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

Draft report of the Commission

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CONTENTS*

<i>Chapter</i>	<i>Page</i>
II. Resolutions and decisions adopted by the Commission at its fifty-ninth Session	
A. <i>Resolutions</i>	
2003/68. Protection of human rights and fundamental freedoms while countering terrorism	
2003/69. Human rights and bioethics	

* Documents E/CN.4/2003/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/2003/L.11 and addenda.

CONTENTS (*continued*)

<i>Chapter</i>	<i>Page</i>
II. A. <i>Resolutions (continued)</i>	
2003/70. United Nations Decade for Human Rights Education	
2003/71. Human rights and the environment as part of sustainable development	
2003/72. Impunity	
2003/73. Regional cooperation for the promotion and protection of human rights in the Asian and Pacific Region	
2003/74. Composition of the staff of the Office of the United Nations High Commissioner for Human Rights	
2003/75. Regional arrangements for the promotion and protection of human rights	
2003/76. National institutions for the promotion and protection of human rights	
2003/77. Situation of human rights in Afghanistan	
2003/78. Assistance to Somalia in the field of human rights	
2003/79. Situation of human rights in Cambodia	
2003/80. Situation of human rights in Sierra Leone	
2003/81. Technical cooperation and advisory services in Chad	
2003/82. Technical cooperation and advisory services in Liberia	

2003/68. Protection of human rights and fundamental freedoms while countering terrorism

The Commission on Human Rights,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Recalling that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Recalling also the relevant resolutions of the General Assembly and the Security Council on measures to eliminate international terrorism,

Recalling further General Assembly resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

Reiterating paragraph 17 of section I of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, which states that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Noting General Assembly resolutions 56/160 of 19 December 2001 and its own resolution 2002/35 of 22 April 2002, on human rights and terrorism,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism, in all their forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Stressing that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights, certain rights are recognized as non-derogable in any circumstances and that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations,

Taking note of General Comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001,

1. *Welcomes* General Assembly resolution 57/219 of 18 December 2002;
2. *Takes note* of the report of the Secretary-General submitted pursuant to General Assembly resolution 57/219 (E/CN.4/2003/120) and welcomes its conclusions on the necessity of ensuring respect for human rights in the international campaign to eliminate the practice and threat of terrorism and on the important dual role that the United Nations has in promoting the maintenance of international peace and security while also seeking to achieve international cooperation in encouraging respect for the human rights and fundamental freedoms of all;
3. *Affirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;
4. *Invites* the United Nations High Commissioner for Human Rights and the Human Rights Committee to continue the important dialogues they have established with the Counter-Terrorism Committee of the Security Council and to further their mutual cooperation;
5. *Request* all relevant special procedures and mechanisms of the Commission on Human Rights, as well as the United Nations human rights treaty bodies, to consider, within their mandates, the protection of human rights and fundamental freedoms in the context of measures to combat terrorism;
6. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission on Human Rights and the relevant comments and views of United Nations human rights treaty bodies;

7. *Requests* the High Commissioner for Human Rights, making use of existing mechanisms:

(a) To continue to examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

(b) To continue to make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

(c) To continue to provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

8. *Requests* the High Commissioner for Human Rights to submit a report on the implementation of the present resolution to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session.

*62nd meeting
25 April 2003*

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

2003/69. Human rights and bioethics

The Commission on Human Rights,

Recalling that, according to the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, 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,

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

Recalling the right of everyone, as recognized in article 15 of the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific progress and its applications, and recalling article 7 of the International Covenant on Civil and Political Rights, which states that no one shall be subjected without his free consent to medical or scientific experimentation,

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 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,

Affirming 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 that article 10 of the Declaration affirms, inter alia, 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,

Welcoming resolution 22 adopted on 2 November 2001 at the 31st General Conference of the United Nations Educational, Scientific and Cultural Organization inviting the Director-General to submit to the General Conference at its 32nd session in 2003 the technical and legal studies undertaken regarding the possibility of elaborating universal norms on bioethics,

Recalling its resolutions 1991/45 of 5 March 1991, 1993/91 of 10 March 1993, 1997/71 of 16 April 1997, 1999/63 of 28 April 1999 and 2001/71 of 25 April 2001,

Referring to the United Nations Millennium Declaration in which Heads of State and Government resolved 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 the Promotion and Protection of Human Rights regarding this question,

Recalling the adoption by the Committee 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 any misuse of their applications,

Rejecting strongly any doctrine of racial superiority, along with theories which attempt to determine the existence of so-called distinct human races,

1. *Takes note* of the report of the Secretary-General (E/CN.4/2003/98 and Add.1);
2. *Expresses its appreciation* to the Governments that have responded to the request for information formulated by the Commission in its resolution 2001/71 of 25 April 2001 and invites the Governments which have not yet responded to do so;
3. *Invites* the United Nations High Commissioner for Human Rights to participate, within his area of competence, in the discussion on questions relating to human rights and bioethics;
4. *Welcomes* the initiative of the members of the United Nations Educational, Scientific and Cultural Organization to prepare an international declaration on human genetic data and calls upon Member States to cooperate fully in the finalization of a text;
5. *Urges* States to take measures for the protection and confidentiality of personal genetic data concerning persons living or dead; in order to protect human rights and fundamental freedoms, limitations to the principles of consent and confidentiality may only be prescribed by law, for compelling reasons within the bounds of public international law and international human rights law;
6. *Calls upon* States that have not yet done so to address the issue of discrimination arising from the application of genetics, in order to protect human rights, fundamental freedoms and dignity;
7. *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, and to the need to safeguard the human rights, the dignity and the identity of the individual;
8. *Encourages* States to participate in the discussions of the working group of the Sixth Committee, to be held from 29 September to 3 October 2003 during the fifty-eighth session of the General Assembly under the agenda item "International convention against the reproductive cloning of human beings";

9. *Reaffirms* the importance of receiving information 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 and to make these reports available to Governments;

10. *Invites* Governments that have not yet done so 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;

11. *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 sixty-first session;

12. *Requests* the Secretary-General to submit a report based on these contributions for consideration by the Commission at its sixty-first session.

62nd meeting

25 April 2003

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

2003/70. United Nations Decade for Human Rights Education

The Commission on Human Rights,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

Recalling the provisions of other international human rights instruments, including article 13 of the International Covenant on Economic, Social and Cultural Rights and article 29 of the Convention on the Rights of the Child, which reflect the aims of the aforementioned article,

Taking into account its resolution 1993/56 of 9 March 1993, in which the Commission recommended that knowledge of human rights, both in its theoretical dimension and in its practical application, should be established as a priority in education policies,

Believing that every woman, man and child, to realize their full human potential, must be made aware of all their human rights, civil, cultural, economic, political and social,

Believing also that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and ensuring equal opportunities through the promotion and protection of the human rights of women,

Convinced that human rights education should involve more than the provision of information and should constitute a comprehensive lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that human rights education and information contribute to a concept of development consistent with the dignity of women and men of all ages which takes into account particularly vulnerable segments of society such as children, youth, older persons, indigenous people, minorities, rural and urban poor, migrant workers, refugees, persons with human immunodeficiency virus/acquired immunodeficiency syndrome and disabled persons,

Recognizing the role of education in constructing a culture of peace, in particular the teaching of the practice of non-violence, which will promote the purposes and principles embodied in the Charter of the United Nations,

Recognizing that human rights education and learning is an instrument for conflict prevention and the prevention of human rights violations, as well as a contribution to peaceful post-conflict transformation and consolidation, and is thus a key factor for achieving human security,

Affirming that human rights education is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies, and that such education is a determining factor in the promotion, dissemination and protection of the democratic values of justice and equity, which are essential to prevent and combat the spread of racism, racial discrimination, xenophobia and related intolerance, as was recognized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,

Bearing in mind the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in particular Part II, paragraphs 78 to 82 thereof,

Recalling the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Recalling also General Assembly resolution 49/184 of 23 December 1994, in which the Assembly proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade (A/51/506/Add.1, appendix) and requested the High Commissioner to coordinate the implementation of the Plan of Action,

Noting General Assembly resolutions 57/206 and 57/212 of 18 December 2002 in which the Assembly invited all Governments to reaffirm their commitments and obligations to develop national strategies for human rights education which are comprehensive, participatory and effective and which can be embodied in a national plan of action for human rights education, and invited the United Nations, intergovernmental organizations, the United Nations Educational, Scientific and Cultural Organization and other relevant intergovernmental organizations to adopt a system-wide approach to the United Nations Decade for Human Rights Education, 1995-2004,

Welcoming the efforts to promote human rights education made by educators and non-governmental organizations in all parts of the world, as well as by intergovernmental organizations, including the Office of the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, the United Nations Children's Fund and the United Nations Development Programme,

Recognizing the invaluable and creative role that non-governmental and community-based organizations play in the promotion and protection of human rights by disseminating public information and engaging in human rights education, especially at the grass-roots level and in remote and rural communities,

Noting with appreciation the efforts undertaken so far by the Office of the High Commissioner to increase information-sharing in the area of human rights education through the development of a database and resource collection on human rights education and to disseminate human rights information through its web site and its publications and external relations programmes,

Welcoming the initiative of the Office of the High Commissioner to develop further the project entitled “Assisting Communities Together”, launched in 1998, supported by voluntary funds and designed to provide small grants to grass-roots and local organizations carrying out practical human rights activities,

Recognizing the value of information and communications technologies in human rights education to promote dialogue and understanding of human rights and, in that context welcoming, inter alia, the “CyberSchoolBus” and the United Nations Children’s Fund “Voices of Youth” initiatives,

