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DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Zdzislaw KEDZIA (Poland)

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* E/CN.4/1993/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.4/1993/L.11 and addenda.

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1993/9. Situation of human rights in South Africa

The Commission on Human Rights,

Recalling its resolutions of 1989/5 of 23 February 1989, 1990/26 of 27 February 1990, 1991/21 of 1 March 1991 and 1992/19 of 28 February 1992,

Reaffirming the Declaration on Apartheid and its Destructive Consequences in Southern Africa and the need for the full implementation of its provisions,

Recalling the report of the Special Committee against Apartheid (A/46/22), the second report of the Secretary-General on progress made in the implementation of the Declaration (A/45/1052), as well as the reports of the Secretary-General on the coordinated approach by the United Nations system on the questions relating to South Africa (A/46/648) and on the concerted and effective measures aimed at eradicating apartheid (A/46/499),

Having examined the report of the Ad Hoc Working Group of Experts on Southern Africa (E/CN.4/14/1993/14),

Recognizing the responsibility of the United Nations and the international community to help the people of South Africa in their legitimate struggle for the total elimination of apartheid through peaceful means,

Noting that while positive measures have been taken by the Government of South Africa, including the repeal of some major apartheid laws and the revision of the security legislation, important obstacles to the achievement of a climate conducive to the exercise of free political activity still remain,

Noting also that while positive steps have been taken by the Government of South Africa towards changing the racial education system, many obstacles still persist,

Gravely concerned that persistent violence threatens to undermine the process of peaceful change through negotiations to a united, non-racial and democratic South Africa,

Stressing the need to strengthen and reinforce the mechanisms set up in South Africa under the National Peace Accord signed on 14 September 1991, and emphasizing the need for all parties to cooperate in combating violence and to exercise restraint,

Welcoming the enhanced attention given by the international community to the question of violence in South Africa and especially the deployment of

observers from the United Nations, the Organization of African Unity, the Commonwealth and the European Community in South Africa to further the purposes of the National Peace Accord,

Deeply concerned at the revelations of illegal covert activities carried out by military intelligence with a view to undermining a major party to the political process of peaceful change in South Africa,

Noting with satisfaction the progress made in the implementation of the agreement concluded between the United Nations High Commissioner for Refugees and the South African authorities to enable the voluntary repatriation of refugees and exiles,

Noting with concern that the so-called "homelands" still remain outside the legal, political and administrative framework of South Africa,

Concerned that notwithstanding the amendment of the Internal Security Act, detention without charge remains possible in law,

Concerned also at reports containing evidence that children are still subjected to arbitrary detention and inhuman treatment in South Africa,

Gravely disturbed at the socio-economic inequalities in South Africa and at the accumulated negative impact of apartheid on the social, economic and cultural rights of the majority of the people of South Africa,

Welcoming the negotiations between the Government of South Africa and all parties concerned aimed at working out modalities for a non-racial, democratic constitution,

1. Takes note of the report of the Ad Hoc Working Group of Experts on Southern Africa, and commends the Working Group for the excellent manner in which it has prepared its report;

2. Reaffirms its support for the legitimate struggle of the South African people for the total eradication of apartheid through peaceful means and their right to establish a non-racial, democratic system which is consistent with the International Bill of Human Rights;

3. Also reaffirms the international consensus to oppose apartheid, support the peaceful struggle to eradicate apartheid and facilitate the creation of a non-racial, democratic South Africa;

4. Calls upon the South African authorities to exercise effectively their responsibility to maintain law and order, to stop the violence, to prosecute its perpetrators and to protect all citizens, irrespective of their political affiliation;

5. Also calls upon all parties to refrain from further acts of violence;
6. Strongly urges the Government of South Africa to implement fully the recommendations of the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation (the Goldstone Commission) and to cooperate with the Commission with the view to carrying out further investigations into the functioning and operation of the security forces and other existing armed units;
7. Commends the Secretary-General for the measures taken to address areas of concern noted in his report (S/24389) and particularly to assist in strengthening the structure set up under the National Peace Accord, including the deployment of United Nations Observers in South Africa, and urges him to continue to address all the areas of concern noted in his report which fall within the purview of the United Nations;
8. Welcomes the observers of the Organization of African Unity, the Commonwealth and the European Community deployed in South Africa;
9. Calls upon the Government of South Africa to release all remaining political prisoners, including those on death row, in accordance with the terms of the Declaration on Apartheid and its Destructive Consequences in Southern Africa of 1989 and other relevant agreements for its implementation;
10. Urges the Government of South Africa to allow the safe return of all political exiles and refugees without restriction;
11. Appeals to the international community to assist the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations in the repatriation and reintegration of South African refugees and exiles in safety and with dignity;
12. Also appeals to the international community to assist and enhance the role of humanitarian and human rights groups in extending assistance to victims of apartheid and in monitoring the situation of human rights in South Africa;
13. Congratulates all anti-apartheid groups and individuals inside and outside South Africa for their commitment and positive contributions to the efforts to dismantle apartheid;
14. Reiterates the call to the Government of South Africa to expedite legal and administrative measures to abolish the system of "homelands" and reincorporate them into South Africa;

15. Urges the Government of South Africa, in consultation with all parties to the negotiations, to address seriously and urgently the problem of landlessness and the gross inequalities in land ownership in order to create an atmosphere of lasting stability in South Africa;

16. Urges once again the South African authorities to repeal the remaining discriminatory apartheid laws, introduce the necessary legal and administrative measures to correct entrenched socio-economic inequalities and implement and enforce without delay that legislation in the areas of education, health, housing and social welfare;

17. Further urges the South African authorities to advance the dismantling of apartheid by considering accession to the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination;

18. Reiterates its deep concern at reported cases of arbitrary detention and inhuman treatment of detained children in South Africa;

19. Demands that the South African authorities fully respect section 29 of the Prisons Act, prevent the inhuman treatment of children in South Africa and ensure their basic and legitimate freedoms of movement, association and education;

20. Calls for the replacement of the present racial education system with a non-racial education system;

21. Calls upon the international community to assist the non-racial sports bodies, which have been endorsed by representative anti-apartheid sports organizations in South Africa, in redressing the continuing structural inequalities in sports;

22. Urges all the parties to resume, without delay, broad-based negotiations on transitional arrangements and basic principles for a process of reaching agreement on a new democratic and non-racial constitution and for its speedy entry into force;

23. Calls upon the international community to support the fragile and critical process of transition under way in South Africa through the phased application of appropriate measures, to be applied as warranted in response to positive developments such as agreement by the parties on transitional arrangements and agreement on a new, non-racial and democratic constitution;

24. Reiterates the call to all Governments to observe fully the mandatory arms embargo and the request to the Security Council to continue to monitor effectively the implementation of the embargo, as decided in Security Council resolutions 418 (1977) of 4 November 1977, 558 (1984) of 13 December 1984 and 591 (1986) of 28 November 1986;

