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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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1993/75. Situation of human rights in Togo

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that, under Articles 55 and 56 of the Charter of the United Nations, all States Members of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Emphasizing that Togo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights,

Deeply deploring the repeated acts of violence that have occurred, most recently in January 1993, for which the Togolese authorities are responsible and which have resulted in many civilians being killed or wounded,

Concerned about the situation of human rights in Togo and, in particular, about the use of force during peaceful gatherings,

Noting that hundreds of thousands of Togolese have fled to neighbouring Ghana or Benin,

Noting with interest the declaration on the situation in Togo made at the fifty-seventh session of the Council of Ministers of OAU (Addis Ababa, 15-19 February 1993) and the efforts at conciliation between the parties in Togo made at the Colmar meeting (8-9 February 1993) under the auspices of the French and German Governments,

Having examined the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46), which describes serious violations of human rights in Togo,

1. Deplores the serious obstacles standing in the way of the process of democratic transition and encourages additional efforts to ensure the continuation of this process, in full respect for human rights and fundamental freedoms;

2. Deplores the use of violence by the armed forces against peaceful demonstrators, which has claimed many victims;

3. Calls upon the authorities in Togo to take all necessary measures to create conditions conducive to the return of Togolese refugees in neighbouring countries in complete security and dignity and to guarantee the security of all Togolese, including political opponents;

4. Encourages the efforts made at the regional and international levels to facilitate the resumption of the democratization process in a climate of security and respect for human rights;

5. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Togolese authorities and to request them to indicate, as soon as possible, the action taken in pursuance of the present resolution;

(b) To report to the Commission, at its fiftieth session, on the basis of any information which might be gathered on the situation of human rights in Togo, including information supplied by non-governmental organizations;

6. Decides to consider the question at its fiftieth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

67th meeting  
10 March 1993

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

1993/76. Human rights violations in Bougainville

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the International Bill of Human Rights and other international instruments in the field of human rights,

Recalling that, in accordance with article 13, paragraph 2, of the Universal Declaration of Human Rights, everyone has the right to leave any country, including his own, and to return to his country,

Bearing in mind Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/19 of 27 August 1992,

Recalling the need for scrupulous respect for the principle of the non-use of force or threat of the use of force in international relations as contained in the Declaration on Principles of International Law concerning

Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, as set forth in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970,

Gravely concerned at the loss of life, damage to property and the negative effects on the economy and culture of Bougainville, owing to the present situation,

1. Urges the Government of Papua New Guinea to permit international fact-finding missions access to Papua New Guinea, particularly including Bougainville, to assist with the resolution of the conflict with due consideration for the Universal Declaration of Human Rights, the Charter of the United Nations and other relevant international treaties to which the Government of Papua New Guinea is a party;

2. Urges the Government of Papua New Guinea to recommence negotiations with all factions of the Bougainville peoples with a view to achieving peace and a mutually satisfactory solution to the armed conflict on Bougainville;

3. Requests the Secretary-General to transmit to the Commission on Human Rights information made available to him on the situation on Bougainville by the Government of Papua New Guinea and other reliable sources for consideration at its fiftieth session.

67th meeting

10 March 1993

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

1993/77. Forced evictions

The Commission on Human Rights,

Recalling resolution 1991/12 of 26 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Also recalling its resolution 1992/10 of 2 February 1992, in which it took note with particular interest of General Comment No. 4 (1991) on the right to adequate housing (E/1992/23, annex III) adopted on 12 December 1991 by the Committee on Economic, Social and Cultural Rights at its sixth session and the reaffirmed importance attached in this framework to respect for human dignity and the principle of non-discrimination,

Reaffirming that every woman, man and child has the right to a secure place to live in peace and dignity,

Concerned that, according to United Nations statistics, in excess of 1 billion persons throughout the world are homeless or inadequately housed, and that this number is growing,

Recognizing that the practice of forced eviction involves the involuntary removal of persons, families and groups from their homes and communities, resulting in increased levels of homelessness and in inadequate housing and living conditions,

Disturbed that forced evictions and homelessness intensify social conflict and inequality and invariably affect the poorest, most socially, economically, environmentally and politically disadvantaged and vulnerable sectors of society,

Aware that forced evictions can be carried out, sanctioned, demanded, proposed, initiated or tolerated by a range of actors,

Emphasizing that ultimate legal responsibility for preventing forced evictions rests with Governments,

Recalling that General Comment No. 2 on international technical assistance measures (1990), adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, inter alia, that international agencies should scrupulously avoid involvement in projects which, inter alia, involve large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation,

Mindful of the questions concerning forced evictions included in the guidelines for States' reports (E/1991/23, annex IV) submitted in conformity with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights,

Noting with appreciation that the Committee on Economic, Social and Cultural Rights, in its General Comment No. 4, considered that instances of forced evictions were, *prima facie*, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law,

Taking note of the observations of the Committee on Economic, Social and Cultural Rights at its fifth and sixth sessions concerning forced evictions,

Taking note also of the inclusion of forced evictions as one of the primary causes of the international housing crisis in the working paper on the right to adequate housing, prepared by Mr. Rajindar Sachar (E/CN.4/Sub.2/1992/15),

Taking note further of Sub-Commission resolution 1992/14 of 27 August 1992,

1. Affirms that the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing;
2. Urges Governments to undertake immediate measures, at all levels, aimed at eliminating the practice of forced evictions;
3. Also urges Governments to confer legal security of tenure to all persons currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;
4. Recommends that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes and needs, to persons and communities which have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups;
5. Requests the Secretary-General to transmit the present resolution to Governments, relevant United Nations bodies, including the United Nations Centre on Human Settlements, the specialized agencies, regional, intergovernmental and non-governmental organizations and community-based organizations, soliciting their views and comments;
6. Also requests the Secretary-General to compile an analytical report on the practice of forced evictions, based on an analysis of international law and jurisprudence and information submitted in accordance with the previous paragraph, and to submit his report to the Commission at its fiftieth session;
7. Decides to consider the analytical report at its fiftieth session, under agenda item 7 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".

67th meeting  
10 March 1993

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

1993/78 Implementation of the Convention on the Rights of the Child  
The Commission on Human Rights,

Recalling General Assembly resolution 47/112 of 16 December 1992 and Commission resolution 1992/75 of 5 March 1992,

Reaffirming that the rights of children require special protection and call for continuous improvement of their situation all over the world, as well as for their development and education in conditions of peace and security,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for,

Mindful of the important role of the United Nations Children's Fund and of the United Nations in promoting the well-being of children and their development,

Convinced that the Convention on the Rights of the Child, as a standard-setting accomplishment of the United Nations in the field of human rights, makes a positive contribution to protecting the rights of children and ensuring their well-being,

Having considered the report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/1993/65),

Encouraged by the fact that an unprecedented number of States have to date become signatories and parties to the Convention, thereby demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child;

2. Expresses its satisfaction at the number of States that have signed, ratified or acceded to the Convention since it was opened for signature, ratification and accession on 26 January 1990;

3. Calls upon all States that have not done so to sign, ratify or accede to the Convention as a matter of priority;

4. Requests the Secretary-General to continue to provide all facilities and assistance necessary for the dissemination of information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention, as well as to promote the full realization of its principles and provisions;

5. Alarmed by persistent reports that massive violations of the rights of the child continue worldwide;

6. Urges States parties to take immediate steps to ensure strict compliance with their obligations under the Convention;

7. Appeals again to States parties to the Convention that have made reservations, to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law;

8. Recognizes the important functions of the Committee on the Rights of the Child in overseeing the effective implementation of the provisions of the Convention;

9. Welcomes the constructive and useful results achieved by the Committee on the Rights of the Child during its first three sessions;

10. Takes note of the consideration by the Committee during its third session of the first reports of the States parties;

11. Welcomes the decision of the Committee at its second session to consider the reservations and declarations entered by States parties to the Convention when examining the reports of the States parties, with a view to encouraging the withdrawal of those reservations and declarations no longer considered necessary;

12. Further welcomes the decision of the Committee at its third session to recommend that the General Assembly initiate a study, in accordance with article 45 (c) of the Convention, on children in armed conflicts;

13. Requests the Secretary-General to continue to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee on the Rights of the Child;

14. Welcomes General Assembly resolution 47/112, in which the Assembly approved the recommendation of the meeting of the States parties to the Convention on 11 November 1992, regarding the organization of the work of the Committee and the establishment of a pre-sessional working group;

15. Expresses concern at the increasingly heavy workload of the Committee on the Rights of the Child and the resulting difficulties faced by it in the fulfilment of its functions;

16. Takes note with interest of the methods of work established by the Committee on the Rights of the Child including the adoption of an urgent action procedure;

17. Invites bodies and organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and promoting its understanding;

18. Requests the Secretary-General to submit a report on the status of the Convention on the Rights of the Child to the Commission at its fiftieth session;

19. Decides to consider the report of the Secretary-General at its fiftieth session under the agenda item entitled "Rights of the Child".