Recalling the mid-term global evaluation of progress made towards the achievement of the objectives of the Decade undertaken by the Office of the High Commissioner, in cooperation with all other principal actors in the Decade, which was presented in the relevant report of the High Commissioner to the General Assembly at its fifty-fifth session (A/55/360),

1. *Takes note with appreciation* of the report of the High Commissioner on the implementation of the Plan of Action of the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/100), as requested in paragraph 18 of Commission resolution 2002/74;

2. *Welcomes* the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004, as indicated in the report of the High Commissioner;

3. *Takes note with appreciation* also of the study of the High Commissioner on the study on the follow-up to the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/101), as requested at paragraph 17 of Commission resolution 2002/74;

4. *Urges* all Governments to contribute further to the implementation of the Plan of Action, in particular by:

(a) Encouraging the establishment, in accordance with national conditions, of broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, taking into consideration the recommendations of the mid-term global evaluation of the Decade and the guidelines for national plans of action for human rights education developed by the Office of the High Commissioner;

(b) Encouraging, supporting and involving national and local non-governmental and community-based organizations in the implementation of their national plans of action;

(c) Initiating and developing cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance, and supporting and implementing public information campaigns and specific training programmes in the field of human rights, as emphasized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

5. *Encourages* Governments to consider, within their national plans of action for human rights education:

(a) The establishment of public access human rights resource and training centres capable of engaging in research, including the gender-sensitive training of trainers;

(b) The preparation, collection, translation and dissemination of human rights education and training materials;

(c) The organization of courses, conferences, workshops and public information campaigns and assistance in the implementation of internationally sponsored technical cooperation projects for human rights education and public information;

6. *Urges* States to intensify their efforts in the field of education, including human rights education, in order to promote an understanding and awareness of the causes, consequences and evils of racism, racial discrimination, xenophobia and related intolerance, and also urges States, in consultation with educational authorities and the private sector, as appropriate, and encourages educational authorities and the private sector, as appropriate, to develop educational materials, including textbooks and dictionaries, aimed at combating those

phenomena and, in this context, calls upon States to give importance, if appropriate, to textbook and curriculum review and amendment, so as to eliminate any elements that might promote racism, racial discrimination, xenophobia and related intolerance or reinforce negative stereotypes, and to include material that refutes such stereotypes;

7. *Encourages* the appropriate authorities to provide education, in children's schools, that includes lessons in mutual understanding, tolerance, active citizenship, human rights and the promotion of a culture of peace;

8. *Encourages* States, where national public access human rights resource and training centres exist, to strengthen their capacity to support human rights education and public information programmes at the international, regional, national and local levels;

9. *Encourages* Governments to support further, through voluntary contributions, the education and public information efforts undertaken by the Office of the High Commissioner within the framework of the Plan of Action;

10. *Encourages* the Office of the High Commissioner to continue to support national capacities for human rights education and information through its technical cooperation programme in the field of human rights, including the organization of training courses and peer education initiatives and the development of targeted training materials for professional audiences, as well as the dissemination of human rights information materials as a component of technical cooperation projects, to develop further its database and resource collection on human rights education and to continue to monitor developments in human rights education;

11. *Requests* the Office of the High Commissioner to continue the implementation of and to expand the "Assisting Communities Together" project and to consider other appropriate ways and means to support human rights education activities, including those undertaken by non-governmental organizations;

12. *Invites* the specialized agencies and relevant United Nations programmes and funds to continue to contribute, within their respective spheres of competence, to the implementation of the Plan of Action and the World Public Information Campaign and to cooperate and coordinate with each other and with the Office of the High Commissioner in that regard;

13. *Encourages* the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, including the Office of the

United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees, to provide training in human rights for all United Nations personnel and officials;

14. *Requests* the human rights treaty bodies, when examining reports of States parties, to place emphasis on the obligations of States parties in the area of human rights education and to reflect that emphasis in their concluding observations;

15. *Requests* all relevant mechanisms of the Commission, i.e. working groups and special rapporteurs, representatives or experts, to include systematically in their reports a specific section on human rights education, as relevant to their mandate, as well as to include human rights education as an item on the agenda of their annual meetings, with a view to strengthening their contribution to human rights education;

16. *Encourages* Governments, regional organizations and intergovernmental and non-governmental organizations to explore the potential support and contribution to human rights education of all relevant partners, including the private sector, development, trade and financial institutions and the media, and to seek their cooperation in the development of human rights education strategies;

17. *Invites* the International Telecommunication Union to include the contribution of information technology to human rights education in the preparatory process of the World Summit on the Information Society, as well as at the Summit itself, to be convened in Geneva in December 2003;

18. *Encourages* international and regional organizations to develop strategies for the wider distribution of materials on human rights education through regional networks and to develop region-specific programmes to maximize the participation of national entities, whether governmental or non-governmental, in programmes on human rights education;

19. *Requests* the Office of the High Commissioner to consult with all Member States and to report to the Commission at its sixtieth session on the establishment of a voluntary fund for human rights education, as envisaged in paragraph 51 of the Plan of Action for the Decade, to be funded by private and public entities, to be established by the Secretary-General before the end of the Decade (2004) and to be administered by the Office of the High Commissioner in accordance with the financial regulations and rules of the United Nations;

20. *Also requests* the Office of the High Commissioner to enhance cooperation with the United Nations Educational, Scientific and Cultural Organization;

21. *Further requests* the Office of the High Commissioner jointly with the United Nations Educational, Scientific and Cultural Organization to consult with all Member States on the achievements and shortcomings of the current United Nations Decade for Human Rights Education (1995-2004), taking into consideration the views of the international community already reflected in the Decade mid-term evaluation report (A/55/360) and the report of the United Nations High Commissioner for Human Rights on recent activities undertaken in the framework of the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/100), and to report to the Commission at its next session;

22. *Invites* the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization to consider devoting to this issue a segment of all relevant regional and subregional meetings planned from the present to the next session for the Commission;

23. *Requests* the High Commissioner to bring the present resolution to the attention of all members of the international community and of intergovernmental and non-governmental organizations concerned with human rights education and public information and to report to the Commission at its sixtieth session on progress made towards its implementation.

62nd meeting
25 April 2003

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

2003/71. Human rights and the environment as part of sustainable development

The Commission on Human Rights,

Welcoming the Johannesburg Declaration on Sustainable Development (A/CONF.199/20, chap. I, resolution 1) and the Plan of Implementation of the World Summit on Sustainable Development (A/CONF.199/20, chap. I, resolution 2),

Reaffirming the Stockholm Declaration of 1972 and the Rio Declaration on Environment and Development (A/CONF.151/26, vol. I and Corr.1, resolution 1 and annex I) and Agenda 21 (ibid., annex II), adopted on 14 June 1992 by the United Nations Conference on Environment and Development,

Recalling its resolutions 1994/65 of 9 March 1994, 1995/14 of 24 February 1995, 1996/13 of 11 April 1996 and 2002/75 of 25 April 2002 and its decisions 1993/114 of 10 March 1993, 1997/102 of 3 April 1997, 2001/111 of 25 April 2001,

Taking note of the reports submitted to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities by its Special Rapporteur on human rights and the environment (E/CN.4/Sub.2/1992/7 and Add.1, E/CN.4/Sub.2/1993/7 and E/CN.4/Sub.2/1994/9 and Corr.1),

Bearing in mind the goals and targets of the Millennium Declaration and the United Nations overarching agenda, including poverty eradication, human rights, sustainable development and peace-building,

Taking note of the Global Judges Symposium on Sustainable Development and the Role of Law sponsored by the United Nations Environment Programme and held in Johannesburg from 18 to 20 August 2002,

Conscious of the mandate of the Commission on Sustainable Development to promote the implementation of Agenda 21 and the follow-up to the World Summit on Sustainable Development, as well as of the important work undertaken on environment issues by the United Nations Environment Programme and other relevant forums,

Welcoming the ongoing efforts for the implementation of principle 10 of the Rio Declaration, and noting the entry into force of the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention) as well as other initiatives such as the Sofia Guidelines of the Economic Commission for Europe, the Public Participation Strategy of the Organization of American States, the First International Conference on Public Participation of the Asia-Europe Meeting (ASEM) and its follow-up by the United Nations Economic and Social Commission for Asia and the Pacific, the New Partnership for Africa's Development and the decision of the Governing Council of the United Nations Environment Programme of 10 February 2003,

Considering that protection of the environment and sustainable development can also contribute to human well-being and potentially to the enjoyment of human rights,

Recalling that everyone has the right to enjoy the benefits of scientific progress and its applications, as reflected in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights,

1. *Reaffirms* that peace, security, stability and respect for human rights and fundamental freedoms, including the right to development, as well as respect for cultural

diversity are essential for achieving sustainable development and ensuring that sustainable development benefits all, as set forth in the Plan of Implementation of the World Summit on Sustainable Development;

2. *Recalls* that environmental damage can have potentially negative effects on the enjoyment of some human rights;

3. *Recalls* the extensive work, reports and resolutions adopted by the Commission on Human Rights on issues relevant to environmental protection and sustainable development and brings them to the attention of all concerned bodies and institutions;

4. *Reaffirms* that everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms and calls upon States to take all necessary measures to protect the legitimate exercise of everyone's human rights when promoting environmental protection and sustainable development;

5. *Stresses* the importance for States, when developing their environmental policies, to take into account how environmental degradation may affect disadvantaged members of society, including individuals and groups of individuals who are victims of or subject to racism, as reflected in the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

6. *Encourages* all efforts towards the implementation of the principles of the Rio Declaration, in particular principle 10, in order to contribute, inter alia, to effective access to judicial and administrative proceedings, including redress and remedy;

7. *Reaffirms* that good governance within each country and at the international level is essential for sustainable development;

8. *Welcomes* the Ministerial Declaration adopted on 23 March 2003 on the occasion of the Third World Water Forum, held in Kyoto, Japan, which points out the importance of good governance with a stronger focus on household and neighbourhood community-based approaches by addressing equity in sharing benefits, with due regard to pro-poor and gender perspectives in water policies, and notes that the Declaration calls for promoting the participation of all stakeholders and ensuring transparency and accountability in all actions;

9. *Also welcomes* actions taken by States, such as legal measures and public awareness activities, that promote and protect human rights and that also assist in the promotion of environmental protection and sustainable development;

10. *Requests* the United Nations High Commissioner for Human Rights and the United Nations Environment Programme, within their respective mandates and approved work programmes and budgets, to continue to coordinate their efforts in capacity-building activities for the judiciary;

11. *Requests* the Secretary-General to submit to the Commission on Human Rights at its sixtieth session a report on the consideration being given to the possible relationship between the environment and human rights, taking into account the contributions that concerned international organizations and bodies have made, and to transmit a copy of that report to the Commission on Sustainable Development;

12. *Decides* to continue its consideration of this question at its sixtieth session under the same sub-item.