25. Calls upon the international community to support the peace process in Mozambique and Angola, as well as to mobilize additional resources in order to assist the front-line States and other neighbouring States in the reconstruction of their socio-economic infrastructure and the rehabilitation of the victims of internal and external displacements after years of destabilization;

26. Also calls upon the Centre for Human Rights to respond at the appropriate time, as guided by the Secretary-General, to the needs of the changing situation in South Africa during the period of transition, in accordance with General Assembly resolution 47/116A of 18 December 1992;

27. Decides to renew for a further period of two years the mandate of the Ad Hoc Working Group of Experts on Southern Africa, composed of the following experts acting in their personal capacity: Mr. Leliel Mikuin Balanda (Zaire), Mr. Armando Entralgo (Cuba), Mr. Felix Ermacora (Austria), Mr. Elly Elikunda E. Mtango (United Republic of Tanzania), Mr. Zoran Pajic (Bosnia and Herzegovina) and Mr. Mulka Govinda Reddy (India);

28. Requests the Ad Hoc Working Group of Experts to continue, in cooperation with the Special Committee against Apartheid and other investigatory and monitoring bodies, to examine the situation regarding the violations of human rights in South Africa including, in particular, reports of torture, ill-treatment and deaths of detainees, as well as infringements of trade union rights;

29. Requests the Ad Hoc Working Group of Experts to submit its interim report to the Commission at its fiftieth session and its final report at its fifty-first session;

30. Requests the Ad Hoc Working Group of Experts to submit a brief preliminary report to the General Assembly at its forty-eighth and forty-ninth sessions;

31. Renews its request to the Government of South Africa to allow the Ad Hoc Working Group of Experts to visit South Africa to gather information from individuals and organizations in order to ascertain the situation of human rights in South Africa, in such a manner that:

(a) The Ad Hoc Working Group of Experts would be guaranteed free and confidential access to any individual, organization, prisoner or ex-prisoner, detainee or ex-detainee;

(b) The Government of South Africa would provide a firm undertaking that any person or organization providing evidence would be granted immunity from any State action as a result thereof.

42nd meeting
26 February 1993

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

1993/10. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The Commission on Human Rights,

Recalling General Assembly resolutions 41/103 of 4 December 1986, 42/56 of 30 November 1987, 43/97 of 8 December 1988, 44/79 of 8 December 1989, 45/90 of 14 December 1990, 46/84 of 16 December 1991 and 47/81 of 16 December 1992,

Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980, 6 (XXXVII) of 23 February 1981, 1982/10 of 25 February 1982, 1983/12 of 18 February 1983, 1984/7 of 28 February 1984, 1985/10 of 26 February 1985, 1986/7 of 28 February 1986, 1987/11 of 26 February 1987, 1988/14 of 29 February 1988, 1989/8 of 23 February 1989, 1990/12 of 23 February 1990 and 1991/10 of 22 February 1991,

Recalling also its resolution 7 (XXXIV) of 22 February 1978, in which it called upon States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to submit, in accordance with article VII of the Convention, their first report not later than two years after becoming parties to the Convention and their periodic reports at two-year intervals,

Convinced that apartheid constitutes a total negation of the purposes and principles of the Charter of the United Nations, a gross violation of human rights and a crime against humanity, seriously threatening regional peace and security,

Reiterating the view that the activities of transnational corporations operating in South Africa perpetuate the crime of apartheid,

Reaffirming its conviction that it is the responsibility of the United Nations and the international community as a whole to assist the people of South Africa to eliminate apartheid,

Taking note of Economic and Social Council resolution 1990/70 of 27 July 1990 by which the Council condemned those transnational corporations that continue to collaborate with the minority government in South Africa in defiance of United Nations resolutions and international public opinion and, in many cases, in violation of measures adopted by their home countries,

Reaffirming also its conviction that ratification of, or accession to, the Convention on a universal basis and implementation of its provisions are necessary for its effectiveness and therefore will contribute to the eradication of the crime of apartheid,

Drawing attention to the need to strengthen the various mechanisms for combating apartheid, inter alia, through the establishment of an international penal tribunal as provided for in article V of the Convention,

1. Takes note with appreciation of the report of the Group of Three established under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, and in particular of the conclusions and recommendations contained in that report;

2. Welcomes the work done by the Group of Three in accordance with Commission resolution 1991/10;

3. Commends those States parties to the Convention that have submitted periodic reports, and calls upon those States parties that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention;

4. Notes with appreciation the views and information submitted by some States parties in response to Commission resolution 1991/10 on information concerning the forms of the crime of apartheid, as described in article II of the Convention;

5. Urges those States that have not yet done so to accede to the Convention without delay, especially those States which have jurisdiction over transnational corporations operating in South Africa;

6. Recommends once again that all States parties to the Convention take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports (E/CN.4/1286, annex);

7. Reiterates its recommendation to States parties to be represented when the report of their country is to be considered by the Group of Three;

8. Calls upon all States whose transnational corporations continue to do business with South Africa to take all appropriate steps to terminate their dealings with South Africa;

9. Appeals to States parties to strengthen their cooperation at the national and international levels in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of apartheid in accordance with article VI of the Convention and with the Charter of the United Nations;

10. Appeals to all States parties to the Convention to incorporate in their legislation provisions relating to "the crime of apartheid" in accordance with article II of the Convention;

11. Urges the resumption of genuine and broad-based negotiations for a democratic and non-racial South Africa;

12. Appeals to all States, United Nations organs, the specialized agencies and international and national non-governmental organizations to step up their activities to enhance public awareness by denouncing the crimes committed by the Government of South Africa with a view to promoting further accession to the Convention;

13. Requests the international community to urge the Government of South Africa to repeal the remaining apartheid laws and introduce the necessary legal and administrative measures to correct the entrenched socio-economic inequalities;

14. Requests the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further accessions to the Convention and to give consideration to drawing up model legislation which would serve the States parties as a guide for the implementation of the provisions of the Convention;

15. Requests the Group of Three to continue to meet every two years to consider the reports submitted by States parties in accordance with article VII of the Convention;

16. Requests the Secretary-General to continue to provide all necessary assistance to the Group of Three.

42nd meeting
26 February 1993

[Adopted by 30 votes to none, with 21 abstentions,
See chap. XV.]