67th meeting  
10 March 1993

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

1993/79 Programme of Action for the Elimination of the Exploitation of Child Labour

The Commission on Human Rights,

Recalling the principles embodied in the Convention on the Rights of the Child,

Bearing in mind its resolutions 1991/54 and 1991/55 of 6 March 1991 and 1992/74 of 5 March 1992,

Having examined the report of the Working Group on Contemporary Forms of Slavery on its seventeenth session (E/CN.4/Sub.2/1992/34), and especially the draft programme of action for the elimination of the exploitation of child labour contained in annex I to that report, which the Sub-Commission on Prevention of Discrimination and Protection of Minorities transmitted to the Commission through its resolution 1992/2 of 14 August 1992,

Having also examined section I.B of the report of the Special Rapporteur on the sale of children (E/CN.4/1993/67),

Bearing in mind decision 1990/6 on children in particularly difficult circumstances, adopted by the Executive Board of the United Nations Children's Fund at its 1990 session,

Deeply concerned at the information on the generalization of the exploitation of child labour,

Conscious of the harm that this practice causes to children all over the world,

Noting with appreciation the programmes for the elimination of the exploitation of child labour adopted by the International Labour Organisation,

Aware of the need to adopt urgent measures to prevent and eliminate these problems,

1. Adopts the Programme of Action for the Elimination of the Exploitation of Child Labour submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which is annexed to the present resolution;

2. Recommends that all States should adopt, as a matter of priority, the necessary legislative and administrative measures to implement the Programme of Action at the national and international levels;

3. Urges United Nations bodies and intergovernmental organizations concerned, such as the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, to bear the Programme of Action in mind when deciding on their policies and formulating programmes relating to the child population and the family;

4. Also urges non-governmental organizations to base themselves on the Programme of Action when performing activities relating to their mandates;

5. Invites the Committee on the Rights of the Child to study the possibility of bearing the Programme of Action in mind when considering reports submitted by States parties to the Convention on the Rights of the Child and, in general, in connection with all activities that it carries out in accordance with its mandate;

6. Invites the Special Rapporteur on the sale of children to bear the Programme of Action in mind when carrying out activities in accordance with his mandate;

7. Requests all States periodically to report to the Sub-Commission on measures adopted to implement the Programme of Action and on the effectiveness of such measures;

8. Requests the Sub-Commission to submit to the Commission on Human Rights every two years a progress report on the implementation of the Programme of Action by all States;

9. Requests the Under-Secretary-General for Human Rights to provide the Sub-Commission with the cooperation needed to fulfil the present mandate;

10. Decides to consider the question of the implementation of the Programme of Action every two years in order to evaluate the progress made in eliminating the exploitation of child labour.

#### Annex

#### PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

##### General

1. In spite of the progress made in combating the exploitation of child labour, in particular through the development of national and international norms which have defined the bases of legal protection, and of mechanisms for monitoring their application, the exploitation of child labour still remains a current and widespread phenomenon of a serious nature in various parts of the world.

2. This phenomenon, which is both complex and worldwide, varies from one country to another. Although the industrialized countries are not spared, it affects the developing countries more particularly, and within each country the more vulnerable groups of the population. Poverty is often the main cause of child labour, but generations of children should not be condemned, until poverty is overcome, to exploitation. Underdevelopment cannot justify exploitation of which children are the victims. The Governments concerned and the international community as a whole must not wait for development problems to be adequately solved before attacking the phenomenon of the exploitation of child labour. Besides the long-term action which should be initiated with a view to treating the deep causes underlying the exploitation of child labour, it is essential that urgent measures and medium- and short-term action be taken to meet the immediate needs of the children who are exposed to the gravest dangers, while making sure that such action is integrated into economic and social development strategies.

3. High priority should be given to the elimination of the most odious or degrading forms of child exploitation, in particular child prostitution, pornography, the sale of children, the employment of children in dangerous occupations or for enforced begging and debt bondage.
4. The international community should place particular emphasis on the new phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including their implication in the narcotic drugs traffic or in armed conflicts or military activities.
5. Action should be directed, first, towards the most dangerous forms of child labour and the elimination of work by children under 10 years of age, with a view to the total elimination of child labour as prohibited by the provisions of the relevant international instruments.
6. Special attention should be paid to the most vulnerable categories of children: children of immigrants, street children, children of minority groups, indigenous children, refugee children, children in occupied territories and those under the apartheid regime.
7. In order to reach the core of one of the prime causes of exploitation of child labour, which is poverty, increased resources should be made available through bilateral and multilateral channels for the elimination of the exploitation of child labour. Elimination of the phenomena linked with the exploitation of child labour calls for social measures and development assistance. Their prevention will require deep structural reforms in the economic, social and cultural spheres.
8. Particular attention should also be given to social rehabilitation, education and information. It is important that the means of protecting children should be strengthened by development, the reinforcement of legislation and proper application of the relevant laws.
9. Adequate means and concerted measures are necessary at the local, national, regional and international levels.

Information

10. The public could be made aware of the problem and the different aspects of the exploitation of child labour by national and international information campaigns. The extent of the problem cannot be accurately defined by reference to the statistics from various sources. The sectors favouring the exploitation of child labour should be specially targeted (agriculture, non-structured urban sector and domestic service). It is important to reach the

children who are the invisible victims of parallel employment networks. At the national level it is necessary to develop means of investigation and supervision by labour inspectors in order to detect and prosecute cases of exploitation of child labour, so as to break up the clandestine employment networks. Public and private institutions and agencies dealing with children who have been victims of labour exploitation should be encouraged to keep appropriate statistical information for scientific purposes, while respecting anonymity and confidentiality. The information campaign should also be able to reach children directly, in order to inform them of their rights and make them aware of the risks they run.

#### Education and vocational training

11. There is undoubtedly a link between child labour, illiteracy, school failure and the lack of vocational training. Education is one of the most effective measures to prevent child labour. Massive literacy programmes, combined with legislation making basic training obligatory and free, as well as measures to combat school wastage and to develop vocational training, in the form, for example, of a system of apprenticeship, are extremely necessary. Such programmes could be supported by community campaigns to increase the awareness and motivation of families, and in particular of women.

#### Social action

12. The economic and social causes of the persistence of child labour, including the fact that it is seen in many cases as a means of survival for the children and their families, should be taken up in order to offer an alternative that will take the children out of the circle of poverty and exploitation. Urgent measures could be taken on behalf of children who are subjected to high physical and moral risks. It is important to give them protection and assistance, including social and medical assistance, while at the same time pursuing the objective of the elimination of child labour. These urgent measures should be backed up by programmes of social rehabilitation.

#### Development aid

13. For many countries, the implementation of local, regional and national programmes on behalf of children requires appropriate international aid and a deeper commitment by the international community, whether through specific projects or through development assistance.

Labour standards and their application

14. States should adhere to the international standards in force and ensure that they are rigorously applied. It is important that, in accordance with article 1 of International Labour Organisation Minimum Age Convention, 1973 (No. 138), States should undertake "to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons". National legislation should explicitly prohibit dangerous or high-risk employment and prescribe penalties for employers who break this law, as well as providing for the establishment of an effective labour inspection system. In at least three cases the exploitation of child labour is no less than a flagrant crime which violates the Charter of the United Nations, the principles of the Charter and the Universal Declaration of Human Rights, the most elementary principles of morality and all positive laws. Energetic repressive action is called for in these cases, namely:

(a) Sale and similar practices (serfdom, bond service, fake adoption, abandonment);

(b) Child prostitution, trafficking in pornography involving the sexuality of children, and international traffic in girls and boys for immoral purposes;

(c) Under-age maidservants in a position of servitude.

Duties of States

15. States should fully apply the provisions of the Declaration on the Rights of the Child proclaimed by the General Assembly in its resolution 1386 (XIV) of 20 November 1959 and, more particularly:

(a) Principle 2, according to which "The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity ...;"

(b) Principle 9, according to which "The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form ...".

16. States should consider the possibility of ratifying, as soon as possible, the Convention on the Rights of the Child, adopted by the General Assembly in



its resolution 44/25 of 20 November 1989, and in this context should fully implement, in particular, article 32, which reads as follows:

"1. States Parties recognize the rights of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

"2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."

17. Over 40 countries have ratified the Minimum Age Convention, 1973 (No. 138) of the International Labour Organisation. Those that have not done so should take appropriate steps to ratify this Convention. In this connection, greater assistance from the International Labour Organisation should be extended to the developing countries to facilitate their increased participation in standard-setting activities and in the implementation of ratified conventions.

18. States should adopt and implement policies and programmes to narrow the gap between legislation and its implementation in practice.

19. States should, until such time that child labour is eliminated, pay specific attention to the issue of protection of working children and make recommendations on ways and means to ensure that their working conditions are kept under scrutiny and control.

20. States which have not already done so should review their legislation in the field of child labour with a view to the absolute prohibition of employment of children in the following cases:

(a) Employment before the normal age of completion of primary schooling in the country concerned;

(b) Under-age maid service;

- (c) Night work;
- (d) Work in dangerous or unhealthy conditions;
- (e) Activities linked with prostitution, pornography and other forms of sexual trade and exploitation;
- (f) Work concerned with trafficking in and production of illicit drugs;
- (g) Work involving degrading or cruel treatment.

21. States should take preventive and curative measures, including the strengthening of their legislation, to combat the phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including the traffic in narcotic drugs, or in armed conflicts or military activities, or any other form of conflict.

22. Member States should be encouraged to strengthen cooperation between police and all public and private organizations which deal with cases of exploitation of child labour either within or outside the family, to facilitate identification of cases of exploitation of child labour and to take measures necessary to eliminate it.