62nd meeting

25 April 2003

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

2003/72. 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, as well as the Vienna Declaration and Programme of Action, in particular its Part II.E, paragraph 91,

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

Recalling all previous resolutions of the Commission on the issue of impunity,

Taking note of the report of the Secretary-General on impunity (E/CN.4/2003/97) and noting all previous United Nations reports on the issue of impunity,

Taking note of resolution 2001/22 of 16 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, entitled “International cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity” and recalling also all previous resolutions of the Sub-Commission on impunity,

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

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

Recognizing the establishment of the International Criminal Court as an important contribution to ending impunity,

Recognizing also, as measures in the fight against impunity and in promoting accountability, the establishment of the Special Court for Sierra Leone and the issuance of its first indictments, the establishment of the Sierra Leone Truth and Reconciliation Commission, and the establishment of the Commission for Reception, Truth and Reconciliation in Timor-Leste and the Special Panel for Serious Crimes in the Dili District Court,

Taking note of the efforts by the Secretary-General and the Government of Cambodia to establish extraordinary chambers in the national courts of Cambodia for the prosecution of crimes committed by the Khmer Rouge,

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, for 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 which complement the justice system,

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. *Also 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, recognizes that amnesties should not be granted to those who commit violations of international humanitarian and human rights law that constitute serious crimes and urges States to take action in accordance with their obligations under international law;

3. *Acknowledges* the historic significance of the entry into force of the Rome Statute of the International Criminal Court on 1 July 2002 and calls upon all States to consider ratifying or acceding to it;

4. *Recognizes* that as of the inaugural ceremony of the International Criminal Court on 11 March 2003, 89 States had ratified or acceded to the Rome Statute, stresses the importance of the implementation by States parties of their obligations under the Statute and calls upon States which are eligible to do so to continue to participate actively in the Assembly of States Parties;

5. *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;

6. *Calls upon* States to continue to support the work of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, and to consider supporting other initiatives to establish judicial mechanisms in cooperation with the United Nations, in accordance with international standards of justice, fairness and due process of law, including at the regional and national levels;

7. *Encourages* States to provide financial and other support to the Special Court for Sierra Leone, commends those States which have provided such support and expresses its satisfaction that the Court is operational;

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, including by taking measures to ensure the protection of, and support and assistance to, victims and witnesses which are appropriate and sensitive to their needs, including gender-sensitive procedures, in judicial and truth and reconciliation processes;

9. *Welcomes* in this regard the establishment in some States of commissions of truth and reconciliation to address human rights violations that have occurred there, welcomes the publication in those States of the reports of those commissions and encourages other States where serious human rights violations have occurred in the past to establish appropriate mechanisms to expose such violations, to complement the justice system;

10. *Recognizes* that crimes such as genocide, crimes against humanity, war crimes and torture are violations of international law and that perpetrators of such crimes should be prosecuted or extradited by States, and urges all States to take effective measures to implement their obligations to prosecute or extradite perpetrators of such crimes;

11. *Stresses* the importance of bringing to justice those responsible for gender-related crimes and crimes of sexual violence that constitute in defined circumstances crimes against humanity and/or war crimes and/or serious violations or grave breaches of international humanitarian law;

12. *Urges* States as well as relevant international bodies to ensure that efforts to combat impunity, including judicial and truth and reconciliation processes, include appropriate procedures which are sensitive to the rights and special needs of children;

13. *Encourages* States in their efforts to strengthen their domestic capacity to combat impunity and requests the High Commissioner for Human Rights to provide, upon request, technical and legal assistance in developing national legislation and institutions to combat impunity in accordance with international standards of justice, fairness and due process of law;

14. *Recalls* its resolution 1998/53 of 17 April 1998, in which it took note of the Set of Principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II) (the Principles) produced by the Sub-Commission on the Promotion and Protection of Human Rights, requests the High Commissioner for Human

Rights to make the Principles available, takes note that the Principles have already been applied at the regional and national levels and invites other States, intergovernmental organizations and non-governmental organizations to consider integrating the Principles into their efforts to combat impunity;

15. *Requests* the Secretary-General again to invite States to provide information, including best practices, 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;

16. *Also requests* the Secretary-General to commission an independent study, from within existing resources, on best practices, including recommendations, to assist States in strengthening their domestic capacity to combat all aspects of impunity, taking into account the Principles and how they have been applied, reflecting recent developments and considering the issue of their further implementation, and also taking into account the information and comments received pursuant to the present resolution, and to submit the study to the Commission no later than its sixtieth session;

17. *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;

18. *Decides* to continue its consideration of this matter at its sixtieth session under the same agenda item.

62nd meeting
25 April 2003

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

2003/73. Regional cooperation for the promotion and protection of human rights in the Asian and Pacific Region

The Commission on Human Rights,

Recalling its resolution 2002/82 of 26 April 2002,

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

Recognizing further the importance of human rights education in both formal and non-formal contexts in the promotion and protection of human rights,

Recognizing 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 eleventh Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, held in Islamabad from 25 to 27 February 2003,

1. *Welcomes* the report of the Secretary-General (E/CN.4/2003/109) and the progress achieved in the implementation of Commission resolution 2002/82 of 26 April 2002;
2. *Stresses* the importance of the linkages and mutually reinforcing aspects of all four areas of the Framework for Regional Technical Cooperation Programme in the Asian and Pacific Region (E/CN.4/1998/50, annex II) adopted at the sixth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, held in Tehran from 28 February to 2 March 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, and in this context notes the developments in connection with the programme of action for 2002-2004 adopted in Beirut at the tenth Workshop;

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 Pakistan, as the host of the eleventh Workshop, to the promotion and protection of human rights in the Asian and Pacific region;

5. *Endorses* the conclusions of the eleventh 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 eleventh Workshop reviewing developments in the Asian and Pacific region over the past year in the four priority areas under the Framework for Regional Technical Cooperation Programme in the Asian and Pacific Region;

7. *Also welcomes* the greater and valuable sharing of concrete national experiences at the eleventh Workshop on the implementation of all four areas of the Framework for Regional Technical Cooperation Programme 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 eleventh Workshop and the initiative by the Office of the United Nations High Commissioner for Human Rights to hold a consultation of non-governmental actors one day prior to the official opening of the eleventh Workshop;

9. *Also takes note* of the diversity of views expressed at the eleventh 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-block approach, as well as of the evaluation undertaken on the implementation of the Framework for Regional Technical Cooperation Programme in the Asian and Pacific Region;

10. *Reaffirms* the desirability of developing national human rights plans of action through a process which ensures the participation of a wide range of relevant national, provincial

and local government ministries and agencies, national human rights institutions, non-governmental organizations, academic institutions and other sectors of civil society and of evaluating these plans in order to benefit from lessons learned;

11. *Takes note with appreciation* of the establishment of independent national institutions in countries of the Asian and Pacific region and their important contribution to the process of regional cooperation;

12. *Encourages* Governments to promote the development of national strategies for human rights education which are comprehensive, participatory, effective and sustainable, and to accelerate the pace of implementation of such plans and strategies within the United Nations Decade for Human Rights Education, 1995-2004 so as to realize significant achievements by the end of the Decade;

13. *Recognizes* the importance of good governance at the national and international levels to ensure that all human rights are protected and that development resources are properly and effectively utilized to implement the right to development;

14. *Takes note* of the discussions at the eleventh 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;

15. *Encourages* all States in the region to take concrete steps at the national level in connection with the implementation of the Framework for Regional Technical Cooperation Programme 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, as appropriate;

16. *Welcomes* the efforts of the Office of the High Commissioner in developing partnerships for the implementation of its activities under the Framework for Regional Technical Cooperation Programme in the Asian and Pacific Region to enhance national capacities for the promotion and protection of human rights in the region;

17. *Encourages* all Governments in the Asian and Pacific region to consider, as appropriate, 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;

18. *Welcomes* contributions made to the Office of the High Commissioner by States of the Asian and Pacific region and invites all States of the region to consider contributing for the first time or increasing their contributions, particularly with respect to activities in the area of technical cooperation and the strengthening of national capacities and infrastructures in the field of human rights as outlined in the *Annual Appeal 2003*;

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

21. *Decides* to continue its consideration of the question at its sixtieth session under the same agenda item.