1993/11. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and launching of a third decade to combat racism and racial discrimination

The Commission on Human Rights,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its conviction that racism, racial discrimination and apartheid constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms, racial discrimination and apartheid,

Recalling its resolution 1992/8 of 21 February 1992,

Recalling the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,

Bearing in mind General Assembly resolutions 3057 (XXVIII) of 2 November 1973, on the First Decade for Action to Combat Racism and Racial Discrimination, and 38/14 of 22 November 1983, on the Second Decade to Combat Racism and Racial Discrimination,

Recalling the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Bearing in mind the Report of the Second World Conference to Combat Racism and Racial Discrimination,

Convinced that the Second World Conference represented a positive contribution by the international community towards attaining the objectives of the Decade, through its adoption of a Declaration and an operational Programme of Action for the Second Decade to Combat Racism and Racial Discrimination,

Bearing in mind General Assembly resolution 39/16 of 23 November 1984 on the Second Decade to Combat Racism and Racial Discrimination, in which the Assembly invited the Commission on Human Rights to continue exercising vigilance in identifying actual or emergent situations of racism and racial discrimination, to draw attention to them where discovered and to suggest remedial measures,

Bearing in mind the measures taken by the South African authorities to repeal or amend the major laws which had constituted the pillars of apartheid, as well as the progress made towards the establishment of a democratic, non-racial and united South Africa,

Convinced of the need to take sustained international measures for the elimination of all forms of racism and racial discrimination and the total eradication of apartheid in South Africa,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism, racial discrimination and apartheid,

Recognizing the importance of strengthening, where necessary, national legislation and institutions for the promotion of racial harmony,

Aware of the importance and the magnitude of the phenomenon of migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Reaffirming the Declaration on Apartheid and its Destructive Consequences in Southern Africa, unanimously adopted by the General Assembly at its sixteenth special session, on 14 December 1989, which offers guidelines on how to end apartheid,

Recalling that in its resolution 1992/8 of 21 February 1992, it recommended that the General Assembly take appropriate steps, in due course, to launch a third decade to combat racism and racial discrimination, to begin in 1993,

Taking note of General Assembly resolution 47/77 of 16 December 1992 in which the Assembly requested the Secretary-General to accord the highest priority to activities of the programme of action for the third decade to combat racism and racial discrimination aimed at monitoring the transition from apartheid to a non-racist society in South Africa and invited the Commission on Human Rights at its forty-ninth session to recommend activities to be undertaken during the third decade,

Taking note of the report of the Secretary-General (E/CN.4/1993/55),

1. Declares that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. Commends all States that have ratified or acceded to the relevant international instruments to combat racism and racial discrimination;

3. Appeals to those States that have not yet done so to consider ratifying, acceding to and implementing the relevant international instruments, particularly the International Convention on the Elimination of All forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention against Discrimination in Education adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960;

4. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by ongoing adjustment of the methods used to combat them;

5. Invites all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils;

6. Notes and commends the efforts made to coordinate all the programmes currently under implementation by the United Nations system that relate to the objectives of the Second Decade, and encourages the Coordinator for the Second Decade to Combat Racism and Racial Discrimination to continue his efforts;

7. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

8. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities and those of migrant workers in the field of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

9. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, in view of its possible early entry into force;

10. Requests the Secretary-General to revise and finalize the draft model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination in the light of comments made by members of the Committee on the Elimination of Racial Discrimination at its fortieth and forty-first sessions and to publish and distribute the text as soon as possible;

11. Invites the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and education activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

12. Regrets that most of the activities scheduled for the period 1992-1993 have not been implemented because of lack of adequate resources;

13. Calls upon the international community to provide the Secretary-General with appropriate financial resources for efficient action against racism and racial discrimination;

14. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the activities scheduled for the period 1990-1993 which have not yet been carried out;

15. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination are indispensable for the implementation of the above-mentioned programmes;

16. Strongly appeals, therefore, to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

17. Takes note of the report of the Secretary-General (A/47/432) on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and the launching of a third decade to combat racism and racial discrimination;

18. Recommends that activities such as those contained in the report of the Secretary-General be undertaken during the third decade to combat racism and racial discrimination and reviewed at mid-term;

19. Requests the Secretary-General, in preparing the draft programme of action for the third decade, to accord the highest priority to activities aimed at monitoring the transition from apartheid to a non-racist society in South Africa;

20. Calls upon Governments to encourage further positive change in South Africa based on the guidelines set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, in particular by maintaining effective and sustained international pressure against South Africa;

21. Recommends that the activities scheduled for the period 1992-1993 that have not been implemented because of lack of adequate resources be included in the draft programme of action for the third decade, along with the other proposed activities contained in the annex to the present resolution, and given the highest priority;

22. Decides to consider at its fiftieth session, as a matter of high priority, the draft programme of action for the third decade to combat racism and racial discrimination.

Annex

ACTIVITIES RECOMMENDED FOR INCLUSION IN THE DRAFT PROGRAMME
OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND
RACIAL DISCRIMINATION

I

1. The Commission recommends the following programme elements proposed by the Secretary-General for the draft programme of action for the third decade to combat racism and racial discrimination (1993-2003), as contained in paragraphs 19-46 of the report of the Secretary-General (A/47/432):

"19. It is suggested that the goals and objectives of the third decade be those adopted by the Assembly for the first Decade and contained in the annex to General Assembly resolution 3057 (XVIII):

'The ultimate goals of the Decade are to promote human rights and fundamental freedoms for all, without distinction of any kind on grounds of race, colour, descent or national or ethnic origin, especially by eradicating racial prejudice, racism and racial discrimination; to arrest any expansion of racist policies, to eliminate the persistence of racist policies and to counteract the emergence of alliances based on mutual espousal of racism and racial discrimination; to resist any policy and practices which lead to the strengthening of the racist regimes and contribute to the sustainment of racism and racial discrimination; to identify, isolate and dispel the fallacious and mythical beliefs, policies and practices that contribute to racism and racial discrimination, and to put an end to racist regimes.'

"20. In drawing up suggested elements for the programme of action for the third decade, account has been taken of the fact that current global economic conditions have caused many Member States to call for budgetary restraint, which in turn requires a conservative approach to the number and type of programme for action which may be considered at this time. The Secretary-General also took into account the relevant suggestions

made by the Committee on the elimination of Racial Discrimination at its forty-first session. The elements presented below are suggested as those which are essential, should resources be made available to implement them.

A. Action to combat apartheid

"21. Recently, there have been signs of change in South Africa, notably the abolition of such legal pillars of apartheid as the Group Areas Act, the Land Areas Act and the Population Registration Act. Although there is reason to be hopeful that South Africa is moving into the mainstream of the international community, the transition period may prove to be difficult and dangerous. Fierce political competition between political parties and ethnic groups has already led to bloodshed.

"22. Action will be needed to rectify the consequences of apartheid in South Africa. The policy of apartheid has entailed the use of State power to increase inequalities between racial groups. The knowledge and experience of human rights bodies dealing with racial discrimination could play a significant role in promoting equality.

"23. The General Assembly may wish to examine the best way to monitor apartheid in transition and initiate a mechanism to advise and assist the parties concerned to bring an end to this abhorrent regime not only in law but also in fact. Reference should be made to Security Council resolution 765 (1992) urging the South African authorities to bring an effective end to the violence and bring those responsible to justice.

"24. The Assembly may also wish to continue to examine the relevant work undertaken by the established United Nations bodies in the fight against apartheid, i.e. the Special Committee against Apartheid, the Group of Three and the Ad Hoc Working Group of Experts on southern Africa.