23. States should, where necessary, undertake development programmes with a view to:

- (a) Making primary education compulsory and available free to all;
- (b) Assisting and encouraging families in order that their children may continue their education, in order to combat illiteracy and the phenomenon of school drop-outs; and, until such time that primary education is compulsory and available free to all, developing school programmes, including part-time education programmes, adapted to the needs of children who are not in school;
- (c) Adapting school curricula to the preparation of a child for a career;
- (d) Improving the training programmes of professional workers dealing with child labour, in particular labour inspectors, social workers and magistrates, with a view, in particular, to making them more sensitive to the needs of children;
- (e) Establishing or improving medical services for children.

24. States should ensure the availability of a sufficient number of work inspectors and train them systematically to deal with cases of exploitation of child labour. Particular attention should be given to national and regional plans for economic and social development for the occupational training of young people. National development plans should also include a section

devoted particularly to the employment of young people and to methods of ensuring that the most deprived have sufficient resources to be able to protect themselves from conditions leading to exploitation.

25. All Member States should endeavour to establish national agencies or institutions to promote the rights of children and to protect them from any form of exploitation. Particular efforts should be made to stress the importance of family values.

Role of United Nations bodies and specialized agencies

26. The International Labour Organisation should be encouraged in its activities within the framework of its work programme relating to child labour. Other specialized agencies and United Nations bodies, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, should develop and/or reinforce their activities in the field of child labour.

27. All competent United Nations agencies, development banks and intergovernmental bodies involved in development projects should ensure that no child is employed either directly or through local subcontractors.

28. The United Nations and the specialized agencies, having regard to their special responsibilities in the field of child labour, should pay special attention to the situation of children in South Africa and in the occupied Arab territories.

29. While the question of exploitation of child labour should primarily be dealt with by the International Labour Organisation, the United Nations human rights bodies should continue to be concerned with this question in the framework of the rights of the child in general. The Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery should continue to have responsibility in this field.

30. The United Nations and the specialized agencies, including the United Nations University, should continue to incorporate in their programmes a series of interdisciplinary and multinational projects for comparative research on the various aspects of the exploitation of child labour throughout the world and in particular in the countries of Africa, Asia and Latin America.

31. The United Nations and the specialized agencies should reinforce their programmes related to the elimination of the exploitation of child labour, and in particular to the study of the economic, social, legal and cultural factors which give rise to it.

32. The Secretary-General should invite all United Nations bodies and specialized agencies to attach greater importance to eliminating the exploitation of child labour and to study and discuss this issue at forthcoming international conferences, with special emphasis being placed on it at major conferences.

33. An international child welfare fund should be established. The resources of the fund would be allocated to combat violations of the rights provided for in the Convention on the Rights of the Child, particularly the rights of those children living in especially difficult circumstances, such as orphans and street children, refugees or displaced persons, victims of war and of natural and man-made disasters, including such perils as exposure to radiation and dangerous chemicals, children of migrant workers and other socially disadvantaged groups, child workers or youth trapped in the bondage of prostitution, sexual abuse and other forms of exploitation, disabled children and juvenile delinquents and victims of apartheid and foreign occupation. Such children deserve special attention, protection and assistance from their families and communities and as part of national efforts and international cooperation.

Cooperation at the local, national and international levels

34. Major steps should be taken by Governments, international organizations and non-governmental organizations to increase awareness amongst children, parents, workers, trade unions and employers of the causes and the adverse effects of child labour and measures to combat its exploitation. Such steps could include wider dissemination of relevant international instruments translated, where appropriate, into languages other than the official languages of the United Nations, as well as development and strengthening of existing norms.

35. Support should be given to non-governmental organizations concerned with the problem of child labour, particularly at the community level, and a constructive partnership should be evolved between Governments and non-governmental organizations.

36. The United Nations bodies and the specialized agencies dealing with the problem of child labour should seek the cooperation of national and international trade unions.

37. Appropriate and necessary forms of support should be given to non-governmental organizations at all levels, especially community organizations, concerned with the problem of child labour.

38. Concerned United Nations bodies and specialized agencies should examine the possibility of promoting an information campaign among villagers, employers, parents, children and other groups in countries where child labour exists.

39. Members of the international community should cooperate in order to assist developing countries in creating conditions under which child labour could be entirely eliminated.

67th meeting  
10 March 1993

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

1993/80. Application of international standards concerning  
the human rights of detained juveniles

The Commission on Human Rights,

Bearing in mind the Convention on the Rights of the Child, adopted by the General Assembly on 20 November 1989,

Recalling article 1 of the Convention, which extends the protection of its provisions to "every human being below the age of eighteen years",

Taking into account articles 37 and 40 of the Convention on the Rights of the Child, which regulate the detention of young offenders who have infringed the penal law,

Bearing in mind the work done by the Committee on the Rights of the Child in supervising the due implementation of the Convention, and specifically articles 37 and 40 thereof,

Recalling the important instruments adopted by the United Nations in the area of the administration of juvenile justice,

Bearing in mind also resolution 1992/25 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, of 27 August 1992,

Concerned that, because of the great vulnerability of juveniles to various forms of abuse, neglect and injustice and the profound and indelible impact of such traumatic experiences on their developing personalities,

violations of the human rights of detained juveniles have serious and far-reaching consequences for the juveniles concerned and for society,

1. Congratulates the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its sustained concern for detained juveniles;

2. Notes with thanks the final report prepared by the Special Rapporteur of the Sub-Commission, Mrs. Mary Concepción Bautista, on this subject (E/CN.4/Sub.2/1992/20) and the addendum to the report containing the note by the Secretary-General on the question of detained juveniles;

3. Welcomes the proposal by the Secretary-General (E/CN.4/Sub.2/1992/20/Add.1) to organize, within the framework of the programme of human rights activities for 1994, a meeting of experts under the auspices of the Centre for Human Rights, the United Nations Children's Fund and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs on the application of international standards concerning the human rights of detained juveniles;

4. Expresses the wish that the Committee on the Rights of the Child and the Working Groups on Contemporary Forms of Slavery and on Detention of the Sub-Commission should be represented at the meeting of experts, together with the specialized non-governmental organizations, in particular those of juvenile court judges;

5. Endorses the request made by the Sub-Commission to the Secretary-General that he should provide all necessary assistance for the organization and success of the meeting of experts;

6. Requests the Secretary-General to report on the results of the meeting to the Commission on Human Rights at its fifty-first session and to the Sub-Commission at its forty-sixth session;

7. Decides to consider the question of the application of international standards concerning the human rights of detained juveniles at its fiftieth session under the agenda item entitled "Rights of the child".

67th meeting

10 March 1993

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

1993/81. The plight of street children

The Commission on Human Rights,

Recalling the Convention on the Rights of the Child as a major contribution to the protection of the rights of all children,

Recalling also the World Declaration and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children (A/45/625, annex), adopted in New York on 30 September 1990 by the World Summit for Children, the World Declaration on Education for All adopted by the World Conference on Education for All, held at Jomtien, Thailand, from 5 to 9 May 1990, Chapter 25 of Agenda 21 adopted at the United Nations Conference on Environment and Development held at Rio de Janeiro, Brazil, from 3 to 14 June 1992 and General Assembly resolution 47/126 of 18 December 1992,

Reaffirming that children are a particularly vulnerable group in society whose rights require special protection and that children living under especially difficult conditions, for example on the street, deserve special attention, protection and assistance from their families and communities as well as on a national and international level,

Profoundly concerned that the killing of and violence against street children deprives them of, or threatens, the most fundamental right of all: the right to life,

Recognizing that all children have the right to health, shelter and education, to an adequate standard of living and to freedom from violence and harassment,

Deeply concerned over the growing number of street children worldwide and the squalid conditions in which these children are forced to live,

Recognizing the duty and responsibility of Governments to investigate all cases of offences against street children and to punish offenders,

Recognizing also that legislation per se is not enough to prevent violations of human rights, including those of street children, and that Governments should implement their laws and complement legislative measures with effective action, inter alia, in the fields of law enforcement and in the administration of justice,

Welcoming the efforts taken by some Governments to address the question of street children,

Welcoming also the publicity given to and increased awareness of the plight of street children, and the achievements of non-governmental organizations in promoting their rights and in providing practical assistance to improve their situation, and expressing its appreciation of their continued efforts,

Welcoming further the valuable work of the United Nations Children's Fund as well as its National Committees in reducing the suffering of street children,

Taking note with appreciation of the important work carried out in this field by the United Nations, in particular the Committee on the Rights of the Child, the Special Rapporteur on the sale of children, child prostitution and child pornography and the United Nations International Drug Control Programme,

Bearing in mind the diverse causes of the emergence and marginalization of street children, including poverty, rural-to-urban migration, unemployment, broken families, intolerance and exploitation and that serious socio-economic difficulties can aggravate these problems,

Reaffirming that international cooperation can help to improve the quality of life of children in every country,