62nd meeting
25 April 2003

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

2003/74. 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 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 (A/CONF.157/23), 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,

Recognizing that the United Nations pursues multilingualism as a means of promoting, protecting and preserving diversity of languages and cultures globally and that genuine multilingualism promotes unity in diversity and international understanding,

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 unrepresented and underrepresented Member States, particularly from developing countries, thus improving the present staff composition, based on a more equitable geographical distribution,

Noting with deep concern that the report of the United Nations High Commissioner for Human Rights, submitted pursuant to Commission resolution 2002/80 of 25 April 2002 (E/CN.4/2003/111) concerning the geographical composition and the functions of the Office staff clearly reflects that one region is unequivocally overrepresented in the staff composition and that the imbalance has worsened (see the annexes to the present resolution),

Expressing again its concern over the non-representation and underrepresentation of several Member States, especially developing countries, on the staff of the Office of the High Commissioner, particularly bearing in mind the criteria of equitable geographical distribution,

Expressing its concern also that the prevalence of project personnel has skewed the geographical distribution of the staff of the Office towards Western Europe and North America, compared to the Secretariat-wide pattern, as has the geographical distribution of consultants,

1. *Takes note* of the report of the High Commissioner on the composition of the staff of the Office of the United Nations High Commissioner for Human Rights;
2. *Welcomes* the commitment of the High Commissioner in the Annual Appeal 2003 that all Geneva-based staff will be brought into an integrated personnel-administration system within the framework of United Nations rules and regulations;

3. *Regrets* that no progress has been achieved in the implementation of the resolutions on this subject, that one region accounts for more than half of the posts of the Office of the High Commissioner and for more posts than the four remaining regional groups combined, and that there has been a decrease in the posts subject to geographical distribution and an increase of the staff not subject to geographical distribution;

4. *Expresses its concern* that new recruitments have not been used to correct the imbalance in favour of one region and that more than half of the newly recruited staff for posts not subject to geographical distribution come from this same region, which accounts for more newly recruited staff than the four remaining regions combined;

5. *Also expresses its concern* about the widespread assignment of technical advisers (200 series staff) to carry out line functions, which should be performed by 100 series staff, and to supervise staff under the 100 series staff rules, a practice against established policies that should be discontinued;

6. *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;

7. *Also reaffirms* General Assembly resolutions 49/222 A and B of 23 December 1994 and 20 July 1995, 51/226 of 3 April 1997, 53/221 of 7 April 1999, 55/258 of 14 June 2001 and 57/... of 27 March 2003 on human resources management;

8. *Further reaffirms* section X, paragraph 3, of General Assembly resolution 55/258 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;

9. *Considers* that it is necessary 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;

10. *Requests* the Secretary-General to take the necessary measures to ensure that particular attention is paid to recruiting personnel from unrepresented and underrepresented

Member States, in particular from developing countries, 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;

11. *Requests* the High Commissioner to ensure that, consistent with General Assembly resolution 50/11 of 2 November 1995, upon recruitment, personnel recruited have a command of and use at least one of the working languages of the Secretariat and that the use of another of the six official languages is duly encouraged and taken into account, particularly when promotion and incremental steps are under consideration, in order to ensure linguistic balance within the organization;

12. *Urges* donors to make their voluntary contributions unearmarked, as much as possible, to enable the High Commissioner flexibility in the allocation of staff and resources between the different activities and projects;

13. *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;

14. *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;

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

16. *Affirms* that consultants shall not perform functions of staff members of the Organization nor have any representative or supervisory responsibility, that the High Commissioner should refrain from using consultants to carry out functions assigned to established posts, that consultants should be hired in strict accordance with existing rules and

relevant resolutions of the General Assembly and where expertise is not available within the Organization, and that the High Commissioner should make greater efforts to ensure geographical balance among qualified consultants and individual contractors;

17. *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 his mandate and that of the Office is guided by these principles;

18. *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;

19. *Reiterates* its request to the High Commissioner to use the policy of new recruitments to correct the current imbalance in the composition of the staff of his Office;

20. *Also requests* the High Commissioner to submit a comprehensive report on the implementation of the present resolution to the Commission at its sixtieth 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;

21. *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;

22. *Recalls* the request to the Joint Inspection Unit to undertake a comprehensive review of the management and administration of the Office of the High Commissioner, in particular, with regard to its impact on the recruitment policies and the composition of the staff, and to submit a report thereon to the Commission at its sixtieth session containing concrete proposals for the implementation of the present resolution;

23. *Decides* to consider this matter under the same agenda item at its sixtieth session.

Annex 1

Staff of the Office of the United Nations High Commissioner for Human Rights Geographical distribution (by number of posts)*

Regional groups	Posts subject to geographical distribution Table 1				Posts not subject to geographical distribution Table 2				Total			
	2000	2001	2002	2003	2000	2001	2002	2003	2000	2001	2002	2003
Africa	11	10	12	10	25	21	22	24	36	31	34	34
Asia	15	13	17	16	1	6	9	8	16	19	26	24
Latin America and Caribbean States	8	9	9	9	8	10	13	15	16	19	22	24
Eastern Europe States	5	5	5	6	1	6	6	7	6	11	11	13
Western Europe and Other States**	36	41	48	45	61	69	85	96	97	110	133	141
Total of posts	75	78	91	86	96	112	135	150	171	190	226	236

* Figures for 2003 based on tables 1 and 2 of the Report of the High Commissioner (E/CN.4/2003/111). The figures for the earlier years were based on the Reports of the High Commissioner for those years.

** Includes Switzerland and Israel.

Annex 2

Staff of the Office of the United Nations High Commissioner for Human Rights Geographical distribution of posts by per cent of total posts*

Regional groups	Posts subject to geographical distribution (%)				Posts not subject to geographical distribution (%)				Total (%)			
	2000	2001	2002	2003	2000	2001	2002	2003	2000	2001	2002	2003
Africa	15	13	13	11.6	26	19	16	16	21	16	15	14.4
Asia	20	17	19	18.6	1	5	7	5	9	10	11	10.1
Latin America and Caribbean States	11	11	10	10.5	8	9	10	10	9	10	10	10.1
Eastern Europe States	6	6	5	7	1	5	4	5	3	6	6	5.5
Western Europe and Other States**	48	53	53	52.3	61	62	63	64	56	58	59	59.8

* Per cents for 2003 were calculated based on tables 1 and 2 of the Report of the High Commissioner (E/CN.4/2003/111). The figures for the earlier years were calculated based on the Reports of the High Commissioner for those years.

** Includes Switzerland and Israel.

*62nd meeting
25 April 2003*

[Adopted by a recorded vote of 32 votes to 14,
with 7 abstentions. See chap. XVIII.]

2003/75. 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 concerning advisory services and technical cooperation in the field of human rights, including its most recent on that subject, resolution 2002/87 of 26 April 2002,

Bearing in mind also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, 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 thus 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,

Welcoming the fact that the Office of the High Commissioner has been systematically pursuing a regional and subregional approach through a variety of complementary means and methods in order to maximize the impact of the activities of the United Nations at the national level,

1. *Takes notes with satisfaction* of the report of the Secretary-General on regional arrangements for the promotion and protection of human rights (E/CN.4/2003/107);
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, the African Commission on Human and Peoples' Rights and other regional institutions, on the other;

7. *Also welcomes* the placement by the Office of the High Commissioner of regional representatives in subregions and in regional commissions to allow for closer working relations with States, international and regional organizations as well as with non-governmental organizations;

8. *Welcomes* the progress achieved in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and in this regard, notes with interest:

(a) The positive experience of the regional and subregional presence of the Office of the High Commissioner in southern, central, eastern and western Africa, as illustrated by the creation of the Subregional Centre for Human Rights and Democracy in Central Africa in Yaoundé;

(b) The results of the African regional dialogues held in Geneva and Arusha from 5 to 7 November 2001 and 24 to 26 May 2002, respectively, in providing guidance to Governments, regional organizations and non-governmental organizations as well as better links with the African Union and other subregional organizations;

(c) The increased, valuable sharing of concrete national experiences at the tenth and eleventh Workshops on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held in Beirut and Islamabad from 4 to 6 March 2002 and from 25 to 27 February 2003, respectively, regarding the implementation of the Framework for Regional Technical Cooperation in the Asian-Pacific Region, which contributes to the enhancement of the promotion and protection of human rights in the region;

(d) The Quito Framework for Technical Cooperation in the Field of Human Rights, which serves 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 meeting on the enforcement of the system of treaty bodies held in Quito in August 2002;

(e) The efforts made by the Organization of American States, the Inter-American Commission on Human Rights and the Office of the High Commissioner for Human Rights to improve the coordination between regional and United Nations mechanisms in the field of human rights;

(f) The continued cooperation, in particular for activities at the country level, between regional organizations in Europe, namely the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union, and in Central Asia and the Office of the High Commissioner, as well as the agreements between the European Commission and the Office for financing technical cooperation projects;

(g) The holding of the International Conference on Human Rights and Democratization in Dubrovnik, Croatia, from 8 to 10 October 2001, co-organized by the Office of the High Commissioner, the Government of Croatia and the European Commission, which provided the opportunity to review developments in the field of human rights in the region;

9. *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;

10. *Requests* the Secretary-General 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;

11. *Requests* the Office of the High Commissioner to continue to pay special attention to the most appropriate ways of assisting countries of the various regions, at their request, under the programme of technical cooperation and to make, where necessary, relevant recommendations, and in this regard takes note with interest of the intention of the High Commissioner to make use of the regional approach to strengthen human rights-related United Nations actions at the country level in the framework of the Secretary-General's process of reform of the United Nations;

12. *Invites* the Secretary-General, in the report he will submit to the General Assembly at its fifty-ninth session, to provide information on 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;

13. *Requests* the Secretary-General to submit to the Commission at its sixty-first 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;

14. *Decides* to consider this question further at its sixty-first session.

