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WORLD CONFERENCE ON HUMAN RIGHTS
Preparatory Committee
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Agenda item 12

ADOPTION OF THE REPORT OF THE PREPARATORY COMMITTEE

Note by the Secretary-General

Draft final document proposed by the Preparatory Committee

This document reproduces additional paragraphs of the draft final document approved by the Drafting Group of the Committee of the Whole on the afternoon of 7 May 1993.

To be inserted before paragraph 2

Express concern over all forms of violation of human rights, including manifestations of racial discrimination, racism, [anti [Arab] semitism,] apartheid, [colonialism, foreign aggression and occupation, and the establishment of illegal settlements in occupied territories, as well as the recent resurgence of neo-nazism, xenophobia, [and] "ethnic cleansing",] [torture, summary executions and disappearances].

Paragraph 19

The World Conference expresses grave concern about continuing human rights violations in all parts of the world in disregard of standards as contained in international human rights instruments and [and international humanitarian law] about frequently insufficient or lacking effective remedies for the victims.

Paragraph 19 (A)

[The World Conference expresses abhorrence that [torture and cruel, inhuman and degrading treatment and punishment, extrajudicial executions, disappearances and arbitrary detentions] continue to be tolerated and practised in all parts of the world despite the clear prohibitions of international law.]

Paragraph 19 (B)

[The World Conference deplores [racism, racial discrimination, apartheid, foreign occupation and alien domination, xenophobia, unfavourable international economic environment, poverty, religious intolerance and related violence, unsafe and unsound natural environment] that affect human rights.]

Paragraph (C)

[The World Conference stresses the need [for] [to continue a] [to enhance a] universal/ity, objectiv/ity, impartial/ity and non-selectiv/ity [approach to] [in] [the implementation] of human rights.]

Paragraph 19 bis

[The World Conference on Human Rights reaffirming the right of individuals and peoples to a standard of living adequate for the health and well being, including food and medical care, calls upon States to put an end to any [unjustifiable measures] [economic blockade or coercive measures other than those implemented in accordance with international law and the United Nations Charter] that create obstacles to international free trade relations among States and impede the full realization of those inalienable rights set forth in the Universal Declaration of Human Rights and international human rights instruments.]

I. [United Nations' system wide action on human rights]

[1. The World Conference recommends increased coordination for focused and non-duplicative actions in support of human rights and fundamental freedoms within the United Nations system, and recommends to the Secretary-General that high level officials of relevant United Nations bodies and specialized agencies at their annual meeting also assess the impact of their strategies and policies on the enjoyment of all human rights [and coordinate their programme and measures] for the promotion and protection of human rights.]

2. Furthermore, the World Conference calls on regional organizations and prominent international and regional finance and development institutions to also assess the impact of their policies and programmes on the enjoyment of human rights.

[3. The World Conference recognizes that, within the United Nations Human Rights Programme, the constant availability of independent analysis and objective reporting as well as monitoring of the human rights situation [should be extended to all countries of the world] in all countries throughout the world, should be maintained [and strengthened]. [The Conference recommends that the Secretary-General prepare a comprehensive annual report on the state of human rights throughout the world, drawing on such analysis and reporting by United Nations human rights mechanisms].]

[3 bis. The Secretary-General and the Security Council are encouraged to ensure the effective deployment of established United Nations system-wide human rights machinery where appropriate in support of Security Council deliberations and Security Council mandated peacemaking, peacekeeping and peace-building operations (as these terms are described in the Secretary-General's Agenda for Peace).]

4. The World Conference strongly recommends that a concerted effort be made to encourage and facilitate the ratification of and accession or succession to international human rights treaties and protocols adopted within the framework of the United Nations system with the aim of universal acceptance. The Secretary-General, in consultation with treaty bodies, should consider to open a dialogue with States not having acceded to these human rights treaties, in order to identify obstacles, and to seek ways of overcoming them. [The year 2000 could be a target date for achieving universal acceptance and a strategy should be devised for achieving this goal].

[4 bis. The World Conference expresses its concern that the large number of reservations to international human rights instruments may erode recognized human rights standards. States Parties are urged to review reservations made to international human rights instruments, with a view to withdrawing those which can be deemed to be incompatible with international treaty law. The Secretary-General is requested to consider ways and means to review, on a revolving basis, taking one specific Convention at a time, reservations made to major international human rights instruments, with a view to bringing to the attention of States reservations which can be deemed to be contrary to the object and purpose of the relevant treaties, or otherwise incompatible with international treaty law.]

5. The World Conference, recognizing the need to maintain consistency with the high quality of existing international standards and to avoid proliferation of human rights instruments, reaffirms the guidelines relating to the elaboration of new international instrument contained in General Assembly resolution 41/120 and calls on the United Nations human rights bodies, when considering the elaboration of new international standards, to keep those guidelines in mind, to consult with human rights treaty bodies on the

necessity for drafting new standards and to request the Secretariat to carry out technical reviews of proposed new instruments.