"25. The Centre for Human Rights could offer technical assistance in the field of human rights to South Africa during and after the transition period. A cycle of seminars on apartheid could be envisaged, in cooperation with the specialized agencies and United Nations secretariat units concerned, which could include the following:

"(a) Seminar on apartheid and children, in cooperation with UNICEF;

"(b) Seminar on apartheid and the rights of workers, in cooperation with ILO;

"(c) Seminar on apartheid and public health, in cooperation with WHO;

"(d) Seminar on apartheid, education and culture, in cooperation with UNESCO;

"(e) Seminar on affirmative action for a non-racial society in South Africa.

"26. An inter-agency meeting could be convened immediately after the proclamation of the third decade, in 1994, to plan for the workshops and other activities.

B. Action at the international level

"27. During the discussion in the Economic and Social Council at its substantive session of 1992 on the Second Decade, many delegations expressed their concern with regard to new expressions of racism, racial discrimination, intolerance and xenophobia in various parts of the world.

"28. The manifestation of racist myths may be overt, as with the obvious example of apartheid, or they may be less evident as is the case with some employment, housing, immigration and asylum policies which tend to impact most negatively on people who are distinguishable ethnically or by nationality. There is a general awareness of the new expressions of racism and racial discrimination affecting minorities, ethnic groups, migrant workers, indigenous populations, gypsies, immigrants and refugees.

"29. The biggest contribution to the elimination of racial discrimination will be that which results from the actions of States within their own territories. International action undertaken as part of any programme for the third decade should therefore be directed so as to assist States to act effectively. The International Convention on the Elimination of All Forms of Racial Discrimination has established standards for States, and every opportunity should be seized to ensure that these are universally accepted and applied.

"30. The Assembly could consider more effective action to ensure that all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination fulfil their reporting and financial obligations. National action against racism and racial discrimination

could be monitored and improved by requesting an expert member of the Committee to prepare a report on obstacles encountered with respect to the effective implementation of the Convention by States parties and suggestions for remedial measures.

"31. The Assembly may wish to propose the holding of regional workshops and seminars. A team from the Committee should be invited to monitor these meetings. The following themes are suggested for the seminars:

"(a) Seminar to assess the experience gained in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The seminar would also assess the efficiency of national legislation and recourse procedures available to victims of racism;

"(b) Seminar on the eradication of incitement to racial hatred and discrimination, including the prohibition of propaganda activities and of organizations involved in them;

"(c) Seminar on the right to equal treatment before tribunals and by institutions, including the provision of reparation for damages suffered as a result of discrimination;

"(d) Seminar on the transmission of racial inequality from one generation to another, with special reference to the children of migrant workers and the appearance of new forms of segregation;

"(e) Seminar on international cooperation in the elimination of racial discrimination, including cooperation between States, the contribution of non-governmental organizations, national and regional institutions, United Nations bodies and petitions to treaty-monitoring bodies;

"(f) Seminar on the enactment of national legislation to combat racism and racial discrimination affecting ethnic groups, migrant workers and refugees (in Europe and North America);

"(g) Workshop on flows of refugees due to ethnic conflicts or political restructuring of multi-ethnic societies in socio-economic transition (Eastern Europe, Africa and Asia);

"(h) Training course on national legislation prohibiting racial discrimination for nationals from countries with and without such legislation;

"(i) Regional seminars on ethnicity, nation-building and human rights could also provide an opportunity for broadening knowledge of the causes of today's ethnic conflicts, and the participants could look for ways and means of solving them.

"32. The Assembly may wish to propose to the Department of Public Information of the United Nations Secretariat to undertake specific activities that could be carried out by Governments and relevant national non-governmental organizations to commemorate the International Day for the Elimination of Racial Discrimination on 21 March each year. Support should be sought from artists as well as religious leaders, trade unions, enterprises and political parties to sensitize the population on the evils of racism and racial discrimination.

"33. In cooperation with UNESCO and the Department of Public Information, the Assembly could support the organization of a seminar on the role of mass media in combating or disseminating racist ideas.

"34. In cooperation with ILO, the possibility of organizing a seminar on the role of trade unions in combating racism and racial discrimination in employment could be explored.

"35. The General Assembly could consider requesting UNESCO to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education.

"36. The Assembly may also wish to call upon Member States to make special efforts to:

"(a) Promote the aim of non-discrimination in all educational programmes and policies;

"(b) Give special attention to the civic education of teachers. It is essential that teachers be aware of the principles and essential content of the legal texts relevant to racism and racial discrimination and of how to deal with the problem of relations between children belonging to different communities;

"(c) Teach contemporary history at an early age, presenting children with an accurate picture of the crimes committed by fascist and other totalitarian regimes, and more particularly of the crimes of apartheid and genocide;

"(d) Ensure that curricula and textbooks reflect anti-racist principles and promote intercultural education.

C. Action at the national and regional levels

"37. The following questions may be addressed in the context of action to be undertaken at the national and regional levels: Have there been any successful national models to eliminate racism and racial prejudices that could be recommended to States, e.g. for educating children, or principles of equality to tackle racism against migrant workers, ethnic minorities, indigenous peoples, etc.? What kind of affirmative action programmes are there at the national or regional level to redress discrimination against specific groups?

"38. The General Assembly may wish to call upon States that have not yet done so to adopt, ratify and implement legislation prohibiting racism and racial discrimination, such as the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

"39. The Assembly could call upon Member States to review their national programmes to combat racial discrimination and its effects in order to identify and to seize opportunities to close gaps between different groups and especially to undertake housing, educational and employment programmes that have proved to be successful in combating racial discrimination and xenophobia.

"40. The Assembly could recommend that Member States encourage the participation of journalists and human rights advocates from minority groups and communities in the mass media. Radio and television programmes should increase the number of broadcasts produced by and in cooperation with racial and cultural minority groups. Multicultural activities of the media should also be encouraged where they can contribute to the suppression of racism and xenophobia.

"41. The Assembly may wish to call upon regional organizations to cooperate closely with United Nations efforts in combating racism and racial discrimination. Intergovernmental organizations dealing with human rights issues could mobilize public opinion in their regions against the evils of racism and racial prejudices directed towards

disadvantaged racial and ethnic groups. These institutions could serve an important function in assisting Governments to enact national legislation against racial discrimination and promote adoption and application of international conventions. Regional human rights commissions should be called upon to publicize widely basic texts on existing human rights instruments.

D. Basic research and studies

"42. The long-term viability of the United Nations programme against racism and racial discrimination will depend in part on continuing research into the causes of racism and into the new manifestations of racism and racial discrimination. The Assembly may wish to examine the importance of preparing studies on racism. Following are some aspects to be studied:

"(a) Study of the application of article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination. Such a study might assist States to learn from one another the national measures undertaken to implement the Convention;

"(b) Integration or preservation of cultural identity in a multiracial society;

"(c) Study of political rights, including the participation of various racial groups in political processes and their representation in government service;

"(d) Study of civil rights, including migration, nationality, freedom of opinion and association;

"(e) Study of educational measures to combat racial prejudice and discrimination and to propagate the principles of the United Nations;

"(f) Global integration and the question of racism and the nation State;

"(g) National mechanisms against racism and racial discrimination in the fields of immigration, employment, salary, housing, education and ownership of property.