*62nd meeting
25 April 2003*

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

2003/76. 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,

Recalling 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 of 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,

Noting with appreciation the existence of the regional human rights networks in Europe and Africa, the continuing work of the Network of National Human Rights Institutions in the Americas and the work of the Asia Pacific Forum of National Human Rights Institutions, including the outcomes of their Seventh Annual Meeting held in New Delhi in November 2002,

Noting the initiative of the Council of the League of Arab States, as referred to in its resolutions 6089 of 12 March 2001, 6243 of 5 September 2002 and 6032 of 24 March 2003, to review and update the Arab Charter for Human Rights of 1994 and encourage the efforts of Arab non-governmental organizations to support this initiative,

Noting the valuable role played and contributions made by national institutions in United Nations meetings dealing with human rights and the importance of their continued appropriate participation,

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 (Paris Principles), annexed to General Assembly resolution 48/134 of 20 December 1993;

2. *Reiterates*, on the tenth anniversary of their recognition by the General Assembly, the continued importance of the Paris Principles, recognizes the value of further strengthening their application and encourages States, national institutions and other interested parties to consider ways to achieve this;

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

4. *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;

5. *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;

6. *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;

7. *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;

8. *Welcomes* the practice of national institutions which conform with the Paris Principles of participating in an appropriate manner in their own right in meetings of the Commission and its subsidiary bodies;

9. *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 United Nations High Commissioner for Human Rights, to organize similar events with Governments and non-governmental organizations in their own regions;

10. *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 welcomes:

(a) The active participation of national institutions in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Special Session of the General Assembly on Children;

(b) The involvement of national institutions in the study on human rights and disability commissioned by the High Commissioner, and encourages them to contribute to the work of the Ad Hoc Committee established pursuant to General Assembly resolution 56/168 of 19 December 2001;

11. *Recognizes* the important and constructive role that national institutions can play in human rights education, including by the publication and dissemination of human rights material and other public information activities during the United Nations Decade for Human Rights Education, 1995-2004, and calls upon all existing national institutions to implement human rights education training programmes across all relevant sectors of society;

12. *Commends* the High Commissioner for the priority accorded to the establishment and strengthening of national human rights institutions, including through technical cooperation, and calls upon his Office to continue to strengthen its coordinating role in this field and to allocate the resources necessary for this work from both core and extrabudgetary sources;

13. *Welcomes* in this context the establishment of a national institutions web site (www.nhri.net) as an important vehicle for the delivery of information to national institutions and their partners and for sharing best practice, and further notes with satisfaction the intention of the Office of the High Commissioner for Human Rights to publish a compendium of national legislation relevant to national institutions;

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

15. *Welcomes* the important role of the International Coordinating Committee of National Institutions, in close cooperation with the Office of the High Commissioner, in assessing conformity with the Paris Principles and in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

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

17. *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;

18. *Welcomes* the report of the Secretary-General (E/CN.4/2003/110) and requests him to report to the Commission at its sixtieth session on the implementation of the present resolution;

19. *Decides* to continue its consideration of this question at its sixtieth session.

62nd meeting
25 April 2003

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

2003/77. Situation of human rights in Afghanistan

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 accepted humanitarian rules, as set forth in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to several international human rights instruments and has obligations to report on their implementation,

Recalling also the relevant resolutions and decisions of the Commission on Human Rights, the relevant resolutions and presidential statements of the Security Council, the reports of the Secretary-General on children and armed conflict (S/2002/1299) and on women, peace and security (S/2002/1154) and the most recent resolution adopted by the Commission on the Status of Women,

Recalling further the Agreement on Provisional Arrangements in Afghanistan pending the Re-establishment of Permanent Government Institutions, signed in Bonn on 5 December 2001 (the Bonn Agreement),

Welcoming the presidential decree providing for the establishment of the new Afghan National Army as a sign of the Transitional Authority's commitment to an ethnically balanced army, under civilian control, and stressing the importance of increased support for its early establishment and the ongoing demobilization programme, as well as the establishment of an effective police force,

Welcoming the efforts of the Transitional Authority to re-establish the rule of law throughout Afghanistan as well as the full protection of human rights and fundamental freedoms, and emphasizing that a safe environment, free from violence, discrimination and abuse, is essential for a viable and sustainable recovery and reconstruction process,

Reiterating the need for safety, security and free movement of all United Nations and associated personnel, as well as of all foreign and local personnel of humanitarian organizations,

Recognizing the fundamental role of an independent judiciary in ensuring the protection of human rights and fundamental freedoms, with a view to combating impunity,

1. *Welcomes* the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan (E/CN.4/2003/39) as well as the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Afghanistan (E/CN.4/2003/3/Add.4) and takes note of the recommendations contained therein;

2. *Also welcomes* the ratification by Afghanistan of the Convention on the Elimination of All Forms of Discrimination against Women and acknowledges its accession to the Rome Statute of the International Criminal Court, and urges the Transitional Authority to consider as a matter of priority acceding to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and ratifying Conventions No. 100 on the equal remuneration of men and women and No. 182 on the elimination of the worst forms of child labour of the International Labour Organization;

3. *Further welcomes* the establishment of the Independent Human Rights Commission and of the Judicial Commission, both of which will play a vital role in the promotion and protection of human rights and fundamental freedoms in Afghanistan;

4. *Encourages* the Transitional Authority and the international community to provide appropriate assistance to these Commissions so they may fulfil their mandates promptly, effectively, and in a manner consistent with Afghanistan's international human rights obligations;

5. *Welcomes* the establishment of the Constitutional Drafting Committee and the ongoing process to develop a new constitution, and stresses the importance of incorporating Afghanistan's international obligations in the new constitution, as well as the need to ensure the full participation of women in all processes leading up to the convening of the Constitutional Loya Jirga and in the Constitutional Loya Jirga itself;

6. *Recognizes* the steps already taken by the Transitional Authority to promote and protect human rights and fundamental freedoms;

7. *Recognizes* that exposing violations of human rights, holding the 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 the 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;

8. *Notes with concern* reports of violence perpetrated by Afghan elements against certain ethnic groups, internally displaced persons and refugees who have returned, as well as cases of arbitrary arrest and detention and attacks against women and girls;

9. *Affirms* the primary responsibility of the Transitional Authority, supported by the United Nations, to establish an environment of good governance, democracy and the rule of law as well as a Government that is broad-based, gender sensitive, multi-ethnic and fully representative of the Afghan people;

10. *Calls upon* the Transitional Authority, in application of the Bonn Agreement:

(a) To continue cooperating fully with all special rapporteurs and human rights mechanisms of the United Nations and to consider extending a standing invitation to them to visit the country;

(b) To respect fully Afghanistan's international human rights obligations without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, birth, descent or other status;

- (c) To continue efforts to re-establish the rule of law, including by working with international donors to train law enforcement agencies to protect and uphold human rights and fundamental freedoms, and to take steps to provide greater access to justice, and to implement measures to reform the penitentiary system in conformity with international standards;
- (d) To declare a moratorium on the death penalty in the light of procedural and substantive flaws in the Afghan judicial system, bearing in mind the United Nations Safeguards, guaranteeing protection of the rights of those facing the death penalty;
- (e) To investigate allegations of human rights violations, in particular against ethnic minorities, as well as against women and girls;
- (f) To facilitate the voluntary and orderly return and reintegration, in safety and dignity, of Afghan refugees and internally displaced persons;
- (g) To respect and protect the human rights of Afghan women and girls, including by providing adequate support to the Women's Ministry, protecting women from all forms of violence, ensuring equal access to education and health care, addressing the problem of their extra-legal detention and ensuring their full participation in all spheres of Afghan life;
- (h) To cooperate effectively with the international community in the fight against drug trafficking;

11. *Recognizes* the huge burden shouldered by neighbouring countries, especially the Islamic Republic of Iran and Pakistan, appreciates the efforts undertaken in these host countries to ease the plight of Afghan refugees and encourages them to continue cooperating with the Office of the United Nations High Commissioner for Refugees towards this end;

12. *Welcomes* the contributions of donors, urges them to fulfil promptly the funding commitments made at the International Conference on Reconstruction Assistance to Afghanistan, held in Tokyo on 21 and 22 January 2002, and invites them to provide additional resources beyond those pledged in Tokyo, and urges the international community to cooperate with the Afghan Independent Human Rights Commission and the Advisory Group on Human Rights with a view to integrating human rights, including children's rights, and gender issues in donor-assisted programmes;

13. *Commends* the activities of the United Nations Assistance Mission in Afghanistan, the Office of the United Nations High Commissioner for Human Rights and other

United Nations agencies in assisting Afghanistan with the implementation of the human rights provisions of the Bonn Agreement, in particular by supporting the Afghan Independent Human Rights Commission;

14. *Urges* the United Nations to provide assistance to the Transitional Authority in the organization and carrying out of a credible, free and fair electoral process in a secure environment for the elections due to take place by June 2004, and calls upon Member States to provide financial and technical support, including observers, for the process;

15. *Requests* the Secretary-General:

(a) To ensure that the post of Senior Gender Advisor in the United Nations Assistance Mission in Afghanistan is filled immediately and on a permanent basis, in order to mainstream a gender perspective in its activities;

(b) To appoint an independent expert for a period of one year to develop, in strict collaboration with the Transitional Authority, including the Afghan Independent Human Rights Commission, as well as with the Office of the High Commissioner for Human Rights and the United Nations Assistance Mission in Afghanistan, a programme of advisory services to ensure the full respect and protection of human rights and the promotion of the rule of law and to seek and receive information about and report on the human rights situation in Afghanistan in an effort to prevent human rights violations;

16. *Invites* the relevant bodies of the United Nations, in particular the Office of the High Commissioner for Human Rights, within the framework of the United Nations Assistance Mission in Afghanistan:

(a) To support the full implementation of the human rights provisions of the Bonn Agreement and the National Human Rights Programme for Afghanistan, including by ensuring that the promotion and protection of human rights are central to the purposes and functions of the mission;

(b) To continue to support the work of the Independent Human Rights Commission;

17. *Invites* the independent expert to be appointed by the Secretary-General to provide a report on the situation of human rights in Afghanistan and on the achievements of the technical assistance in the field of human rights to the General Assembly and the Commission on Human Rights;

18. *Invites* the Special Rapporteur on violence against women to continue to review the situation of women and girls in Afghanistan and to submit a report to the General Assembly and the Commission on Human Rights.

