government to continue to take the necessary measures to promote the independence and impartiality of the Supreme Council of the Magistracy and the judicial system as a whole;

7. *Urges* the Government of Cambodia to continue to take the necessary measures to develop an independent, impartial and effective judicial system, including through the early adoption of the draft statute on magistrates, a penal code, a code on criminal procedures, a new

civil code and a code of civil procedure, the reform of the administration of justice and enhancing the training of judges and lawyers, and appeals to the international community to assist the Government to this end;

8. *Welcomes* the adoption of the Governance Action Plan by the Government of Cambodia, encourages its early implementation, and appeals to the international community to assist the Government in its efforts to implement the plan;

9. *Expresses serious concern* about the continuing situation of impunity in Cambodia, recognizes the commitment and efforts of the Government of Cambodia to respond to this problem, calls upon the Government of Cambodia to take further measures, as a matter of critical priority, to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights, and encourages the international community to provide means, such as technical assistance or expertise, to help the Government meet its own commitments to bring perpetrators to justice more effectively;

10. *Notes with interest* the efforts by the Government of Cambodia with regard to the review and the stated commitment to the downsizing of the police and the military, welcomes the adoption of the White Paper on National Defence, encourages the Government to implement it and to continue carrying out effective reform, including continued downsizing, aimed at professional and impartial police and military forces, and invites the international community to continue to assist the Government to this end;

11. *Welcomes* the enactment of the Law on the Administration of the Commune/Sangkat and the Law on the Election of the Commune/Sangkat Council, recognizes and stresses the importance of independent and transparent functioning of the National Election Committee, urges the Government of Cambodia to conduct free and fair communal elections, which are scheduled for 3 February 2002, and encourages the international community to assist the Government to this end;

12. *Notes with serious concern* the prison conditions in Cambodia, notes with interest some important efforts to improve the prison system, recommends the continuation of international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take further measures to improve prison conditions, especially with regard to solving the problem of overcrowding, providing the minimum standard of food and health care and meeting the special needs of women and children, including through

strengthening of the coordinating role of the Prison Health Department with the Ministry of Health, provincial authorities and non-governmental organizations working in this field;

III. HUMAN RIGHTS VIOLATIONS AND VIOLENCE

13. *Expresses grave concern* about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights and forced evictions, as well as the apparent lack of protection from mob killings as described in the report of the Special Representative, and notes some progress made by the Government of Cambodia in addressing these issues;

14. *Notes with concern* the continued reports of violence and intimidation related to political activity as described in the report of the Special Representative, welcomes the investigations by the Cambodian authorities into some cases of violence and urges the Government to undertake further investigations, in line with its stated commitments, and to take appropriate measures to prevent violence and intimidation related to political activity in the future, particularly in the run-up to the communal elections;

15. *Urges* an end to racial violence against and vilification of ethnic minorities, including the ethnic Vietnamese, and also urges the Government of Cambodia to take all steps to prevent such violence, as well as to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination, *inter alia* by seeking technical assistance;

IV. THE KHMER ROUGE TRIBUNAL

16. *Reaffirms* that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, welcomes the final collapse of the Khmer Rouge, which has paved the way for the restoration of peace, stability and national reconciliation in Cambodia and the investigation and prosecution of the leaders of the Khmer Rouge, and notes with interest the steps taken by the Government of Cambodia in bringing to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights;

17. *Welcomes* the progress towards the adoption by the Parliament of a draft law on the establishment of extraordinary chambers in the courts of Cambodia for the prosecution of crimes committed during the period of Democratic Kampuchea, urges the Government of Cambodia to complete the remaining necessary procedures without delay to enable the extraordinary chambers to be established and start functioning, appeals strongly to the

Government to ensure that the Khmer Rouge leaders are brought to account in accordance with international standards of justice, fairness and due process of law, encourages the Government to continue to cooperate with the United Nations on this issue, and welcomes the efforts of the Secretariat and the international community in assisting the Government to this end;