1. Expresses grave concern at the growing number of incidents worldwide and reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution;
2. Urges Governments to continue actively to seek comprehensive ways to prevent the marginalization of children in society and the emergence of the phenomenon of street children;
3. Also urges Governments, meanwhile, to take measures to restore street children's full participation in society, to involve street children in the development of such programmes and to provide, inter alia, adequate nutrition, shelter, health care and education;
4. Calls upon all States that have not done so to become parties to the Convention on the Rights of the Child as a matter of priority;
5. Emphasizes that strict compliance with the provisions of the Convention, which is obligatory for States parties, would constitute a significant step towards solving the problems of street children;
6. Encourages States parties to the Convention, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting or indicating their need for technical advice and assistance with initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;
7. Invites Governments, bodies and organizations of the United Nations as well as intergovernmental and non-governmental organizations to cooperate



with each other and to ensure greater awareness and more effective action to solve the problem of street children by, among other measures, the dissemination of information and the exchange of views;

8. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children, by, among other measures, supporting development projects that can have a positive impact on the situation of street children;

9. Invites the Committee on the Rights of the Child to consider the possibility of a general comment on street children;

10. Recommends that the Committee on the Rights of the Child and other relevant treaty bodies bear this growing problem in mind when examining reports from States parties;

11. Calls upon special rapporteurs, special representatives and working groups of the Commission on Human Rights and of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, within their mandates, to pay particular attention to the plight of street children;

12. Decides to consider the question at its fiftieth session under the agenda item entitled "Rights of the child".

67th meeting  
10 March 1993

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

1993/82. Special Rapporteur on the sale of children, child prostitution and child pornography

The Commission on Human Rights,

Recalling its resolution 1990/68 of 7 March 1990, by which it decided to appoint a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography,

Recalling also Economic and Social Council decision 1990/240 of 25 May 1990, by which the Council decided to request the Chairman of the Commission to appoint a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of adoption of children for commercial purposes,

Recalling further its resolution 1992/76 of 5 March 1992, by which the Commission decided to extend the mandate of the Special Rapporteur for three years, while maintaining the annual reporting cycle,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/2 of 14 August 1992, on the report of its Working Group on Contemporary Forms of Slavery on its seventeenth session (E/CN.4/Sub.2/1992/34), and in which the Sub-Commission decided to transmit to the Commission the draft programme of action for the elimination of the exploitation of child labour,

Recalling the wide ratification of and accession to the Convention on the Rights of the Child and the meaningful role it can play in ensuring an effective protection of the rights of children,

Further recalling the adoption by the Commission in its resolution 1992/74 of 5 March 1992 of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography,

Deeply concerned, however, about the persistence of situations of the sale of children, child prostitution and child pornography in many parts of the world, which may also often constitute an exploitation of child labour,

Bearing in mind that the General Assembly by its resolution 44/82 of 8 December 1989 proclaimed 1994 the "International Year of the Family", and recognizing the important role the Commission can play in this regard,

Recognizing the need for a continuing exchange of information between the various mechanisms and bodies entrusted with the task of preventing and combating situations of the sale of children, child prostitution and child pornography,

Recognizing also the need to build a network of contacts at both the national and international levels, including the governmental and non-governmental spheres,

Recognizing further the importance of preventing the involvement of children in armed conflicts and ensuring a close cooperation with assistance and humanitarian organizations as well as with military entities,

Having considered the report of the Special Rapporteur on the sale of children (E/CN.4/1993/67 and Add.1) and the conclusions and recommendations contained therein,

1. Welcomes the report of the Special Rapporteur on the sale of children;

2. Endorses the conclusions and recommendations of the Special Rapporteur, concerning the strengthening of preventive strategies to tackle the root causes of the sale of children, child prostitution and child pornography;
3. Stresses the need for an effective multidisciplinary approach, both at the international and national levels;
4. Recognizes the important role specialized agencies, non-governmental organizations and the community at large can play in order to ensure a greater awareness and more effective action in preventing situations of the sale of children, child prostitution and child pornography, including by the dissemination of information and the teaching of children's rights;
5. Also recognizes the importance of strengthening the cooperation between international agencies dealing with development aid and assistance in the field of the rights of the child, namely in the areas covered by the mandate of the Special Rapporteur;
6. Encourages Governments, national and international organizations to ensure a wide dissemination of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;
7. Recognizes the important role the media can play in collecting and disseminating information on children's rights, in particular in the areas covered by the mandate of the Special Rapporteur;
8. Emphasizes the importance of ensuring the training on children's rights of those who are involved in actions concerning children, in particular the judiciary and law enforcement officials, and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations programme of advisory services in the field of human rights;
9. Encourages Governments, national and international educational organizations, including the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund, to develop programmes for the rights of the child in all areas of formal and non-formal education;
10. Recognizes the importance of promoting the adoption by the business sector of a code of conduct for child protection with a view to preventing and eliminating the sale of children, child prostitution and child pornography;

11. Reaffirms the need for strengthening and ensuring the effective implementation of a legal framework aimed at effectively protecting children's rights, as well as at providing appropriate remedies for children whose rights have been violated;

12. Encourages the establishment of bodies and institutions, both governmental and non-governmental, acting on behalf of the child in light of his or her best interests;

13. Encourages Governments, national police and other law enforcement authorities to work closely with the International Criminal Police Organization (INTERPOL) to identify cases of concern to the Special Rapporteur's mandate and ensure that effective action is taken to prevent and remedy criminal and other acts which give rise to child abuse and exploitation;

14. Endorses the recommendation of the Special Rapporteur that States should establish a national focal point to coordinate action on children's rights, including in the field of the sale of children, child prostitution and child pornography;

15. Encourages States to consider raising the age of recruitment to eighteen and prohibit the use of child soldiers;

16. Takes note with appreciation of the information provided by the Special Rapporteur on these areas as well as on the methods of work he has established;

17. Requests the Special Rapporteur, within the framework of his mandate, to continue to pay particular attention to areas which are still insufficiently documented and to set priorities of short and medium term in his recommendations to the Commission;

18. Also requests the Special Rapporteur, in carrying out his mandate, to continue to seek and receive credible and reliable information from Governments, specialized agencies and intergovernmental and non-governmental organizations;

19. Invites the Special Rapporteur to cooperate closely with the Committee on the Rights of the Child, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery as well as with other competent United Nations

bodies dealing with questions covered by his mandate, including the Commission on Crime Prevention and Criminal Justice, and to this effect invites him to participate at the next sessions of those bodies;

20. Appeals to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to furnish all information requested, including by inviting the Special Rapporteur to undertake country field visits;

21. Expresses its thanks to the Governments which have invited the Special Rapporteur to visit their countries and asks them to give all necessary attention to his recommendations and to inform him of any action taken thereon;

22. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur in the full discharge of his mandate and in order to enable him to submit his report to the Commission at its fiftieth session.

67th meeting  
10 March 1993

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

1993/83. Consequences of armed conflicts on children's lives

The Commission on Human Rights,

Welcoming the promptness with which a large number of States have ratified the Convention on the Rights of the Child, which is evidence of unprecedented mobilization by the international community,

Noting in particular the fundamental importance of every child's inherent right to life, as recognized in article 6 of the Convention,

Reaffirming that this right is to be applied especially in times of armed conflict, when children's lives and physical integrity are particularly threatened,

Noting with interest that the Committee on the Rights of the Child, at its second session, decided to hold its first general discussion on the situation of children in armed conflicts (see CRC/C/10), thereby acknowledging the fundamental importance of this issue for the promotion and protection of children's rights and the role of the Convention in this regard,

Noting with consternation the very large number of innocent civilians who continue to be the victims of all forms of armed conflicts now taking place in the world,

Deploring the continued practice of enlisting children in the armed forces,

Deeply concerned at the alarming figures for deaths and serious injuries entailing life-long disability among children in areas of conflict,

Alarmed at the information that some particularly injurious weapons, especially anti-personnel mines, continue to strike long after conflicts have ended,

Noting with distress that children are often among the main victims of such weapons, and especially of anti-personnel mines,

Fully aware in this respect of the importance of operations for the effective detection, clearance and destruction of unremoved mines, operations that cannot be conducted without resources or special skills, and anxious to promote international cooperation in this field,

Noting the commitments entered into by States in fields pertaining to humanitarian law, and particularly the Geneva Conventions of 12 August 1949 and their Additional Protocols,

Recalling that, on that basis both of international humanitarian law and of the provisions of the Convention on the Rights of the Child, States must take all possible measures to ensure special protection and suitable care and the physical and psychological recovery, as well as social reintegration, of children affected by an armed conflict,

Also recalling in this regard the specific commitments entered into by States that have ratified the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and particularly Protocol II, on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, and calling on States to consider ratifying these instruments,

1. Expresses its deep concern and indignation at the serious consequences of armed conflicts on children, directly or indirectly involved, who are often among the main victims of the indiscriminate use of anti-personnel mines;

2. Expresses its gratitude to the Committee on the Rights of the Child for its views, at its second session, on the issue of children in armed conflicts, in particular on the need to strengthen preventive measures and to implement effective protection for children, and notes the recommendations

made by the Committee at its third session on means to improve the protection of children against adverse consequences of armed conflicts (see CRC/C/16), including the recommendation made to the General Assembly to undertake a study in the light of article 45 (c) of the Convention;

3. Expresses its gratitude to the International Committee of the Red Cross for its efforts to foster awareness of the issue of anti-personnel mines;

4. Encourages efforts to promote international cooperation to assist in the detection and clearance of unremoved mines;

5. Requests all States to render full support to prevention of the indiscriminate use of anti-personnel mines and to protection and assistance for the victims;

6. Invites the relevant organizations in the United Nations system as well as other intergovernmental organizations to intensify their efforts to ensure that all possible assistance is given to child victims of anti-personnel mines, who are often disabled for life, with a view to their physical and psychological recovery and social reintegration, and also to support to this end the activities of non-governmental organizations in the field.