6. The World Conference urges all United Nations organs and the specialized agencies whose activities deal with human rights to cooperate in order to rationalize, streamline and evaluate their activities to avoid duplication.

[7. The World Conference recommends that human rights officers be assigned if and when necessary to regional and eventually other offices of the Organization with the primary purpose of disseminating information and offering training and other technical assistance in the field of human rights, in cooperation with regional organizations.] Human rights training for international civil servants who are assigned to work relating to human rights should be organized.

[8/9. The World Conference recommends that an evaluation of the United Nations human rights system, including the Centre for Human Rights, particularly, be undertaken by the General Assembly in order to strengthen its capacity and that of the international community to protect, promote and defend human rights, to provide an effective and timely response to problems arising in this field and to remove obstacles to the full observance of human rights.]

Resources

The World Conference, concerned by the growing disparity between the mandates of the [Human Rights Programme] [Centre for Human Rights] and the human, financial and other resources available to carry them out, requests the Secretary-General and the General Assembly to substantially increase the resources for the human rights programme from the regular budget of the United Nations.

The World Conference requests the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it to effectively, efficiently and expeditiously carry out its existing activities in implementation, [standard-setting,] research, advisory services and information, as well as any new activities recommended by the World Conference.

The World Conference, noting the need to ensure that human and financial resources are available to carry out the human rights activities, as mandated by intergovernmental bodies, urges the Secretary-General, in accordance with article 101 of the United Nations Charter, and Member States to adopt a coherent approach in the main committees of the General Assembly, in particular the Third and Fifth Committees, aimed at securing that resources commensurate to the increased mandates are allocated to the Secretariat. The Conference invites the Secretary-General to consider whether adjustments to procedures in the programme budget cycle would be necessary or helpful to ensure the timely and effective implementation of human rights activities as mandated by Member States.

Within the overall framework of the United Nations regular budget, an increased proportion should be put directly at the disposal of the Centre for Human Rights in order to cover its costs and those of other United Nations human rights bodies. This enhanced budget should be used to reinforce the voluntary methods of financing the Centre's technical cooperation activities; the Conference should call for generous contributions to the existing trust funds.

Centre for Human Rights

[The World Conference stresses the importance of strengthening the United Nations Centre for Human Rights with the necessary resources to enable it to provide a wide range

of advisory services and technical assistance programmes in the promotion of human rights to requesting states in a timely and effective manner, as well as to enable it to finance adequately other activities in the field of human rights authorized by competent bodies].

[The Centre for Human Rights should play an important role in coordinating system-wide attention for human rights. The focal role of the Centre can best be realized if it is enabled to cooperate fully with other United Nations bodies and organs. It should be enabled to participate, where appropriate, in peace keeping operations and monitoring missions. It should also be enabled to discharge its functions for electoral assistance at the request of the state concerned. The coordinating role of the Centre for Human Rights also implies that the office of the Centre for Human Rights in New York be strengthened.]

[The Centre for Human Rights would assure adequate means for the system of thematic and country rapporteurs, experts, working groups and treaty bodies. Follow-up on recommendations should become a priority matter for consideration by the Commission on Human Rights. While the convening of emergency sessions of the Commission on Human Rights has proved to be a step forward, better ways of responding to acute violations of human rights should be considered. One possibility would be to find ways to bring to the attention of the United Nations Secretary-General massive violations of human rights with a view to submitting concrete cases to the Security Council together with recommendations for action. This action could be taken either at the initiative of the Director of the Centre or following requests for the Commission on Human Rights, special rapporteurs, experts, working groups and human rights treaty bodies. An important element would be to ensure that any United Nations official with overall responsibility for Human rights had enhanced status, personal authority and access.]

The Centre for Human Rights should in the view of the World Conference also assume a larger role in the promotion of human rights through positive measures. This role could be given shape by an enhanced programme of advisory services, [focusing solely on measures that could instigate real change in the state of human rights in specific countries]. The existing voluntary funds will have to be expanded substantially for these purposes and should be managed in a more coordinated way. [All contributions to the voluntary funds should be considered as official development assistance.] We welcome the establishment of boards of trustees to supervise activities financed out of the voluntary funds. All activities should follow strict and transparent project management rules and regular programme and project evaluations would have to be held.

[The Centre for Human Rights should establish specific working arrangements with UNDP as well as with other parts of the United Nations system, based on their comparative advantage so as to achieve co-ordination and to avoid duplication of effort.]

[Under-Secretary-General/High Commissioner for Human Rights]

[The World Conference calls upon the international community to establish the position and office of a High Commissioner for Human Rights, whose responsibilities shall include, inter alia, the coordination and facilitation of activities related to the promotion and protection of Human Rights within the United Nations and its specialized agencies, and endorses the designation of the Centre for Human Rights as focal point and coordination unit for this purpose.]