*62nd meeting
25 April 2003*

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

2003/78. 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 2002/88 of 26 April 2002,

Bearing in mind the statements by the President of the Security Council on the situation in Somalia of 28 March 2002 (S/PRST/2002/8), 12 December 2002 (S/PRST/2002/35) and 12 March 2003 (S/PRST/2003/2), the report of the Secretary-General on the situation in Somalia of 28 February 2003 (S/2003/231), Council resolutions 1407 (2002), 1425 (2002) and 1474 (2003), respectively of 3 May 2002, 22 July 2002 and 8 April 2003, 1265 (1999) of 17 December 1999 on the protection of civilians in armed conflict and 1460 (2003) of 30 January 2003 on the use of children in armed conflicts, the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations (S/1998/883), General Assembly resolution 54/192 of 17 December 1999, entitled "Safety and security of humanitarian personnel and protection of United Nations personnel", and the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex),

Recalling the statement made by the President of the Security Council on the situation in Somalia of 12 March 2003 (S/PRST/2003/2), in which the Council reaffirmed its commitment to a comprehensive and lasting settlement of the situation in Somalia and its respect for the sovereignty, territorial integrity, political independence and unity of the country, consistent with the purposes and the principles of the Charter of the United Nations,

Welcoming the establishment of a panel of experts, pursuant to Security Council resolutions 1425 (2002) and 1474 (2003), and its mandate to generate independent information on violations of the arms embargo as a step towards giving effect to and strengthening the embargo established by paragraph 5 of Council resolution 733 (1992),

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 conclusion of the first phase of the Somali national reconciliation process with the signing of the Eldoret Declaration on 27 October 2002 and the launching, in November 2002, of the second phase of the reconciliation process,

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

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,

Emphasizing that the efforts to combat terrorism in Somalia are inseparable from the establishment of peace and governance in the country,

Highlighting the progress and the increasing efforts of the United Nations specialized agencies and programmes in improving the living conditions of the Somali people,

Highlighting also the meaningful 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,

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

Noting with concern that insecurity still remains in several parts of Somalia, and noting with disquiet that conflicts have erupted in areas of the country, lately in Mogadishu and Baidoa,

Noting also with concern that the humanitarian situation remains fragile throughout Somalia,

Noting further with concern that the deterioration in the political and security situation produces significant negative consequences for the promotion and protection of human rights,

Welcoming the latest statement by the President of the Security Council, of 12 March 2003 (S/PRST/2003/2), including the request to the Secretary-General to continue putting in place, in a coherent manner, preparatory activities on the ground for a comprehensive post-conflict peace-building mission in Somalia once security conditions permit, as stipulated in the statement of the President of the Security Council of 28 March 2002 (S/PRST/2002/8), which should take into account combating poverty and strengthening public institutions,

Considering that humanitarian, human rights and development assistance is of paramount importance in contributing to the alleviation of poverty, promoting a more peaceful, equitable and democratic society in Somalia and supporting sustainable improvement of the livelihood of the Somali people and their improved access to basic public and social services, as well as the establishment of good governance,

Reaffirming its full support to the IGAD-sponsored peace process and its commitment to moving the peace process forward,

Commending the Government of Kenya for its crucial role in facilitating the Somali national reconciliation process,

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

1. *Welcomes:*

(a) The conclusion of the first phase of the Somali national reconciliation process which ended with the signing of the Eldoret Declaration on 27 October 2002 by which the participants pledged to cease hostilities and guarantee the security of all humanitarian and development personnel and installations;

(b) The efforts of the Intergovernmental Authority on Development (IGAD) Technical Committee and particularly the positive effects of the consultations of the frontline States (Kenya, Djibouti and Ethiopia) on the reconciliation process held in Addis Ababa on 2 February 2003;

(c) The decision of the IGAD Technical Committee, comprised of the three frontline States, to establish a committee with immediate effect, composed of IGAD representatives and international partners, responsible for monitoring both violations of the Declaration on Cessation of Hostilities and compliance with the Eldoret Declaration;

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

(e) The establishment of a contact group for Somalia both in Nairobi and in New York;

(f) The decision to revitalize the arms embargo established by the Security Council in resolution 733 (1992) of 23 January 1992 through the establishment of a concrete mechanism for its enforcement by 30 April 2002;

2. *Emphasizes* the necessity of undertaking efforts against international terrorism in accordance with Security Council resolution 1373 (2001) of 28 September 2001 and urges all States and relevant international agencies to provide assistance to Somalia for the implementation of that resolution;

3. *Expresses* the belief that the national reconciliation process will contribute to ending the suffering of the Somali people;

4. *Encourages:*

(a) The Intergovernmental Authority on Development and the IGAD Technical Committee to move the peace process forward and to continue their active and positive role in support of the reconciliation process;

(b) All parties throughout Somalia to participate in the process, which offers a unique opportunity for all Somalis to end the suffering of their people and to restore peace and stability to their country;

(c) All States through the IGAD Partners' Forum to play an active and positive role in support of the reconciliation process;

5. *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;

6. *Condemns:*

(a) The serious violations of the commitment undertaken by the parties on 27 October 2002 which are still occurring;

(b) The ongoing widespread violations and abuses of human rights and humanitarian law, in particular against internally displaced persons, minorities, vulnerable groups, women and children, including domestic violence, the continuing practice of female genital mutilation, which remains a matter of serious concern, as well as the forced displacement of civilians;

(c) All violations of international humanitarian law and human rights law, including the forced or compulsory recruitment of children for use in armed conflict, the use of these children in armed conflict by the militias, the practice of child labour, particularly domestic labour, and a juvenile justice system not in accordance with international standards;

(d) All acts of violence such as hostage-taking, abduction and murder, including of humanitarian relief workers and of United Nations agency personnel;

7. *Underlines:*

(a) The support given by the Office of the United Nations High Commissioner for Human Rights through the secondment of a senior human rights adviser responsible for mainstreaming human rights in the work of the United Nations agencies in Somalia and providing technical advice on the implementation of the United Nations Development Programme Somali Civil Protection Programme based in Nairobi in the framework of the office of the United Nations Resident Humanitarian Coordinator for Somalia, and encourages the human rights officer to continue to give meaningful assistance to the Somali people through the fulfilment of his mandate;

(b) The need for human rights to be an integral part of a future United Nations peace-building mission in Somalia;

(c) The need to integrate a gender perspective into all peace-building, reconstruction and reconciliation processes;

8. *Calls upon:*

(a) All parties throughout Somalia to strengthen their commitment to dialogue with the objective of widening and deepening the process of national reconciliation and to abide by and implement expeditiously the decision adopted throughout the process, including the Declaration on the Cessation of Hostilities and the agreements regarding the restoration of security and the reopening of the international airport and seaport in Mogadishu;

(b) All signatories of the Declaration on the Cessation of Hostilities to continue to participate fully in the peace negotiation with a view to achieving concrete results at an early date;

(c) All parties to stop all acts of violence, to abstain from engaging in hostilities and to prevent any act likely to increase tension during the peace negotiation;

(d) All States and other actors to comply scrupulously with the arms embargo established by Security Council resolution 733 (1992) and to continue to work closely with the mechanisms established to enforce the embargo pursuant to Security Council resolution 733 (1992);

(e) All Member States and other actors contacted outside the region to cooperate fully with the Panel of Experts in its quest for information relating to the embargo, in accordance with Council resolution 1425 (2002) and article 2.5 of the Eldoret Declaration;

(f) All States, in particular those of the region, not to interfere in the internal affairs of Somalia; such interference only further destabilizes Somalia, contributes to a climate of fear, impacts adversely on human rights, and could jeopardize the sovereignty, territorial integrity, political independence and unity of Somalia; the territory of Somalia should not be used to undermine stability in the subregion;

(g) All States to prevent persons and entities from taking advantage of the situation in Somalia to finance, plan, facilitate, support or commit terrorist acts from the country, emphasizing that efforts to combat terrorism in Somalia are inseparable from the establishment of peace and governance in the country;

(h) All States to provide assistance to Somalia for the further and comprehensive implementation of Council resolution 1373 (2001);

(i) All States to commit themselves to the long-term objective of regional stability, inter alia by playing a positive role in the process of rebuilding national institutions in Somalia;

(j) 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;

(k) All parties throughout Somalia to respect human rights and international humanitarian standards as set out in international instruments, in particular those pertaining to internal armed conflicts;

(*l*) All parties throughout Somalia to protect and facilitate the work of United Nations personnel, humanitarian relief workers, human rights defenders 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;