67th meeting  
10 March 1993

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

#### 1993/84. Conscientious objection to military service

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international human rights instruments, the Charter of the United Nations and humanitarian law,

Mindful of articles 3 and 18 of the Universal Declaration of Human Rights, which proclaim the right to life, liberty and security of person and the right to freedom of thought, conscience and religion,

Bearing in mind that it is recognized in the International Covenant on Civil and Political Rights that everyone has the right to freedom of thought, conscience and religion,

Recalling its resolution 1989/59 of 8 March 1989, in which it recognized the right of everyone to have conscientious objections to military service as a legitimate exercise of the right of freedom of thought, conscience and religion,

Bearing in mind General Assembly resolutions 34/151 of 17 December 1979, in which the Assembly designated 1985 as "International Youth Year: Participation, Development, Peace", 2037 (XX) of 7 December 1965, in which the Assembly stated that young people should be brought up with an understanding, and in the spirit, of peace, justice and respect for all persons, and 2447 (XXIII) of 19 December 1968,

Recalling its own resolution 40 (XXXVII) of 12 March 1981, in which it pointed to the need for a better understanding of the circumstances under which military service might be objected to on grounds of conscience,

Noting the important role of youth in the promotion of international peace and cooperation as well as of human rights and fundamental freedoms,

Recalling General Assembly resolution 33/165 of 20 December 1978, in which the Assembly recognized the right of all persons to refuse service in military or police forces used to enforce apartheid and called upon Member States to grant asylum or safe transit to another State, in the spirit of the Declaration on Territorial Asylum, to persons compelled to leave their country solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces,

Recalling the comprehensive report submitted by Mr. Asbjørn Eide and Mr. C.L.C. Mubanga-Chipoya on the question of conscientious objection to military service (E/CN.4/1985/25 and Add.1-4) containing conclusions and recommendations,

Noting the developments concerning conscientious objections to military service on a regional level,

Recalling the report on the question of conscientious objection to military service submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session (E/CN.4/Sub.2/1983/30), which reflects the relevant international norms and standards embodied in various human rights instruments and describes State practice concerning voluntary or compulsory performance of military service,

Taking into consideration that, although in some States no provision is made in the domestic legislation concerning the recognition of conscientious



objection to military service, in practice such States provide for non-combatant service within the military framework and sometimes for alternative civilian service,

Recalling its resolution 1991/65 of 6 March 1991, in which it requested the Secretary-General to report to the Commission on the matter at its forty-ninth session,

Having considered the report of the Secretary-General (E/CN.4/1993/68 and Add.1-3), and thanking those Governments that provided comments to the Secretary-General,

Noting the final report on human rights and youth submitted by the Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1992/36) which draws attention to the continuing need for provision for conscientious objection to military service in many countries,

Aware that persons performing military service may develop conscientious objections,

Recognizing that conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious, ethical or similar motives,

1. Draws attention to the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion as laid down in article 18 of the Universal Declaration of Human Rights as well as article 18 of the International Covenant on Civil and Political Rights;

2. Affirms that persons performing compulsory military service should not be excluded from the right to have conscientious objections to military service;

3. Recognizes the fact that there exists various domestic legislation concerning conscientious objection to military service;

4. Appeals to States, if they have not already done so, to enact legislation and to take measures aimed at exemption from military service on the basis of a genuinely held conscientious objection to armed service;

5. Reminds States with a system of compulsory military service where such provision has not already been made, of its recommendation that they introduce for conscientious objectors various forms of alternative service

which are compatible with the reasons for conscientious objection, bearing in mind the experience of some States in this respect, and that they refrain from subjecting conscientious objectors to imprisonment;

6. Emphasizes that such forms of alternative service should be of a non-combatant or civilian character, in the public interest and not of a punitive nature;

7. Appeals to Member States, if they have not already done so, to establish within the framework of their national legal system independent and impartial decision-making bodies with the task of determining whether a conscientious objection is valid in a specific case;

8. Affirms the importance of the availability of information about the right to conscientious objection to military service and the means of acquiring conscientious objector status to all relevant persons affected by military service;

9. Requests the Secretary-General to transmit the text of the present resolution to all States Members of the United Nations and to include the right of conscientious objection to military service in the public information activities of the United Nations;

10. Also requests the Secretary-General to report to the Commission at its fifty-first session on the question of conscientious objection to military service, taking into account the comments provided by Governments and further information received by him;

11. Decides to consider this matter further at its fifty-first session under the agenda item entitled "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".

67th meeting

10 March 1993

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

1993/85. Assistance to the Republic of Georgia in the field  
of human rights

The Commission on Human Rights,

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

Aware of its responsibility to promote and protect human rights and fundamental freedoms for all,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights and Commission on Human Rights resolution 1992/80 of 5 March 1992,

Concerned at the serious situation, which gives rise to violations of human rights and fundamental freedoms of inhabitants of Georgia including Abkhazia,

Noting with appreciation the efforts within the United Nations system in carrying out missions in Georgia,

Noting also with appreciation the efforts of the Personal Representative of the Chairman-in-office of the Conference on Security and Cooperation in Europe and his missions in the regions of South Ossetia and Abkhazia, and aware of the desirability of close coordination of all efforts involved,

1. Recognizes the efforts made by the Government of Georgia to secure full enjoyment of human rights and fundamental freedoms for all its inhabitants;

2. Urges the Government of Georgia and the authorities in Abkhazia to intensify efforts to ensure that the human rights and fundamental freedoms of all inhabitants of Georgia are fully respected, inter alia, by all security forces;

3. Welcomes the progressive trend of democratization set by the Government of Georgia;

4. Encourages the Government of Georgia to continue this process of democratization including elections and to guarantee and ensure the full enjoyment of human rights to all inhabitants of Georgia;

5. Appeals to the Government of Georgia to develop further legal and institutional measures to put an end to violence, including measures to terminate the existence of illegal paramilitary groups;

6. Welcomes the interest expressed by the Government of Georgia for support and technical assistance in the field of human rights, including the drafting of legal instruments, constitutional provisions for persons belonging to minorities as well as assistance in national elections;

7. Calls upon the Secretary-General to evaluate the needs for such support and technical assistance to the Government of Georgia through the

provision of advisory services aimed at furthering legislation in constitutional and institutional matters, and in providing national and local institutions with the necessary expertise to implement the international standards in the field of human rights, including the rights of persons belonging to minorities, in close contact with the Government and the citizens of Georgia;

8. Decides to examine the question again at its fiftieth session.

67th meeting

10 March 1993

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

1993/86. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by principles embodied in the Charter of the United Nations, the International Bill of Human Rights and other applicable human rights instruments,

Aware of the prevailing tragic circumstances in Somalia, particularly the lack of governmental authority and the resulting need for special measures to assure protection of human rights,

Commending the ongoing efforts in Somalia of the United Nations, its specialized agencies, humanitarian organizations and non-governmental organizations, as well as those of Governments,

Expressing its grave concern at attacks against the personnel of relief and other humanitarian organizations in Somalia, sometimes resulting in serious injuries or deaths,

Recalling Security Council resolutions 733 (1992) of 21 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992, 767 (1992) of 27 July 1992, 775 (1992) of 28 August 1992 and 794 (1992) of 3 December 1992, as well as related Security Council actions, General Assembly resolution 47/167 of 18 December 1992 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/11 of 26 August 1992,

Recognizing the right of the Somali people to take part in the governance of their country directly or through freely chosen representatives, including the right of equal access to public service,

Mindful that United Nations peace-keeping, peace-making, and peace-building activities in some countries have benefited from human rights units that could be established within similar United Nations activities elsewhere,

Recognizing the constraints on the financial resources of the Centre for Human Rights,

1. Requests the Secretary-General to appoint for a period of one year a person having wide experience in the field of human rights as an independent expert, in his/her individual capacity, to assist his Special Representative for Somalia through development of a long-term programme of advisory services for re-establishing human rights and the rule of law, including a democratic constitution, as well as the eventual holding of periodic and genuine elections by universal suffrage and secret ballot;

2. Also requests the Secretary-General to give priority to implementing the programme recommended by the Independent Expert, as conditions in Somalia permit, including through the programme of advisory services of the Centre for Human Rights, in close cooperation with the Special Representative of the Secretary-General for Somalia, the United Nations peace-keeping operation in Somalia, other United Nations entities, such as the Electoral Assistance Unit, as well as humanitarian and non-governmental organizations;

3. Urges the Secretary-General to consider recommending the establishment of a unit within the United Nations operation in Somalia to assist in the promotion and protection of human rights and in encouraging respect for humanitarian law, as well as in the implementation of the recommendations of the Independent Expert;

4. Requests the Secretary-General to provide appropriate additional resources, within existing overall United Nations resources, to fund the activities of the Independent Expert and the Centre for Human Rights in implementing the present resolution;

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

6. Requests the Independent Expert to submit a report on the conditions in Somalia and the implementation of the present resolution for consideration to the General Assembly at its forty-eighth session, to the

Commission on Human Rights at its fiftieth session, and, if needed, to the Economic and Social Council at its substantive session of 1994;

7. Decides to consider the question at its fiftieth session under the agenda item entitled "Advisory services in the field of human rights".