E. Coordination and reporting

"43. It may be relevant to recall that in its resolution proclaiming the Second Decade the Assembly charged the Economic and Social Council with coordinating the implementation of the programme and evaluating the

activities. The Assembly may wish to consider the following steps to strengthen the United Nations input into the third decade to combat racism and racial discrimination:

"(a) The General Assembly may wish to entrust the Economic and Social Council or the Commission on Human Rights, in cooperation with the Secretary-General, with the responsibility for coordinating the programmes and evaluating the activities undertaken in connection with the third decade;

"(b) The Secretary-General could be invited to provide specific information on activities against racism, to be contained in one annual report which would be comprehensive in nature and allow a general overview of all mandated activities. This would facilitate coordination and evaluation;

"(c) An open-ended working group of the Commission on Human Rights, or other appropriate arrangements under the Commission, may be established to review decade-related information, on the basis of annual reports referred to above, as well as relevant studies and reports of seminars, so as to assist the Commission in formulating appropriate recommendations to the Economic and Social Council on particular activities, allocation of priorities, etc.

F. Regular system-wide consultations

"44. On an annual basis, consultations between the United Nations, specialized agencies and non-governmental organizations would take place to review and plan decade-related activities. In this framework, the Centre for Human Rights would organize inter-agency meetings to consider and discuss further measures to strengthen the coordination and cooperation of programmes related to the issues of combating racism and racial discrimination.

"45. The Centre for Human Rights would also strengthen the relationship with non-governmental organizations fighting against racism and racial discrimination by holding consultations and briefings with the non-governmental organizations. Such meetings could help them to initiate, develop and present proposals regarding the struggle against racism and racial discrimination.

"46. Should the Assembly approve the suggested elements of the programme for action for the third decade to combat racism and racial discrimination, the Secretary-General would include the activities to be carried out during the decade, as well as the related resource requirements in the proposed programme budgets, which will be submitted biennially, during the decade, starting with the proposed programme budget for the biennium 1994-1995."

II

2. The Commission recommends also that the themes proposed by the Committee on the Elimination of Racial Discrimination, as contained in paragraph 15 of the report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1993/55), should be programmed:

"15. The Committee also considered the question of the launching of a third decade to combat racism and racial discrimination and, in that connection, examined an informal document containing a list of 10 topics relating to action to combat racism and racial discrimination prepared by one of its members. The Committee requested that the document should be transmitted to the Commission to serve as a basis for considering the programming of activities in a possible third decade. The following themes have been proposed:

"1. The eradication of incitement to racial hatred and discrimination, including the prohibition of propaganda activities and of organizations involved in it;

"2. The right to equal treatment before tribunals and by institutions, including the provision of reparation for damages suffered as a result of discrimination;

"3. Political rights, including the participation of various racial groups in political processes and their representation in government service;

"4. Civil rights, including migration, nationality, freedom of opinion and association;

"5. Economic rights, including work, trade union membership and housing;

"6. Social and cultural rights, including health and education;

"7. Educational measures to combat racial prejudice and discrimination and to propagate the principles of the United Nations;

"8. The protection of disadvantaged groups; this may include consideration of the position of indigenous peoples;

"9. The transmission of racial inequality from one generation to another, with special reference to the children of migrant workers and the appearance of new forms of segregation;

"10. International cooperation in the elimination of racial discrimination, including cooperation between States, the contribution of non-governmental organizations, national and regional institutions, United Nations bodies and petitions to treaty-monitoring bodies."

III

3. The Commission recommends further that the following themes might also be included:

Religious intolerance;

Xenophobia;

The role of national institutions in the promotion and protection of human rights.

42nd meeting
26 February 1993

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

1993/12 Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural rights.

Recalling also 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 fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling further General Assembly resolution 32/130 of 16 December 1977, Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969 and the Declaration on the Right to Development adopted by the Assembly in its resolution 41/128 of 4 December 1986,

Welcoming the final report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16), submitted by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Danilo Türk,

Bearing in mind Sub-Commission resolutions 1989/20 and 1989/21 of 31 August 1989, 1990/16 of 30 August 1990, 1991/27 of 29 August 1991 and 1992/29 of 27 August 1992,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to man in order to promote all his rights effectively,

Having in mind the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children on 30 September 1990 (E/CN.4/1991/59, annex),

Having in mind also the considerations of the World Bank contained in the publication World Debt Tables 1991-92 (volume 1) of December 1991, relating to the external debt of developing countries,

Aware that the serious problem of foreign debt remains one of the most acute factors adversely affecting economic and social development and the living standards of the inhabitants in many developing countries, with serious effects of a social nature,

Concerned about the repercussions of structural adjustment programmes in the realization of economic, social and cultural rights,

Deeply concerned that the debt-service obligations remain high, that the factors determining the capacity to pay have not moved in consonance with the debt-service obligations of the majority of developing countries, and that the prospects for reducing the adverse effects of the debt burden on the development process in developing countries continue to be uncertain,

Stressing that measures for debt reduction also need to be accompanied by vigorous efforts to improve the international economic environment in order to facilitate the growth and development of developing countries,

Considering that the new strategies for solving the debt problem, of both official and private origin, require policies of economic adjustment accompanied by growth and development and that it is essential, within those policies, to give priority consideration in their implementation to human conditions, including standards of living, health, food, education and employment of the population, especially among the most vulnerable and low-income groups,

Taking into account the particular concern expressed by the General Assembly at the growing deterioration of living conditions in the developing world, at its negative effects on the full enjoyment of human rights, and especially at the very serious economic situation of the African continent and at the terrible effects of the heavy burden of external debt on the developing countries,

Recalling its resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1990/24 of 27 February 1990, 1991/13 of 22 February 1991 and 1992/9 of 21 February 1992,

1. Expresses its appreciation for the preliminary report (E/CN.4/Sub.2/1989/19), first (E/CN.4/Sub.2/1990/19) and second progress (E/CN.4/Sub.2/1991/17) and final (E/CN.4/Sub.2/1992/16) reports on the realization of economic, social and cultural rights prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Danilo Türk;

2. Stresses the importance of alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;

3. Reaffirms that a major objective of any debt strategy should be that debtor developing countries achieve a level of growth sufficient to enable them to satisfy their social, economic and development needs;

4. Affirms that debt payments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment;

5. Requests the Secretary-General to submit, in consultation with Governments, the specialized agencies and concerned intergovernmental and non-governmental organizations a report to the Commission on Human Rights at its fiftieth session on the repercussions and prospects of the debt crisis and adjustment programmes on the effective enjoyment of economic, social and cultural rights of developing countries;

6. Decides to continue to consider, at its fiftieth session, the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

42nd meeting

26 February 1993

[Adopted by a roll-call vote of 36 to 2,
with 12 abstentions. See chap. VII.]