(*m*) All States, regional and international organizations and other actors to support a stronger field presence of the Office of the United Nations High Commissioner for Human Rights in Somalia and greater independence while maintaining close collaboration with other agencies working in the area of human rights;

(*n*) All relevant authorities and Member States to provide support for the voluntary return and reintegration of Somali refugees and the provision of urgent humanitarian assistance to, and protection for, those who have been internally displaced;

(*o*) All Member States to continue to provide increased assistance in response to the United Nations appeals for relief, rehabilitation and reconstruction efforts in all regions, including those aimed at the strengthening of civil society, encouraging good governance and the re-establishment of the rule of law, and to support the development of a culture of human rights and other activities of the Office of the High Commissioner concerning Somalia;

(*p*) The United Nations, its Member States and specialized agencies, non-governmental organizations and the Bretton Woods institutions to intensify their assistance, in particular in the fields of human rights, women's rights and gender equality, health (with special attention to combating human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and other communicable diseases), demobilization of militia, disarmament, the struggle against the proliferation of small arms, mine clearing and rehabilitation of basic infrastructure;

(*q*) The United Nations, its Member States and specialized agencies fully to support and assist the Intergovernmental Authority on Development in the implementation of its decisions on Somalia, which are an important development for the peace process in the country;

(*r*) The United Nations and its Member States to double their efforts towards strengthening the IGAD peace initiative, taking concrete measures, inter alia smart sanctions targeting individuals blocking the reconciliation process and positive incentives, including targeted financial support;

(s) The United Nations and its Member States to support the efforts that the African Union will deploy towards the effective establishment of a mechanism for monitoring the Declaration on the Cessation of Hostilities;

(t) 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 independent expert of the Commission;

9. *Commends* the work carried out by the independent expert and welcomes his report (E/CN.4/2003/115);

10. *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;

11. *Requests* the United Nations 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;

12. *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 independent expert to report to the Commission at its sixtieth session;

(b) To request the Secretary-General to continue to provide the independent expert with all necessary assistance in carrying out his 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 sixtieth session under the same agenda item;

13. *Recommends* to the Economic and Social Council the following draft decision for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/78 of 25 April 2003, endorses the Commission’s decision to extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and its request to the independent expert to report to the Commission at its

sixtieth session. It also endorses the Commission's requests to the Secretary-General to continue to provide the independent expert with all necessary assistance in carrying out his mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the United Nations High Commissioner for Human Rights in providing advisory services and technical assistance."

*62nd meeting
25 April 2003*

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

2003/79. Situation of human rights in Cambodia

The Commission on Human Rights,

Recalling its resolution 2002/89 of 26 April 2002, General Assembly resolution 57/225 of 18 December 2002 and previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to ensure 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 on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

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 task 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.4/2003/113),

the report of the Special Representative of the Secretary-General for human rights in Cambodia (E/CN.4/2003/114), and the use of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the High Commissioner and invites the international community to consider contributing to the Trust Fund;

3. *Encourages* the Government of Cambodia to continue to cooperate with the office and other United Nations agencies in their joint efforts to promote human rights;

II. THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

4. *Commends* the vital role played by non-governmental organizations in Cambodia, inter alia in human rights education and training and in the development of civil society, and encourages the Government of Cambodia to continue to ensure the protection of those human rights organizations and their members and to continue to work closely and cooperatively with them;

III. ADMINISTRATIVE, LEGISLATIVE AND JUDICIAL REFORM

5. *Notes with concern* the continued problems related to the rule of law and the functioning of the judiciary, resulting from, inter alia corruption and interference by the executive with the independence of the judiciary, urges the Government to expedite legal and judicial reform, including finalizing the adoption of the laws and codes that are essential components of the basic legal framework, in particular a law on the status of judges and prosecutors, a law on the organization and functioning of adjudicate courts and an anti-corruption law, and to ensure the independence, impartiality and effectiveness of the Supreme Council of the Magistracy and of the judicial system as a whole;

6. *Welcomes* the drafts of a penal code, a code on criminal procedures, a civil code and a code on civil procedures, and the increase in the salaries and allowances of judges and prosecutors, and urges the Government to enhance the training of judges and lawyers through the Royal School for Training Judges and Prosecutors and the Centre for Lawyer Training and Professional Improvement of the Bar Association of the Kingdom of Cambodia;

7. *Urges* the Government of Cambodia to strengthen its efforts to tackle the problems related to land by enhancing transparency, giving high priority to the land management

and administration reform project and undertaking a review of all land concession contracts and their implementation, and notes with concern the remaining problems of land grabbing, forced evictions and further displacement;

8. *Encourages* further efforts by the Government of Cambodia to implement expeditiously and effectively its reform programme, including the Governance Action Plan and police and military reforms, inter alia the demobilization programme;

9. *Welcomes* progress made by the Government of Cambodia towards removing all anti-personnel landmines and reducing the number of small arms in Cambodia, and encourages the continuing efforts of the Government of Cambodia and the international community to tackle these issues;

10. *Expresses serious concern* that the situation of impunity still exists in Cambodia, recognizes some actions undertaken by the Government of Cambodia to prosecute perpetrators of violations and calls upon the Government of Cambodia, as a matter of critical priority, to increase its efforts 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;

11. *Encourages* the Government of Cambodia to work towards free and fair general elections in July 2003 conducted in a peaceful manner, to investigate fully past incidents of intimidation, violence and killings and reports of vote-buying and to prosecute those responsible, to ensure that similar problems do not occur in connection with the general election and to pay close attention, in particular, to the safety and security of candidates and political activists, and to ensure neutrality on the part of State institutions, including an independent national election committee, proper law enforcement by the National Election Committee and the Cambodian judiciary and equitable access to all forms of media, including State broadcast media, for all parties;

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 the conditions of detention, including considering the introduction of non-custodial sentencing as an

alternative to imprisonment, to provide proper food and health care to prisoners and detainees, to meet the special needs of women and children, and to restore access to prisons and inmates for lawyers, family members and human rights organizations in accordance with relevant regulations in force;

IV. 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 political violence, including killings of political activists, involvement by police and military personnel in violence and the apparent lack of protection from mob killings, notes that some progress has been made by the Government of Cambodia in addressing these issues, and urges the Government to take all necessary measures to prevent such violations, including consideration of the establishment of an independent board of inquiry on the issue of mob killings;

14. *Urges* the Government of Cambodia to take all steps to prevent racial violence against members of any ethnic group, to combat discrimination in all its manifestations against them and to protect their rights, 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;

V. KHMER ROUGE TRIBUNAL

15. *Reaffirms* that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, and acknowledges that the final collapse of the Khmer Rouge and the continued efforts of the Government of Cambodia have provided the basis for the restoration of peace and stability with the aim of achieving national reconciliation in Cambodia and the investigation and prosecution of the leaders of the Khmer Rouge;

16. *Welcomes* the efforts aimed at concluding an agreement between the United Nations and the Government of Cambodia to set up Extraordinary Chambers to try, in accordance with international standards of justice, fairness and due process, those most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom and international conventions recognized by Cambodia committed during the period of Democratic Kampuchea;

VI. PROTECTION OF WOMEN AND CHILDREN

17. *Welcomes* the efforts and progress made to improve the status of women, and urges the Government of Cambodia to take further appropriate measures to combat violence against women in all its forms 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;

18. *Commends* the efforts of the Government of Cambodia to impede the spread of HIV/AIDS, and encourage them to continue to focus on the problem;

19. *Welcomes* the series of efforts by the Government of Cambodia to combat human trafficking, while noting with serious concern the growth of human trafficking and sexual exploitation of women and children internationally, and requests the Government and the international community to strengthen their concerted efforts comprehensively to address these problems;

20. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to take immediate and effective measures to protect children from economic exploitation and from performing any work that is likely to be hazardous, or to interfere with their education, or to be harmful to their health, safety, or morals, by the enforcement of Cambodian laws on child labour, existing labour laws and anti-trafficking law provisions on behalf of children and prosecuting those who violate these laws, invites the International Labour Organization to continue to extend the necessary assistance in this regard, and encourages the Government to consider ratifying the 1999 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Convention No.182 of that organization;

21. *Welcomes* the increased budget allocation in the areas of education and health and encourages timely disbursement and further efforts by the Government of Cambodia to improve the health conditions of children and their access to education, to promote free and accessible birth registration and to establish a juvenile justice system;

VII. CONCLUSION

22. *Encourages* the international community to assist the Government of Cambodia in its efforts to implement the present resolution;

23. *Requests* the Secretary-General to report to the Commission on Human Rights at its sixtieth session on the role and achievements of the Office of the United Nations

High Commissioner for Human Rights 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;

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

62nd meeting
25 April 2003

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

2003/80. Situation of human rights in Sierra Leone

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable human rights instruments,

Recalling its previous resolutions on the situation of human rights in Sierra Leone, as well as relevant resolutions of the Security Council, including resolution 1470 (2003) of 28 March 2003,

Recalling with deep regret violations and abuses of human rights and international humanitarian law that were perpetrated in Sierra Leone against civilians, including the abduction of women and children as well as the targeting and abuse of women and girls during the conflict,

Welcoming, in this regard, the first indictments by the Special Court for Sierra Leone of individuals charged with crimes against humanity, war crimes and other serious violations of humanitarian law, and the start of public hearings by the Truth and Reconciliation Commission,

Welcoming the peaceful general and presidential elections that took place in Sierra Leone in May 2002 and the election of paramount chiefs later in the year, and taking note of preparations for upcoming municipal and district council elections,

Welcoming the voluntary return of many Sierra Leonean refugees from Guinea and Liberia and of internally displaced persons to their communities, as well as the conclusion of the resettlement programme for internally displaced persons and the closure of camps in the provinces,