67th meeting

10 March 1993

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

1993/87. Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, renamed the Voluntary Fund for Technical Cooperation in the Field of Human Rights by Commission resolution 1991/49 of 5 March 1991,

Recalling its latest resolution on the subject, 1992/80 of 5 March 1992,

Taking note of the relevant provisions of resolutions adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, inter alia, resolution 1991/35 of 29 August 1991, and of recommendations made in reports submitted to the Sub-Commission, inter alia, the report on the independence of the judiciary and the protection of practising lawyers (E/CN.4/Sub.2/1991/30 and Add.1-4) concerning advisory services,

Convinced of the need for the Secretary-General to intensify efforts to coordinate system-wide advisory services and technical assistance in the field of human rights through flexible inter-agency collaboration,

Convinced also of the need for the Centre for Human Rights to assume the functions of a focal point and clearing-house for inter-agency coordination with other organizations of the United Nations system,

Reaffirming that within the common context of the comprehensive programme of advisory services and technical cooperation, a clear distinction should be made between technical cooperation projects financed under the Voluntary Fund

for Technical Cooperation in the Field of Human Rights and activities under the regular budget of the United Nations, while at the same time close coordination between these activities should be ensured,

Noting the importance of expert services, fellowships and scholarships, training courses and seminars under the programme of advisory services as forms of practical assistance to States with a view to ensuring the rule of law and to enabling them to develop the necessary mechanisms to meet international human rights standards,

Noting also that the Centre for Human Rights, in executing projects under the Voluntary Fund, gives priority to activities aimed at building up or strengthening national and regional institutions and infrastructures in the field of human rights,

Reaffirming that advisory services and technical cooperation activities may be a complement to, but never a substitute for, monitoring and investigative activities by the United Nations, as underlined in the report of the Secretary-General (E/CN.4/1992/49),

Welcoming increased cooperation and consultation within the Centre for Human Rights in assisting the Secretary-General to deal with requests submitted by Governments,

Convinced that the Centre for Human Rights needs clear criteria and methods of assessment, following the example of project guidelines which have been drawn up in conformity with approved practices of the United Nations Development Programme, in dealing with requests submitted by Governments,

Convinced also of the need for the Secretary-General to ensure that the introduction of up-to-date data-processing into the management of both the programme of advisory services and the Voluntary Fund is compatible with the information system development plans of the Centre for Human Rights and other relevant United Nations organizations,

Considering it advisable for the Secretary-General to give wide publicity to the possibilities that exist under the programme of advisory services and under the Voluntary Fund for providing technical cooperation in the field of human rights to Governments, at their request, for example through the production and dissemination of an information brochure,

Taking note with appreciation of the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1993/61 and Add.1),

I. ACTIVITIES UNDER THE REGULAR BUDGET OF THE UNITED NATIONS

1. Reaffirms that the programme of advisory services in the field of human rights should continue to provide practical assistance in the implementation of international conventions on human rights to those States which indicate a need for such assistance;

2. Invites competent United Nations bodies, such as the committees set up under the International Covenants on Human Rights, the Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Committee on the Rights of the Child, to continue to make suggestions and proposals for the implementation of advisory services;

3. Requests the Secretary-General to give special attention to proposals made by United Nations human rights treaty bodies, special representatives and special rapporteurs, as well as working groups, and to report on follow-up activities undertaken as a result of such proposals;

4. Requests its special rapporteurs and representatives, as well as the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services;

5. Encourages Governments in need of advisory services in the field of human rights to avail themselves of the advisory services of experts in the field of human rights, for example, for drafting basic legal texts in conformity with international conventions on human rights;

6. Welcomes the increasing number of requests from Governments for advisory services in these areas;

7. Appeals to all Governments to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national and regional level for appropriate government personnel on the full and effective application of international human rights standards;



8. Calls upon the Secretary-General to implement all activities under the programme of advisory services on the basis of clearly defined objectives and themes, taking into account the precise needs of the beneficiaries, as well as to follow up and evaluate them;

9. Requests the Secretary-General again to provide as a matter of urgency and in line with his report on the work of the Organization for 1992 (A/47/1) in which he stated, inter alia, that "the Charter of the United Nations places the promotion of human rights as one of our priority objectives", more human and financial resources for the enlargement of advisory services, within existing overall United Nations resources and particularly from section 07 of the regular budget concerning technical cooperation, in order to meet the substantially increased demand, in particular for training activities, such as fellowships, which have proven to be useful in raising awareness of human rights in all sectors of civil society and Government, and the provision of expert services emanating from the mandates and recommendations of the Commission on Human Rights, competent human rights treaty bodies, special representatives, special rapporteurs, independent experts and working groups, as well as from requests by Governments;

10. Also requests the Secretary-General to pursue his efforts towards a comprehensive plan for advisory services and technical cooperation in the field of human rights, taking into account the comments and views expressed by Governments at the forty-eighth session of the Commission on Human Rights;

II. ACTIVITIES UNDER THE VOLUNTARY FUND FOR TECHNICAL  
COOPERATION IN THE FIELD OF HUMAN RIGHTS

11. Expresses its appreciation to the Secretary-General for the projects realized since the establishment of the Voluntary Fund for Technical Cooperation in the Field of Human Rights and to Governments and non-governmental organizations for their contributions, and invites other Governments and non-governmental organizations to consider contributing;

12. Emphasizes that the objective of the Voluntary Fund is to provide financial support for international cooperation aimed at building up and strengthening national and regional institutions and infrastructures which will have a long-term impact on improved implementation of international conventions and other international standards on human rights;

13. Welcomes the new global approach and the new policy developed by the Centre for Human Rights to address the specific demands of a requesting

Government by carrying out a comprehensive needs assessment and developing an overall programme containing specific projects aimed at strengthening the human rights infrastructure of a country;

14. Encourages the Secretary-General to pay due attention to the particular needs of developing countries from all regions with a view to implementing the new global approach as outlined in the report of the Secretary-General (E/CN.4/1993/61, sect. I.C);

15. Underlines that any assistance through technical cooperation in the field of human rights under the Voluntary Fund has to be well prepared, and that there should be a regular follow-up between the involved national bodies and the Centre for Human Rights, to be reflected in the report of the Secretary-General;

16. Encourages the Secretary-General and the Centre for Human Rights to participate actively in the formulation of projects regarding technical cooperation in the field of human rights, in close consultation with the Governments concerned, taking into account relevant suggestions made by human rights treaty bodies, special rapporteurs and non-governmental organizations and efforts for wider cooperation at the regional level;

17. Takes note of the document annexed to the report of the Secretary-General (E/CN.4/1993/61, annex III), entitled "The role of boards of trustees in human rights assistance funds";

18. Requests the Secretary-General to appoint a board of trustees for the Voluntary Fund for Technical Cooperation, composed of five persons with wide experience in the field of human rights and in technical cooperation, acting in their personal capacity and selected in order to guarantee a broad scope of criteria and backgrounds with due regard to equitable geographic distribution to advise the Secretary-General on the administration and operation of the Voluntary Fund;

19. Requests the Board of Trustees to assist the Secretary-General in particular in streamlining and rationalizing the working methods and procedures of the Voluntary Fund, including developing long-term policy guidelines, reviewing specific projects, reviewing all financial aspects of the Voluntary Fund with regard to transparency and accountability, relations and cooperation with other organizations with regard to project evaluation and follow-up, reviewing implementation of decisions of the Board of Trustees and reporting;

20. Also requests the Board of Trustees to promote and solicit contributions and pledges to the Voluntary Fund,

21. Requests the Secretary-General to include the report of the Board of Trustees on their activities in his annual report to the Commission on Human Rights on advisory services and technical cooperation;

22. Decides to review the arrangements of the Board of Trustees after a period of three years, taking into account comments by the Secretary-General in his future reports;

23. Invites the Centre for Human Rights to consider developing model projects for legal protection and the strengthening of the independence of the judiciary as part of the core activities of the Voluntary Fund, bearing in mind the need to adapt these projects to the particular needs of developing countries in all regions;

24. Also invites the Centre for Human Rights to give special attention to strengthening the capacity of national and regional institutions to collect and disseminate information on human rights and establish common practices for cooperation with the United Nations in this area;

25. Encourages Governments to seek contact and to cooperate with non-governmental human rights organizations in formulating and implementing programmes under the Voluntary Fund;

26. Requests the Secretary-General, with the assistance of the Board of Trustees, to guarantee transparency of the criteria applied and of the rules of procedure to be followed in carrying out technical cooperation in the field of human rights;

### III. SYSTEM-WIDE COOPERATION

27. Requests the Secretary-General to explore yet further the possibilities offered by cooperation between the Centre for Human Rights and specialized bodies and other organizations of the United Nations system, such as the Centre for Social Development and Humanitarian Affairs, the United Nations Children's Fund, the United Nations Development Programme, the United Nations Institute for Training and Research, the Office of the United Nations High Commissioner for Refugees, the United Nations Interregional Crime and Justice Research Institute, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Bank;

28. Also requests the Secretary-General to bring the need for further technical cooperation in the legal field that has been indicated by a number of States to the attention of the United Nations bodies and the specialized agencies that are active in providing assistance in the field of development with a view to promoting human rights in the development strategies and policies of the United Nations system;

29. Encourages, in this regard, the Secretary-General to explore fully the possibilities for a system-wide use of model projects for legal protection and in the independence of the judiciary to be developed for Human Rights;

30. Also encourages the cooperation between the Centre for Human Rights and the United Nations Development Programme, and the leadership of both organizations to enhance further coordination and cooperation between them, in particular with a view to integrating, with the advice of Commission on Human Rights, projects for strengthening human rights into the overall country programmes of the United Nations Development Programme and in order to prepare and execute jointly individual projects benefiting from the opportunities offered by resident representatives of the United Nations Development Programme;

31. Requests the Secretary-General to report annually to the Commission on Human Rights on the progress made in the implementation of the programme of advisory services and technical cooperation in the field of human rights and, in a distinct part of his annual report, on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

67th meeting

10 March 1993

[Adopted without a vote. See chap. XX1.]