1993/13. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter of the United Nations their faith in fundamental human rights and in the dignity and worth of the human person,

Mindful that the Universal Declaration of Human Rights provides that everyone has the right to a standard of living adequate for the health and well-being of himself and his family,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings, enjoying freedom from fear and want, can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

Recalling that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned by the fact that extreme poverty continues to spread throughout the countries of the world, regardless of their economic, social or cultural situation, and gravely affects the most vulnerable and disadvantaged individuals, families and groups who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Recognizing, moreover, that respect for and promotion of all human rights are essential if individuals are to participate freely and responsibly in the development of the society in which they live,

Aware of the need for improved knowledge of extreme poverty and its causes, including those connected with the problem of development, for the purpose of promoting the human rights of the poorest,

Recalling its resolutions 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a specific study of extreme poverty and social exclusion, 1991/14 of 22 February 1992, in which it recommended the Sub-Commission to give attention more particularly to the conditions in which the poorest themselves can convey their experience and their thinking and so contribute to a better understanding of the harsh reality of their lives and its causes, and of its meaning for the international community, and 1992/11 of 21 February 1992,

Recalling also its resolution 1991/12 of 22 February 1991, entitled "Popular participation in its various forms as an important factor in development and in the full realization of all human rights",

Recalling further General Assembly resolution 47/134 entitled "Human rights and extreme poverty" which reaffirms that extreme poverty and social exclusion constitute a violation of human dignity and emphasizes the need for an in-depth and comprehensive study of extreme poverty focusing on the experience and thinking of the poorest,

Recalling decision 1991/6 entitled "Reaching the poorest", adopted by the Executive Board of the United Nations Children's Fund, in which it is emphasized, inter alia, that a more thorough knowledge of the situation of the poorest children and their families, of their living conditions and the pre-conditions necessary for their partnership would make it easier to reach the groups in question, in particular children, and in which the Executive Director is invited to mention, in his yearly reports, progress on this issue within the United Nations Children's Fund,

Noting the provisions of the Convention on the Rights of the Child which acknowledges that there are in all parts of the world children living in especially difficult conditions and that special attention should be granted to those children,

Also noting General Assembly resolution 44/82 of 8 December 1989 which proclaimed 1994 the "International Year of the Family",

Mindful of the Secretary-General's report "Human rights and extreme poverty" (E/CN.4/Sub.2/1993/38 and Add.1 and 2) prepared on the basis of information transmitted by Governments, specialized agencies, United Nations bodies, other intergovernmental organizations and non-governmental organizations,

Bearing in mind in this context the action already taken in the relevant forums to ensure the realization of economic, social and cultural rights,

1. Reaffirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Draws the attention of the General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

3. Encourages the Committee on Economic, Social and Cultural Rights to pay more attention in its work to the question of extreme poverty and exclusion from society;

4. Also encourages the Committee on the Rights of the Child to examine the situation of children living in extreme poverty with a view to promoting the enjoyment of all rights recognized in the Convention on the Rights of the Child, in particular during its forthcoming discussions on the economic exploitation of children;

5. Recalls that, to ensure the protection of the rights of all individuals, non-discrimination as regards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what peoples living in extreme poverty endure and thought must be given to the subject drawing on the experiences and ideas of the poorest themselves as well as those committed to working alongside them;

6. Endorses resolution 1992/27 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 27 August 1992 appointing Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty with responsibility for preparing a study on this issue, bearing particularly in mind the approach defined in Commission resolution 1992/11;

7. Invites the Special Rapporteur to give special attention to the following aspects:

(a) The effects of extreme poverty on the enjoyment and exercise of the human rights and fundamental freedoms of those affected by it;

(b) Efforts by the poorest themselves to exercise their rights and participate fully in the development of the society in which they live;

(c) Conditions in which the poorest can convey their experiences and ideas and become partners in the enjoyment of human rights;

(d) Means of promoting a better understanding of the experiences and ideas of the poorest and those committed to working alongside them;

8. Also invites the Special Rapporteur, in his report to the Sub-Commission at its forty-fifth session, to consider the possibility of organizing a seminar with a view to furthering reflection on the topic of "Extreme poverty and denial of human rights", and to make suggestions in this regard;

9. Calls upon States, specialized agencies, United Nations bodies and other international organizations, including non-governmental organizations, to give due attention to this problem and to make known their views on human rights and extreme poverty to the Secretary-General;

10. Welcomes General Assembly resolution 47/196 of 22 December 1992 proclaiming 17 October each year the "International Day for the Elimination of Poverty";

11. Calls upon States, United Nations bodies and other international organizations, including non-governmental organizations, to give due attention each International Day to the situation of the poorest, who must be the focus of events, taking into account activities already organized worldwide since 17 October 1987 around the topic "Rejection of extreme poverty", and to inform the Secretary-General thereupon;

12. Invites the Secretary-General to take into account, in preparing the programme for the International Day, the relationship between extreme poverty and the full realization of human rights and, in this context, expresses the hope that the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Centre for Human Rights will be fully involved in the activities staged;

13. Also invites the Secretary-General to report to the Commission at its fiftieth session on all these matters;

14. Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1993/13 of 26 February 1993 and resolution 1992/27 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Human rights and extreme poverty",

1. Approves the appointment of Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty with responsibility for preparing a study on this subject on the basis of the aspects set out by the Commission on Human Rights in its resolutions 1989/10 of 2 March 1989, 1990/15 of 23 February 1990 and 1991/14 of 22 February 1991, bearing particularly in mind the approach defined in Commission resolution 1992/11 of 21 February 1992;

2. Requests the Secretary-General to continue his consultations on the topic of human rights and extreme poverty with Governments, specialized agencies, intergovernmental organizations and non-governmental organizations and to inform the Special Rapporteur of the conclusions of those consultations;

3. Also requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate, including, as appropriate, assistance from consultants with specialized knowledge of the subject.