Expressing concern that the situation in the Mano River Union and in Côte d'Ivoire could have humanitarian repercussions for the region and for the progress achieved in Sierra Leone,

Reaffirming that many refugees and war-affected persons continue to need protection and assistance, and mindful that instability in the Mano River subregion and in Côte d'Ivoire continues to create displacements,

Recognizing that the Sierra Leone Human Rights Manifesto of 24 June 1999 contains an important basic framework for the promotion of human rights and encouraging its continued implementation as well as the future creation of an independent national human rights commission,

Recognizing the importance of technical cooperation for the promotion and protection of human rights, which will contribute to achieving stability and security in Sierra Leone,

1. *Welcomes:*

(a) The report of the United Nations High Commissioner for Human Rights to the Commission on Human Rights (E/CN.4/2003/35), including his conclusion that tremendous progress has been made in the implementation of the peace process in Sierra Leone;

(b) The report of the High Commissioner to the General Assembly (A/57/284);

(c) The activities of the United Nations Mission in Sierra Leone, including the work of its Human Rights Section;

(d) The ongoing work of the Special Court for Sierra Leone to bring to justice those persons who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone since 30 November 1996;

(e) The ongoing work of the Truth and Reconciliation Commission, inter alia to address impunity and accountability and promote healing in relation to the armed conflict in Sierra Leone from 1991 to 1999;

(f) Steps taken by the Government of Sierra Leone to extend its authority throughout the country, but notes with concern that it continues to face serious resource and other constraints in restoring civil administration at all levels and public services throughout the country;

(g) The decision of the Government of Sierra Leone to extend a standing invitation to the special mechanisms of the Commission;

(h) The assistance by the High Commissioner and the international community to the Government of Sierra Leone aimed at promoting a culture of human rights protection in Sierra Leone, including activities with all parties that had been engaged in the conflict;

(i) The initiatives and steps being taken by the Government of Sierra Leone and Sierra Leonean civil society in concert with the international community to build the human rights infrastructure in the country, particularly those related to the sensitization of communities on the objectives of the Special Court and the Truth and Reconciliation Commission, and reiterates the need for continued efforts in this regard to promote peace, justice and national reconciliation and to foster accountability and respect for human rights;

(j) The voluntary contributions already provided and the pledges made to the United Nations Trust Fund for the Special Court and further welcomes the Special Court's employment of experts on gender-based crimes;

(k) The work done by the National Commission on Disarmament, Demobilization and Reintegration, together with participating agencies, in continuing to facilitate reintegration and reconciliation within Sierra Leonean society;

(l) The human rights training, including specialized gender and child rights training, provided to national human rights monitors, police officers and military personnel;

(m) The ongoing work of the National Commission for War-Affected Children;

(n) The continued deployment and efforts of child protection advisers within the United Nations Mission in Sierra Leone to help to ensure the protection of children's rights, which is a priority throughout the peacekeeping process and the consolidation of peace in Sierra Leone, as well as the efforts of the United Nations Children's Fund in responding to the protection and assistance needs of children;

(o) The activities carried out by the International Committee of the Red Cross and other humanitarian organizations, especially those related to promoting respect for international humanitarian law, in such areas as medical assistance, relief activities and visits to detained persons, as well as efforts by other humanitarian organizations including United Nations agencies to rehabilitate the country's infrastructure to allow resettlement and reintegration of internally displaced persons and returning refugees;

2. *Expresses its deep concern:*

- (a) At the continuing financial shortfall of the Multi-Donor Trust Fund for the Disarmament, Demobilization and Reintegration Programme, in particular its impact on the reintegration phase of the programme;
- (b) At the number of girls and women still held by former combatants against their will;
- (c) At the continuing reports of trafficking and illegal supply of small arms and related material, especially across international borders in the subregion, in contravention of relevant Security Council resolutions;
- (d) At reports of the use of children in diamond-mining activities;
- (e) At the humanitarian situation affecting the population, including refugees and displaced persons in Sierra Leone and neighbouring States, caused by recent and ongoing violence and tensions in border regions, and at impediments to the safe and voluntary return of affected populations to their homes in the border region with Liberia;

3. *Urges:*

- (a) All relevant parties in Sierra Leone, including civil society, to continue to cooperate with the Special Court and the Truth and Reconciliation Commission;
- (b) All relevant parties in the region to continue to work towards the establishment of conditions which would permit the safe and voluntary return of displaced and refugee populations to their homes, and to ensure respect for human rights and fundamental freedoms and international humanitarian law;
- (c) All States in the Mano River subregion to cooperate with the Special Court and the Truth and Reconciliation Commission and to work constructively for the consolidation of peace and security in Sierra Leone;
- (d) The international community, including relevant United Nations agencies, to make available the necessary resources to ensure that there is no shortfall in the budget of the Special Court and the Truth and Reconciliation Commission, including for the conduct of investigations;

4. *Urges the Government of Sierra Leone:*

- (a) To continue to work closely and to strengthen its cooperation in the area of human rights with the United Nations Mission in Sierra Leone and the Office of the United Nations High Commissioner for Human Rights;

(b) To continue working to reintegrate the remainder of the ex-combatants in all areas and to give special attention to former child combatants and female former combatants in the reintegration process, bearing in mind the special needs and particular vulnerabilities of girls;

(c) To ensure that the necessary conditions are provided for those women and girls who had been forced into matrimonial or other relationships during the conflict and that any other girls held against their will by ex-combatants are released immediately if they so wish;

(d) To continue to facilitate the effective functioning of the Truth and Reconciliation Commission and the Commission for War-Affected Children;

(e) To give priority attention, in cooperation with the international community, to the special needs of all mutilated victims and of women and children in its care, in particular those sexually abused, gravely traumatized and displaced as a result of the conflict;

(f) To continue to work for the restoration of civil authority to provide basic public and social services, including security and the administration of justice, throughout Sierra Leone;

(g) To continue to encourage the cooperation of Sierra Leonean civil society in the functioning of the Special Court and the Truth and Reconciliation Commission;

5. *Decides:*

(a) To renew its request that the High Commissioner and the international community continue to assist the Government of Sierra Leone to maintain an effectively functioning Truth and Reconciliation Commission, and to cooperate with the Special Court;

(b) To request the international community to continue to participate in the strengthening, including through technical assistance, of the courts and judicial system of Sierra Leone, including the juvenile justice system, and to assist in the establishment of the national human rights commission;

(c) To urge the international community to respond to the respective appeals made by the Secretary-General and the Office of the High Commissioner and make available the necessary funds to ensure that the budgets of the Truth and Reconciliation Commission and the Special Court are fully covered, and requests the Government of Sierra Leone actively to seek the urgently needed funds;

(d) To request the Secretary-General to take all necessary measures to facilitate the activities of the Special Court, including those undertaken by the Management Committee;

(e) To request the High Commissioner and the international community to make further relevant technical assistance available to the Special Court and the Truth and Reconciliation Commission;

(f) To request the Secretary-General, the High Commissioner and the international community to continue to give all necessary assistance to the Human Rights Section of the United Nations Mission in Sierra Leone, including sustaining the level of integration of the Section into the work of the Mission, to enable it to fulfil its mandate to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, assist the Government of Sierra Leone in its efforts to address the country's human rights needs, including:

- (i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy programmes;
- (ii) To strengthen its support for, and to continue and expand its cooperation with, human rights non-governmental organizations and other groups doing human rights work in Sierra Leone, including within the framework of the National Forum on Human Rights;

(g) To request the High Commissioner to report to the General Assembly at its fifty-eighth session and to the Commission on Human Rights at its sixtieth session on the human rights situation in Sierra Leone, including with reference to reports from the Human Rights Section of the Mission;

(h) To consider this question at its sixtieth session.

*62nd meeting
25 April 2003*

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

2003/81. Technical cooperation and advisory services in Chad

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, and the duty to fulfil the obligations that they have undertaken under the various instruments in this field,

Mindful that Chad has an obligation to implement all the international and regional instruments to which it is a party,

Welcoming the positive attitude of the Government of Chad and its readiness to cooperate with the Office of the United Nations High Commissioner for Human Rights with a view to consolidating the culture of human rights,

Welcoming also the readiness of the Government of Chad to cooperate with the special procedures of the Commission and to consider inviting them to visit the country,

1. *Requests* the United Nations High Commissioner for Human Rights, in consultation with the Government of Chad, to elaborate a programme of technical assistance and advisory services in the field of human rights;

2. *Decides* to continue consideration of this matter under the same item at its sixtieth session.

*62nd meeting
25 April 2003*

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

2003/82. Technical cooperation and advisory services in Liberia

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, and the duty to fulfil the obligations that they have undertaken under the various instruments in this field,

Mindful that Liberia has an obligation to implement all the international and regional instruments to which it is a party,

Welcoming the positive attitude of the Government of Liberia and its readiness to cooperate with the Office of the High Commissioner for Human Rights with a view to consolidating the culture of human rights, tolerance and reconciliation, inter alia through human rights education,

1. *Decides* to appoint an independent expert for an initial period of three years to facilitate cooperation between the Government of Liberia and the Office of the United Nations High Commissioner for Human Rights in the area of the promotion and protection of human rights by providing technical assistance and advisory services;
2. *Invites* the independent expert to visit Liberia to assess the situation of human rights in the country and to submit in this regard an initial report to the Commission at its sixtieth session;
3. *Requests* the United Nations High Commissioner for Human Rights to provide the independent expert with adequate resources in order to carry out his/her mandate;
4. *Decides* to consider this question at its sixtieth session under the same item.

*62nd meeting
25 April 2003*

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