1993/88. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

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

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms, even under exceptional circumstances,

Recalling its resolution 1992/78 of 5 March 1992,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/18 of 27 August 1992,

Having considered the reports of the Special Rapporteur on the question of torture (E/CN.4/1993/26), the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25 and Add.1) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46),

Having considered also the report of the Independent Expert, Mr. Christian Tomuschat (E/CN.4/1993/10), and studied the conclusions and recommendations contained therein,

Deeply concerned by the fact that, according to the Independent Expert, human rights violations are still occurring in Guatemala, particularly crimes against the lives and physical integrity of individuals,

Taking into account the fact that the continuation of the internal armed conflict is a factor affecting the human rights situation in Guatemala,

Taking note of the recent legal and institutional reforms introduced by the Government with a view to combating impunity and guaranteeing the full enjoyment of human rights and fundamental freedoms for everyone in Guatemala,

Concerned by the fact that, according to the information provided by the Independent Expert, there continue to be human rights violations attributed to members of the armed forces and to the so-called civil self-defence committees, particularly in rural areas,

Concerned also by the fact that situations of impunity continue to exist and that in cases of human rights violations there has been no progress in the investigations and/or judicial proceedings,

Concerned further at the situation of the displaced population in the areas affected by the internal armed conflict,

Taking note of the award of the 1992 Nobel Peace Prize to Ms. Rigoberta Menchú,

Regretting the serious human rights violations still being committed against the indigenous populations in Guatemala,

Considering that the economic and social situation continues to have serious consequences for the most vulnerable sectors of Guatemalan society, particularly the indigenous populations, women and children,

Taking note with satisfaction of the process of repatriation of refugees that was initiated at the beginning of this year, and recognizing the efforts of the Ad Hoc Committee for Aid to Returnees and the Fund for Peace,

Expressing the hope that the will shown by the Government and by the Unidad Revolucionaria Nacional Guatemalteca will lead to a prompt settlement of the internal armed conflict, through the conclusion of the negotiations in the near future and the signing of the human rights agreement, with immediate international verification, which alone can lead to respect for the human rights of the whole of the Guatemalan people,

Taking note of the Government's initiative in accelerating the process of negotiation and of the proposal by the Unidad Revolucionaria Nacional Guatemalteca,

Considering that it is necessary for the international community to continue to keep the human rights situation in Guatemala under review and to provide advisory services in the field of human rights, with a view to promoting full respect for human rights and fundamental freedoms and supporting the efforts of the Government of Guatemala to that end,

1. Takes note with appreciation of the report submitted by the Independent Expert;

2. Expresses its gratitude to the Government of Guatemala for the facilities and cooperation afforded to the Independent Expert;

3. Recognizes the efforts made by the President, Mr. Jorge Serrano Elías, to improve the human rights situation;

4. Regrets the fact that, despite the undertaking by the Government of Guatemala to guarantee full enjoyment of human rights and fundamental freedoms, serious violations continue to occur, particularly crimes against the lives and physical integrity of individuals;

5. Urges both parties to respect the rules of international humanitarian law in the internal armed conflict and to refrain from any activities that may endanger the rights of the great majority of Guatemalans, who are not involved in this conflict;

6. Urges the Government of Guatemala to intensify investigations aimed at identifying and bringing to justice all those responsible for violations of human rights, to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights, and to ensure that the judicial system can operate with due protection being afforded to judges, investigators, witnesses and the relatives of victims;

7. Again exhorts the Government of Guatemala to continue to apply the Independent Expert's recommendations, including the abolition of the system of

civil self-defence committees and other paramilitary groups, in the light, inter alia, of the development of the peace negotiations;

8. Appeals to the Government of Guatemala to intensify its efforts to ensure that all its authorities and the armed and security forces fully respect the human rights and fundamental freedoms of the Guatemalan people;

9. Again exhorts the Government of Guatemala to expedite and further develop legal and institutional reforms to put an end to the violence and impunity, paying particular attention to the situation of the indigenous population and the special situation of street children;

10. Recognizes the positive work done in defence of human rights by the Human Rights Procurator and encourages the Government to give him support and guarantee conditions for the strengthening of his activities;

11. Welcomes the establishment of the Presidential Commission on Human Rights and the Independent Expert's recommendation that it should be the focal point for the coordination of the Government's efforts to comply with its international obligations in the field of human rights;

12. Expresses its satisfaction at the initiation of the process of repatriation of refugees and appeals to the competent authorities to guarantee that this process continues with full consideration for the well-being and dignity of all persons concerned;

13. Invites the Government of Guatemala to give priority also to economic and social development programmes and to strengthen policies and programmes concerning the indigenous population of Guatemala, taking into account their proposals and aspirations, together with the Independent Expert's recommendations on the subject;

14. Welcomes the talks between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, which were resumed on 23 February 1993 with the mediation of the Conciliator and the Representative of the Secretary-General;

15. Expresses the hope that these talks will lead to a reactivation of the comprehensive process of peace negotiations;

16. Urges both parties, as part of this process, to conclude and apply without delay the human rights agreement, with the corresponding machinery for international verification;

17. Requests the Secretary-General to continue to provide the Government of Guatemala and non-governmental organizations with advisory services in the field of human rights;

18. Also requests the Secretary-General to extend the mandate of the Independent Expert so that he may continue to examine the situation of human rights in Guatemala and provide assistance to the Government in the field of human rights and submit to the Commission at its fiftieth session a report assessing the measures taken by the Government in accordance with the recommendations made to it;

19. Decides to consider the question at its fiftieth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories" or the item "Advisory services in the field of human rights", in the light of the adoption and application of specific and significant measures by the Government, the effectiveness of which will be assessed in the report of the Independent Expert on the situation of human rights in Guatemala.

67th meeting

10 March 1993

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

1993/89. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,



Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling General Assembly resolution 45/158 of 18 December 1990, in which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Recalling that the General Assembly, in its resolution 47/110 of 16 December 1992, requested the Secretary-General to submit to the General Assembly at its forty-eighth session a report on the status of the Convention,

Recalling its resolution 1992/81 of 5 March 1992, in which it encouraged the Secretary-General to assume an active role in disseminating information on, and promoting, the Convention through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights and in cooperation with interested United Nations bodies,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1993/51);

2. Urges all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

3. Requests the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

4. Invites specialized agencies and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and to promoting understanding thereof;

5. Requests the Secretary-General to submit to the Commission on Human Rights at its fiftieth session a report on the status of the Convention;

6. Decides to include in the provisional agenda for the fiftieth session of the Commission the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

67th meeting

10 March 1993

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

1993/90. Movement and dumping of toxic and dangerous products and wastes

The Commission on Human Rights,

Recalling its resolutions 1989/42 of 6 March 1989, 1990/43 of 6 March 1990 and 1991/47 of 5 March 1991,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989, 45/13 of 7 November 1990 and 46/126 of 17 December 1991,

Recalling further resolutions CM/RES.1153 (XLVIII) of 1988 and CM/RES.1225 (L) of 1989 adopted by the Council of Ministers of the Organization of African Unity concerning the dumping of nuclear and industrial wastes in Africa,

Bearing in mind the Bamako Convention on the Ban of the Import of All Forms of Hazardous Wastes into Africa and the Control of Transboundary Movements of Such Wastes Generated in Africa, adopted by the Council of Ministers of the Organization of African Unity Pan-African Conference on Environment and Sustainable Development in Africa, held at Bamako from 23 to 30 January 1991,

Taking note of resolution GC(XXXIII)/RES/509 on the dumping of nuclear wastes and resolution GC(XXXIV)/RES/530 establishing a Code of Practice on the International Transboundary Movement of Radioactive Waste adopted on 29 September 1989 and 21 September 1990 respectively by the General Conference of the International Atomic Energy Agency and its decision to keep the question of the international transboundary movements of radioactive waste under active review, including the desirability of concluding a legally binding instrument under the auspices of the International Atomic Energy Agency,

Taking into account Agenda 21 adopted by the United Nations Conference on Environment and Development, held at Rio de Janeiro, Brazil, from 3 to 14 June 1992 (A/CONF.151/26, vol. II), especially chapters 19, 20, 21 and 22 related to environmentally sound management of hazardous, radioactive

and solid wastes and toxic chemicals including illegal international traffic in hazardous wastes, and the principles proclaimed in the Rio Declaration on Environment and Development (A/CONF.151/26, vol. I),