42nd meeting

26 February 1992

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

1993/14. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter of the United Nations their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of life in larger freedom,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interdependent and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Aware that, despite progress achieved by the international community with respect to the setting of standards for the realization of the economic, social and cultural rights contained in the International Covenant on

Economic, Social and Cultural Rights, the implementation and promotion of these rights and the problems of their realization have not received sufficient attention within the framework of the United Nations system,

Recognizing that, in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, Member States, individually and through international cooperation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling the essential importance of national efforts and international cooperation based on free consent to the realization of the right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Emphasizing the importance of the Limburg Principles on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1987/17),

Recognizing that popular participation in its various forms is an important factor in development and in the full realization of all human rights,

Reaffirming the importance of increasing public awareness of the Committee on Economic, Social and Cultural Rights and the role that non-governmental organizations can play in that regard,

Welcoming the efforts made with a view to an intensive study of the International Covenant on Economic, Social and Cultural Rights, and recognizing the urgent need for a more vigorous and effective multidisciplinary approach to the promotion and protection of the rights contained in the Covenant,

Recalling its resolution 1992/10 of 21 February 1992,

1. Welcomes the contribution of the Committee on Economic, Social and Cultural Rights, which continues to give impetus to the implementation of the economic, social and cultural rights contained in the Covenant;

2. Encourages States parties to the International Covenant on Economic, Social and Cultural Rights to give their full support and cooperation to the Committee on Economic, Social and Cultural Rights;

3. Also encourages States parties to use their reporting obligation as a process to assist the realization of economic, social and cultural rights, ensuring popular participation in the preparation of their periodic reports as well as the widest possible distribution at the national level;

4. Welcomes the decision of the Committee on Economic, Social and Cultural Rights to urge all States parties to submit reports on time and to take appropriate measures in relation to those States parties whose reports are long overdue;

5. Also welcomes the adoption by the Committee on Economic, Social and Cultural Rights of general comments and takes note with interest of General Comment No. 4 (1991) on the right to adequate housing (E/1992/23, annex III) and the reaffirmed importance attached in this framework to respect for human dignity and the principle of non-discrimination;

6. Recognizes the importance of ensuring the study of specific economic, social and cultural rights and in this framework takes note of resolution 1992/26 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and takes note with interest of the working paper prepared by the expert, Mr. Rajindar Sachar, on the right to adequate housing (E/CN.4/Sub.2/1992/15);

7. Invites States parties, in conformity with article 2, paragraph 1 of the International Covenant on Economic, Social and Cultural Rights and in pursuance of General Comment No. 3 (1990) (E/1991/23, annex III), to consider identifying specific national benchmarks designed to give effect to the minimum core obligation to ensure the satisfaction of minimum essential levels of each of the rights;

8. Notes with interest the organization, under the United Nations programme for human rights activities, of the Seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights, sponsored by the Centre for Human Rights and held at Geneva from 25 to 29 January 1993;

9. Recognizes the importance of using indicators as a means of measuring or assessing progress in the realization of human rights and in this framework stresses the need for ensuring the collection of appropriately disaggregated data;

10. Requests the Secretary-General to bring the conclusions and recommendations of the Seminar to the attention of Member States, the Commission on Human Rights, other United Nations bodies, the specialized agencies, financial institutions and non-governmental organizations;

11. Affirms that the full respect of the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development;

12. Invites Member States to include measures to ensure the promotion and protection of human rights in national legislation, policies and development programmes, using the Covenant as a framework for this purpose;

13. Welcomes the continuing efforts made by the Committee on Economic, Social and Cultural Rights to develop greater in-depth understanding of the relevant issues of the Covenant by holding a general discussion on one of its specific rights or articles, and takes note of the general discussion which took place during the seventh session of the Committee on the right to take part in cultural life;

14. Takes note of the support expressed by the Committee on Economic, Social and Cultural Rights for the drafting of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant;

15. Takes note with deep appreciation of the final report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16), submitted by the Special Rapporteur of the Sub-Commission, Mr. Danilo Türk;

16. Requests the Secretary-General to ensure the wide distribution of the progress reports of the Special Rapporteur throughout the United Nations system, namely by ensuring their publication in a single document;

17. Welcomes the suggestion made by the Special Rapporteur that cooperation between the financial institutions and the human rights organs of the United Nations be strengthened, namely by encouraging the participation of the representatives of those institutions in the meetings of human rights bodies;

18. Requests the Secretary-General to invite the international financial institutions to consider the possibility of organizing an expert seminar on the role of the financial institutions in the realization of economic, social and cultural rights;

19. Also requests the Secretary-General to prepare basic policy guidelines on structural adjustment and economic, social and cultural rights, which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions, in the light of the conclusions of the Special Rapporteur in his final report and of the discussions held at the expert seminar on appropriate indicators;

20. Takes note of the decision of the Sub-Commission to consider the possibility of studying the subject of income distribution and the realization of economic, social and cultural rights;

21. Encourages the United Nations Centre for Human Rights to make available, through its programme of advisory services and technical assistance, expert assistance to States for the purpose of formulating policies on economic, social and cultural rights in the light of the International Covenant on Economic, Social and Cultural Rights;

22. Requests the Secretary-General to promote coordination of the human rights activities of the United Nations and those of development agencies with a view to drawing upon their relevant expertise and support;

23. Invites the Economic and Social Council, pursuant to article 22 of the Covenant and taking into account General Comment No. 2 (1990) (E/1990/23, annex III), to identify ways in which international cooperation and technical assistance would contribute, particularly in developing countries, to the effective progressive implementation of the rights recognized in the Covenant;

24. Decides to consider issues raised by the present resolution at its fiftieth session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the

Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

42nd meeting
26 February 1993
[Adopted without a vote. See chap. VII.]

1993/15. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Recalling its resolution 1992/14 of 21 February 1992 and General Assembly resolution 46/113 of 17 December 1991,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Having considered the report of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1993/69),

Recalling the entry into force on 11 July 1991 of the Second Optional Protocol aiming at the abolition of the death penalty,

Welcoming the fact that recent ratifications so far accessions to the Covenants have increased the total number of States parties to each of them quite significantly, while noting at the same time that many States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Bearing in mind its responsibility for the coordination of activities concerning human rights in the United Nations system, in accordance with Economic and Social Council resolution 1979/36 of 10 May 1979,

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the

International Covenant on Civil and Political Rights to do so, as well as to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights;

3. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to provide such services as may be sought by States that are not parties to the Covenants, with a view to assisting them to ratify them or accede thereto;

4. Again invites States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider making the declaration provided for in article 41 of the Covenant;

5. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

6. Recommends to States parties that they periodically review any reservations made in respect of the provisions of the International covenants on Human Rights to ascertain whether they should be maintained;

7. Stresses to States parties the importance of avoiding the erosion of human rights by derogation, and underlines the necessity for strict observance of the agreed condition and procedure for derogation under article 4 of the International Covenant on Civil and Political Rights and the need for States parties to provide full and timely information also during states of emergency, so that the justification and appropriateness of measures taken in these circumstances can be assessed;

8. Expresses its satisfaction with the serious and constructive manner in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are undertaking their functions and welcomes further efforts of the Committees to improve their methods of work;

9. Welcomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights, and appeals to other bodies dealing with similar questions of human rights to respect these uniform standards as expressed in the general comments of the Human Rights Committee;

10. Welcomes also the efforts of the Committee on Economic, Social and Cultural Rights in the preparation of general comments on the provisions of the International Covenant on Economic, Social and Cultural Rights;

11. Urges States parties to fulfil in good time their reporting obligations under the International Covenants on Human Rights whenever so requested by the Committees;

12. Also urges States parties to take duly into account, in implementing the provisions of the Covenants, the observations made at the conclusion of the consideration of their reports in the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights;

13. Invites States parties to give particular attention to dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and to the summary records relating to the examination of those reports by the Committees;

14. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many languages as possible and to disseminate them as widely as possible in order to make them better known among the general public;

15. Requests the Secretary-General to consider ways and means of assisting States parties to the Covenants in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

16. Also requests the Secretary-General to provide the Human Rights Committee with additional means to deal effectively and in a timely manner with the increasing workload under the Optional Protocols;

17. Further requests the Secretary-General to submit to the Commission on Human Rights, at its fiftieth session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations;

18. Decides to include in the provisional agenda of its fiftieth session the agenda item entitled "Status of the International Covenants on Human Rights".