[The High Commissioner should:

- assume responsibility for human rights issues in the areas of peacekeeping, peacemaking, and humanitarian assistance;

- coordinate all United Nations human rights programmes, and encourage and facilitate coordination, cooperation and information sharing among all United Nations system and humanitarian organizations including UNDP, UNICEF, WHO, ILO, and others;
- have authority to bring to the attention of the Security Council serious violations of human rights when they threaten international peace and security; and
- have independent authority to dispatch special envoys on fact-finding missions and to undertake other initiatives to promote human rights.

The High Commissioner should have line authority for all United Nations human rights units, including the Centre for Human Rights, the Centre against Apartheid, the Division of Palestinian Rights, the Electoral Unit, and any other such bodies. All these units should be consolidated in Geneva. The High Commissioner should be appointed by the Secretary-General for a fixed term.]

[The post of Director of the Centre for Human Rights should be upgraded to that of Under-Secretary-General for Human Rights / High Commissioner for Human Rights. The Conference should invite the Secretary-General and the competent United Nations bodies to address this question.]

[The World Conference on Human Rights recommends to the General Assembly to study the feasibility of establishing a United Nations Permanent Commissioner for Human Rights.]

[The eventual High Commissioner / Under-Secretary-General for human rights would not in any way replace existing mechanisms.]

[10. The World Conference recognizes the positive role of

non-governmental organizations at all levels within the United Nations system and recommends that the ECOSOC committee on non-governmental organizations bear in mind the need for increased access improved quality in the modalities of participation of non-governmental organizations in the work of United Nations human rights fora, when examining new requests for consultative status presented by non-governmental organizations which were entitled to participate in the World Conference on Human Rights and associated meetings.]

[The World Conference acknowledges the importance of cooperation and dialogue between governmental and non-governmental organizations on the basis of shared values as well as mutual respect and understanding in the promotion of human rights, and encourages the non-governmental organizations in consultative status with the Economic and Social Council to contribute positively to this process in accordance with Council resolution 1296 (XLIV).]

[10. bis. The World Conference recommends to consider the prospects of proclaiming a United Nations Human Rights Decade.]]

V. [Implementation and Monitoring Methods]

1. The World Conference urges Governments to incorporate standards as contained in international human rights instruments in domestic legislation and to strengthen national structures, institutions and organs of society which play a role in promoting and safeguarding human rights [and associated ethical principles].

3. The World Conference recommends to the human rights treaty bodies, to the meetings of chairpersons of the treaty bodies and to the meetings of States Parties that they continue to take steps aimed at coordinating the multiple reporting requirements and guidelines for preparing State

reports under the respective human rights conventions, study the suggestion that the submission of one overall report on treaty obligations undertaken by each State would make these procedures less burdensome and more effective and increase their impact.

4. The World Conference recommends that the States parties to international human rights instruments, the General Assembly and the Economic and Social Council should consider studying the existing human rights treaty bodies and the various thematic mechanisms and procedures with a view to promoting greater efficiency and effectiveness through better coordination of the various bodies, mechanisms and procedures, [including the avoidance of duplication and overlapping of their mandates and tasks].

5. The World Conference recommends continued work on the improvement of the functioning, including the monitoring tasks, of the treaty bodies, taking into account multiple proposals made in this respect, in particular those made by the treaty bodies themselves, by the meetings of the chairpersons of the treaty bodies [and the interim report on the Effective Implementation of International Instruments on Human Rights, including reporting obligations under International Instruments on human rights (A/CONF.157/PC/62/Add.11/Rev.1)]. The comprehensive national approach taken by the Committee on the Rights of the Child should also be encouraged.

6. The World Conference recommends that States Parties to human rights treaties consider accepting all the available optional communication procedures, including the First Optional Protocol to the International Covenant on Civil and Political Rights, [article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,] and article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.

7. [The World Conference also recommends that the Commission on Human Rights start examining the possibility of establishing an International Human Rights Court.]/[The World Conference also recommends that the International Law Commission and the Commission on Human Rights examine the possibility for better implementation of existing human rights instruments, explore the possibility of encouraging establishment of regional human rights legal arrangements and study the advantages and disadvantages of international jurisdiction on human rights.]/[The World Conference also recommends that the Commission on Human Rights explore the ways and means to utilize the existing monitoring mechanisms in an efficient manner for better implementation of existing human rights instruments and to explore the possibility of encouraging establishment of regional systems of human rights protection.]

VI. Follow-up to the World Conference

1. [The World Conference recommends to the General Assembly that a high level expert meeting be convened in 1998 with the mandate of assessing the progress made in realizing the principles set forth in the Final Document as well as the Programme for Rights Action. States, the Secretary-General and the heads of other organs and agencies in the United Nations system, as well as regional human rights institutions, are requested to submit to the expert meeting reports containing a detailed account of action taken and results achieved in the implementation of the present Programme of Action.]

- The World Conference recommends that in 1998, taking into consideration the Fiftieth Anniversary of the Universal Declaration of Human Rights as a rallying point for global human solidarity, the General Assembly and the Commission on

Rights, [in cooperation with participating non-governmental organizations,] should assess the progress made in implementing the recommendations of the final document.