Taking note of the Final Act of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal adopted on 22 March 1990,

Aware of the growing practice of dumping of hazardous and other wastes in Africa and other developing countries by transnational corporations and other enterprises from industrialized countries, which they cannot dispose of within their territories of operation,

Aware also of the potential health and ecological hazards underlying the movement and dumping of toxic and dangerous products and wastes,

Gravely concerned at recently reported illegal disposal of hazardous and harmful wastes in Africa,

Desirous of promoting the implementation and strict observance of the provisions of existing international instruments and principles governing the transboundary movement and dumping of toxic and dangerous products and wastes,

1. Welcomes the Tunis Declaration adopted by the Ministers and representatives of the African States meeting at Tunis from 2 to 6 November 1992, in the context of preparations for the World Conference on Human Rights, especially where it relates to the environmental consequences of dumping of toxic and dangerous products and wastes, and its effects to human life;

2. Reaffirms the request made by the First Meeting of the Conference of the Parties to the Basel Convention in its decision I/20 to the industrialized countries to prohibit the export of hazardous and other wastes to parties which have prohibited their import and to non-parties;

3. Invites all Governments to take legislative and other appropriate measures with a view to preventing illegal international traffic in toxic and dangerous products;

4. Invites the United Nations Environment Programme, the International Labour Organisation, the World Health Organization, the International Atomic Energy Agency and the Organization of African Unity and other regional organizations to intensify their cooperation and assistance on environmentally sound management of toxic chemicals including the question of their transboundary movements;

5. Urges the international community to give the necessary support to African and other developing countries in their efforts to implement the provisions of the existing international and regional instruments governing the transboundary movement and dumping of toxic and dangerous products and wastes;

6. Decides to continue consideration of the question of the movement and dumping of toxic and dangerous products and wastes, including prevention of illegal traffic, at its fifty-first session under the agenda item entitled "Human rights and scientific and technological developments".

67th meeting  
10 March 1993

[Adopted by a roll-call vote of 34 to 1,  
with 17 abstentions. See chap. XIV.]

1993/91. Human rights and bioethics

The Commission on Human Rights,

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

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

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

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

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

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

Also recalling the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and

Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982 and set forth in the annex thereto,

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

Aware of the rapid development of the life sciences and the dangers that certain practices may pose to the integrity and dignity of the individual,

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

Recalling in this connection its resolution 1991/45 of 5 March 1991 entitled "Use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms",

Referring to decision 1992/104 of 14 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities regarding this question,

Recognizing the need for international cooperation in order to ensure that mankind as a whole benefits from the life sciences and to prevent them from being used for any purpose other than the good of mankind,

Convinced of the need to develop a life sciences ethic at the national and international levels,

1. Invites Governments, the specialized agencies and other organizations of the United Nations system, in particular the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, and other intergovernmental, particularly regional, organizations and non-governmental organizations to inform the Secretary-General of activities being carried out to ensure that the life sciences develop in a manner respectful of human rights;

2. Invites States to inform the Secretary-General of legislative or other measures taken to this effect, including the possible establishment of national consultative bodies, with a view to promoting exchanges of experience between such institutions;

3. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities, under the agenda item entitled "Human rights and scientific and technological developments", to consider ways of ensuring that the life sciences develop in a manner fully respectful of human rights and to make recommendations to that effect;

4. Requests the Secretary-General to prepare a report on the basis of these contributions for consideration by the Commission at the fifty-first session.

67th meeting

10 March 1993

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

1993/92. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also its subsequent resolutions, in particular resolution 1992/82 of 6 March 1992, in which it authorized further meetings of the working group and noted the progress it had achieved,

Conscious of the importance of taking into account the opinions of all States and of interested intergovernmental and non-governmental organizations, before finalizing the draft declaration,

Noting with satisfaction the progress made by the open-ended working group during its meetings prior to and during the forty-ninth session of the Commission,

1. Takes note of the report of the working group (E/CN.4/1993/64);
2. Urges the working group to make every effort to complete its task and submit the draft declaration to the Commission at its fiftieth session;
3. Decides to continue at its fiftieth session its work on the elaboration of the draft declaration;
4. Also decides to make available appropriate meeting time for the working group prior to and during the fiftieth session of the Commission;
5. Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1993/92 of 10 March 1993,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fiftieth session of the Commission in order to continue its work on the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;
2. Requests the Secretary-General to extend all necessary facilities to the working group for its meetings;
3. Also requests the Secretary General to circulate the report, including the text adopted at first reading, to the Governments of all States Members of the United Nations and members of competent specialized agencies, and to interested intergovernmental and non-governmental organizations, with an invitation to submit written comments on the first reading text (E/CN.4/1993/64, annex I) for consideration by the working group at its next session.

67th meeting  
10 March 1993

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

1993/93. Human rights in El Salvador

The Commission on Human Rights,

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

Recalling General Assembly resolution 47/140 of 18 December 1992,

Recalling also its resolution 1992/62 of 3 March 1992, in which it is emphasized that the Peace Agreements are an historic event of supreme importance to El Salvador,

Having considered the report of the Independent Expert (E/CN.4/1993/11),

Emphasizing the extraordinary significance of the fact that the war has ended and that the achievement of peace is seen as irreversible,

Convinced that the Peace Agreements reached on 16 January 1992 at Chapultepec, Mexico, between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional reflect that country's profound aspiration for peace and justice, and that scrupulous compliance therewith will not only permit an end to the conflict through political means but also lay the bases for major political, legal, economic and social changes

involving all sectors of the country in building a democratic society working for a common cause, and will be conducive to national reconciliation,

Welcoming the significant progress so far achieved in implementing the Peace Agreements, and stressing that it is important for the parties to make the utmost effort to comply fully therewith,

Noting with satisfaction the cessation of hostilities and the integration of the Frente Farabundo Martí para la Liberación Nacional as a political party into the civil and institutional life of the country,

Welcoming the signing of the agreements and principles of the Forum for Economic and Social Consultation on 17 February 1993, proposed in the Peace Agreements,

Recognizing that the work of the Secretary-General of the United Nations and his representatives and the monitoring carried out by the United Nations Observer Mission in El Salvador have contributed significantly to understanding between the parties and to progress in the fulfilment of the commitments made,

Considering that the Governments which make up the Group of Friends of the Secretary-General have reiterated their determination to continue to support the work of the Secretary-General until the full and comprehensive implementation of all the Peace Agreements is achieved in El Salvador,

Aware that the international community must follow closely and continue to support all efforts to consolidate peace, ensure respect for human rights and undertake the reconstruction of El Salvador,

Considering that a commitment was made to implement the recommendations of the Human Rights Division of the United Nations Observer Mission in El Salvador, the Ad Hoc Commission and the Truth Commission, and that to date the recommendations of the first two bodies have not been put fully into effect,

Observing that the cessation of the armed conflict has itself eliminated an important source of violations of human dignity and has established a more suitable setting for harmonious relations and mutual respect for the rights of every person, but has not been sufficient to prevent there from being continued reports, albeit to a lesser degree, of infringements of those rights which, unless punished and eliminated as soon as possible, could cause a



recurrence of situations of increased human rights violations since the resources available to civil society with which to combat them are still scant,

Emphasizing that the effective protection of human rights calls for the strengthening of the judicial system and of the Office of the National Council for the Defence of Human Rights and compliance by the National Civil Police with the stipulations contained in the Peace Agreements, with the support of the international community,

Emphasizing the desire expressed by the Government of El Salvador to continue to collaborate with the work of the Commission on Human Rights,

1. Commends the Independent Expert for his work and thanks him for the report submitted in accordance with his terms of reference (E/CN.4/1993/11);

2. Expresses its profound satisfaction and gratitude to El Salvador for the signal importance of the ending of the armed conflict and its positive impact on the observance of human rights;

3. Welcomes the integration of the Frente Farabundo Martí para la Liberación Nacional into the civil life of the country;

4. Expresses its concern at the continued reporting of human rights violations, making it necessary for there to be greater efforts to ensure their full observance;

5. Urges the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to carry out fully the remaining agreements, together with the recommendations made by the United Nations Observer Mission in El Salvador and by the Ad Hoc Commission and those to be produced in due course by the Commission on the Truth;

6. Reiterates its appeal to all States to contribute to the consolidation of peace in El Salvador by supporting full compliance with the Peace Agreements and generously financing their implementation and the implementation of the National Reconstruction Plan;

7. Endorses all the recommendations made by the Independent Expert in his report, especially those aimed at strengthening the Office of the National Council for the Defence of Human Rights, setting up and developing the National Civil Police in accordance with the model that resulted from the Peace Agreements and carrying out the agreed reform of the judicial system;

8. Decides to request the Secretary-General to extend by one year the mandate of the Independent Expert to report on human rights developments in El Salvador, providing the assistance required by the Government in this field;

9. Requests the Independent Expert to report to the Commission on Human Rights at its fiftieth session on the action taken to give effect to the present resolution;

10. Decides to consider this matter at its fiftieth session under the relevant agenda item in the light of the Independent Expert's report, it being understood that, if there is a substantial improvement, it will be considered under the agenda item entitled "Advisory services in the field of human rights".

67th meeting

10 March 1993

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

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