42nd meeting
26 February 1993

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

1993/16. Effective functioning of bodies established pursuant to United Nations human rights instruments

The Commission on Human Rights,

Recalling General Assembly resolution 47/111 of 16 December 1992 and its resolution 1992/15 of 21 February 1992, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Recalling that the General Assembly, in its resolution 47/111, reaffirmed its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the Assembly and, in this connection, further reaffirmed the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial resources to overcome existing difficulties with their effective functioning;

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing concern also about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations human rights instruments,

Recalling the conclusions and recommendations of the four meetings of persons chairing the human rights treaty bodies, held since 1988, and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 46/111 of 17 December 1991 and the Commission on Human Rights in its resolution 1992/15 of 21 February 1992,

Taking particular note of the conclusions and recommendations of the third and fourth meetings of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990 (see A/45/636, annex), and from 12 to 16 October 1992 respectively (A/47/628, annex),

Recalling the study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human instruments prepared by the Independent Expert (A/44/668, annex), and aware of the need to update this study,

Recalling also that the General Assembly, in its resolution 45/85 of 14 December 1990, endorsed the recommendations of the Task Force on Computerization with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by the treaty bodies, and requested the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies,

Welcoming the endorsement by the General Assembly in its resolution 47/111 of the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment for the financing of the committees established under these Conventions from the regular budget of the United Nations,

Noting that before these amendments enter into force, two thirds of the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment must notify in writing the Secretary-General, as depositary of their acceptance of the change (see A/47/518, annex, para.4),

Noting also the reports of the Secretary General (A/46/650 and A/47/518) examining the financial, legal and other implications of providing full funding for the operations of all human rights treaty bodies,

1. Welcomes the decision by the General Assembly, in its resolution 47/111, to request the Secretary General:

(a) To take the appropriate measures to provide for the financing of the committees established under the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment from the regular budget of the United Nations, beginning with the budget for the biennium 1994-1995,

(b) To take the necessary measures to ensure that the two committees meet as scheduled until the amendments enter into force;

2. Welcomes also the request by the General Assembly to the Secretary-General, in the same resolution, to take the appropriate steps in order to finance the biennial meetings of persons chairing the human rights treaty bodies from the resources available from the regular budget of the United Nations;

3. Urges States parties to notify the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by States parties and the General Assembly for funding of the respective Committees from the regular budget;

4. Requests the Secretary-General to ensure prompt implementation of these financial measures;

5. Endorses the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, as well as the continuing efforts in this connection by the treaty bodies and the Secretary-General within their respective spheres of competence;

6. Expresses its satisfaction with the study by the Independent Expert on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, which was presented to the Commission on Human Rights for detailed consideration at its forty-sixth session, and, in the light of the

conclusions and recommendations contained in the report of the fourth meeting of persons chairing the human rights treaty bodies, requests that the report of the Independent Expert be updated for submission to the Commission at its fiftieth session and that an interim report be presented to the General Assembly at its forty-eighth session, and be made available to the World Conference on Human Rights in June 1993;

7. Requests the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

8. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures as well as enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including the specialized agencies;

9. Further urges all States parties to meet without delay and in full their financial obligations under the relevant human rights instruments;

10. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies on the importance of technical assistance and advisory services and, further to this end, invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

11. Endorses the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies;

12. Reiterates its conviction that in standard-setting every effort should be made to maximize normative consistency and that any new standards should take full account of the factors enumerated in General Assembly resolution 41/120 of 4 December 1986;

13. Requests the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization (E/CN.4/1990/39, annex) as soon as possible by requesting the Member States of the United Nations, in particular States which are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system;

14. Also requests the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

15. Further requests the Secretary-General to ensure that recent periodic reports of States parties to treaty-monitoring bodies and the summary records of committee discussions pertaining to them are made available in the United Nations information centres in the countries submitting those reports;

16. Requests the Secretary-General to ensure that the United Nations Manual on Human Rights Reporting is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fourth meeting of the persons chairing the human rights treaty bodies (A/47/628, annex, para. 59);

17. Decides to consider the question on a priority basis at its fiftieth session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

42nd meeting

26 February 1993

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

1993/17. Question of Western Sahara

The Commission on Human Rights,

Having considered the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its earlier resolutions, the latest of which is resolution 1992/18 of 28 February 1992,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro to the proposals of the Secretary-General of the United Nations and the current Chairman of the Conference of Heads of State and Government of the Organization of African Unity, in the framework of their joint mission of good offices,

Recalling further Security Council resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991 and 725 (1991) of 31 December 1991 relating to the question of Western Sahara,

Recalling with satisfaction the entry into force of the cease-fire in Western Sahara on 6 September 1991, in accordance with the proposal of the Secretary-General accepted by both parties,

Noting with satisfaction the appointment, on 23 March 1992, of Mr. Sahabzada Yaqub-Khan as Special Representative of the Secretary-General for the question of Western Sahara,

Taking note with satisfaction of the part relating to Western Sahara in the Final Declaration of the Tenth Conference of Heads of State or Government of Non-aligned Countries, held in Jakarta from 1 to 6 September 1992,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/47/23 (Part V), chap. IX),

Having also examined the report of the Secretary-General (A/47/506),

1. Takes note with appreciation of the report of the Secretary-General;
2. Pays tribute to the Secretary-General for his action with a view to settling the question of Western Sahara through the implementation of the settlement plan;
3. Reaffirms its support for the efforts which the Secretary-General will continue to make for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in accordance with resolutions 658 (1990) and 690 (1991) in which the Security Council adopted the settlement plan for the question of Western Sahara;
4. Endorses the content of the letter dated 31 August 1992 from the President of the Security Council addressed to the Secretary-General (S/24504), in which the members of the Council express the view that both parties must scrupulously abide by the cease-fire and abstain from any provocative behaviour endangering the settlement plan, and express the hope that both parties will extend their full cooperation to the Secretary-General

and the Special Representative in their efforts to achieve speedy progress in the implementation of the plan and that they will make extraordinary efforts to ensure the success of the plan;

5. Recalls that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the Assembly at its forty-eighth session;

6. Decides to follow the development of the situation in Western Sahara and to consider the question at its fiftieth session, as a matter of high priority, under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

42nd meeting

26 February 1993

[Adopted without a vote. See chap. IX]