V. LABOUR RIGHTS, AND PROTECTION OF WOMEN AND CHILDREN

18. *Welcomes* the creation of an inter-ministerial commission to receive labour complaints and the steps taken by the Government of Cambodia to establish a labour monitoring team, and notes with interest the training programmes on the Cambodian Labour Code and labour rights for government labour inspectors;

19. *Also welcomes* the progress made under the five-year action plan by the Government of Cambodia, in particular by the Ministry of Women's and Veteran's Affairs, to improve the status of women, and urges the Government of Cambodia to continue to take appropriate measures to eliminate all forms of discrimination against women, to combat violence against women in all its forms, *inter alia*, trafficking and sexual exploitation, and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women, including by seeking technical assistance;

20. *Requests* the Government of Cambodia to continue to address the problems of trafficking and sexual exploitation of children, to improve their health conditions and access to education, to provide and promote free and accessible birth registration and to establish an adequate juvenile justice system, commends the efforts of the Cambodian National Council for Children in preparing a workshop to follow up the concluding observations of the Committee on the Rights of the Child, and invites the international community to continue to assist the Government to this end;

21. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to ensure adequate health and safety conditions for children and to outlaw, in particular, the worst forms of child labour, invites the International Labour Organization to continue to extend the necessary assistance in this regard, and encourages the Government of Cambodia to consider ratifying the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No.182) of the International Labour Organization;

VI. ENHANCEMENT OF HUMAN RIGHTS

22. *Recognizes* the importance of human rights education and training in Cambodia, commends the efforts of the Government of Cambodia, the Office of the United Nations High Commissioner for Human Rights and civil society in this field, encourages further strengthening and wider dissemination of these programmes, and invites the international community to continue to assist these efforts;

23. *Commends* the vital and valuable role played by non-governmental organizations in Cambodia, *inter alia* in the development of civil society, and encourages the Government of Cambodia to ensure the protection of those human rights organizations and their members and to continue to work closely and cooperatively with non-governmental organizations in efforts to strengthen and uphold human rights in Cambodia, particularly in the run-up to the communal elections;

24. *Notes with interest* the activities undertaken by the governmental Cambodian Human Rights Committee, the National Assembly Commission on Human Rights and Reception of Complaints and the Senate Commission on Human Rights and Reception of Complaints, and stresses the importance of further promoting trust in those institutions;

25. *Encourages* the Government of Cambodia in its efforts for the establishment of an independent national mechanism for the promotion and protection of human rights, which should be based on the Principles relating to the status of national institutions for the promotion and protection of human rights, known as the Paris Principles, working in close cooperation with civil society, and requests the Office of the High Commissioner to continue to provide advice and technical assistance in these efforts;

26. *Requests* the Government of Cambodia to follow up the recommendations made by the international human rights treaty bodies regarding the reports submitted by the Government of Cambodia, calls upon the Government to meet its reporting obligations under all international human rights instruments to which Cambodia is a party, and requests the office of the United Nations High Commissioner for Human Rights in Cambodia to continue to provide assistance in this regard;

VII. LANDMINES AND SMALL ARMS

27. *Expresses grave concern* at the devastating consequences and destabilizing effects of the use of anti-personnel landmines on Cambodian society, encourages the Government of

Cambodia to continue its support and efforts for the removal of those mines and for victim assistance and mine awareness programmes, and commends donor countries and other actors of the international community for their contributions and assistance to mine action;

28. *Expresses concern* about the large number of small arms in society, commends the efforts of the Government of Cambodia, with the cooperation of the international community, to control their spread and reduce their number in society, and encourages the Government to cooperate in regional initiatives and United Nations efforts to reduce the circulation of illicit small arms;

VIII. CONCLUSION

29. *Requests* the Secretary-General to report to the Commission at its fifty-eighth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

30. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifty-eighth session under the agenda item entitled “Advisory services and technical cooperation in the field of human rights”.

*79th meeting
25 April 2001*

[Adopted without a vote. See chap. XIX.]
