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DRAFT REPORT OF THE COMMISSION

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* E/CN.4/1995/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.4/1995/L.11 and addenda.

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1995/11. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

The Commission on Human Rights,

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

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

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

Recalling its resolution 1994/9 of 18 February 1994,

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

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

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

Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given to the programme of action for the elimination of racism, racial discrimination, xenophobia and related intolerance,

Welcoming also the peaceful transition towards a non-racial and democratic South Africa,

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

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

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

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

Aware that indigenous people are at times victims of particular forms of racism and racial discrimination,

Welcoming General Assembly resolution 48/91 of 20 December 1993, whereby the General Assembly decided to proclaim a Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and to adopt the Programme of Action proposed for the Third Decade,

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

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

3. Appeals to those States that have not yet done so to consider ratifying, acceding to and implementing the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education;

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

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

6. Invites the Secretary-General to take action to coordinate all the programmes currently being carried out by United Nations bodies with a view to achieving the objectives of the Third Decade;

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

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

9. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families as a matter of priority, so that it can enter into force as soon as possible;

10. Urges the Secretary-General, United Nations bodies and specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous people;

11. Requests the Secretary-General to publish and distribute as soon as possible the model legislation on racism and racial discrimination for the guidance of Governments in the enactment of further legislation against racial discrimination;

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

13. Regrets that some of the activities for the Second Decade to Combat Racism and Racial Discrimination have not been implemented because of lack of adequate resources;

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

15. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the Third Decade to Combat Racism and Racial Discrimination;

16. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination are indispensable for the implementation of the Programme;

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

18. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the bienniums 1994-1995 and 1996-1997;

19. Takes note of the report of the Secretary-General on the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1995/77);

20. Recommends that the activities mentioned in the plan of activities to be carried out during the first third of the Third Decade to Combat Racism and Racial Discrimination (1994-1997), as contained in the report of the Secretary-General to the Economic and Social Council at its substantive session of 1994 (E/1994/97), should be implemented;

21. Invites the Secretary-General to do his utmost to establish a focal point within the United Nations Centre for Human Rights, which will be responsible for reviewing information concerning activities carried out within the framework of the Third Decade and making specific recommendations on activities to be undertaken;

22. Requests the Secretary-General to submit to the Commission on Human Rights a detailed annual report on:

(a) All activities of Member States, United Nations bodies, the specialized agencies and non-governmental organizations, analysing information received on such activities to combat racism and racial discrimination;

(b) Measures to be taken to improve the coordination of the activities of the Programme of Action or to supplement, on the basis of the discussions in plenary, the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;

23. Decides to consider at its fifty-second session, as a matter of high priority, the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

41st meeting
24 February 1995

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

1995/12. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Reaffirming its resolution 1994/64 of 9 March 1994,

Recalling General Assembly resolution 49/147 of 23 December 1994,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in

which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given to the programme of action for the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Taking note of resolution 1994/2 of 12 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and in particular the recommendation contained therein,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Mindful of the report of the Secretary-General on measures to combat racism and racial discrimination, submitted to the Sub-Commission at its forty-fourth session (E/CN.4/Sub.2/1992/11),

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1995/78 and Add.1),

Deeply concerned that, despite efforts, racism, racial discrimination, anti-Semitism, xenophobia and related intolerance, as well as acts of racial violence, continue to persist and even grow in magnitude, incessantly adopting new forms,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers,

Underlining the importance of eliminating the growing manifestations of racism, racial discrimination and xenophobia taking place in segments of many societies and of creating conditions to foster greater harmony and tolerance within societies,

1. Takes note of the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities relating to the possible convening of a world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance;
2. Takes note of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;
3. Expresses its support for the work of the Special Rapporteur and for its continuation;
4. Expresses its profound concern at and unequivocal condemnation of all forms of racism and all racist violence, including related acts of random and indiscriminate violence;
5. Expresses its deep concern at and condemnation of manifestations of racism, xenophobia and racial discrimination against migrant workers and other vulnerable groups in many societies;
6. Supports the efforts of Governments in taking measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance;

7. Appeals to Governments to further the measures they are taking in this respect by making efforts to harmonize their relevant domestic legislation, introducing, where necessary, effective means of enabling racist motivations to be taken into account when sentencing, and promoting international cooperation against racist groups at the international, regional and bilateral levels;

8. Requests the Special Rapporteur to continue to examine in accordance with his mandate incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them, and to report on these matters to the Commission at its fifty-second session;

9. Also requests the Special Rapporteur to continue his exchange of views with the relevant mechanisms and treaty bodies within the United Nations system in order to further enhance their effectiveness and mutual cooperation;

10. Calls upon all Governments, intergovernmental organizations and other relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

11. Requests the Special Rapporteur to make the fullest use of all additional sources of information, including country visits and the evaluation of mass media, and to elicit the responses of Governments with regard to allegations;

12. Encourages the Special Rapporteur in close consultation with Governments, relevant organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations to present further recommendations concerning human rights education with a view to preventing actions giving rise to racism and racial discrimination, xenophobia and related intolerance;

13. Also encourages the Special Rapporteur to present concrete recommendations on specific measures which could be taken at the national, regional and international levels, with a view to preventing and eradicating problems within the purview of his mandate;

14. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate;

15. Invites all Governments to study and, where possible, take measures to provide assistance to and rehabilitation of victims of acts of racism, racial discrimination, xenophobia and related intolerance;

16. Requests the Secretary-General to elicit the views of Governments on the possibility of using existing voluntary funds and of establishing a new voluntary fund for the rehabilitation and social reintegration of victims of acts of racism, racial discrimination, xenophobia and related intolerance, and to prepare a report thereon to be submitted to the General Assembly at its fiftieth session for its consideration;

17. Regrets that the Special Rapporteur encountered difficulties in preparing his present report, owing to the lack of necessary resources;

18. Requests the Secretary-General without further delay to provide the Special Rapporteur with all the necessary assistance in carrying out his mandate and enabling him to submit an interim report to the General Assembly at its fiftieth session and a comprehensive report to the Commission at its fifty-second session.

41st meeting

24 February 1995

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

1995/13. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, of the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

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

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

Recalling further General Assembly resolution 32/130 of 16 December 1977,

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

Bearing in mind resolutions 1989/20 and 1989/21 of 31 August 1989, 1990/16 of 30 August 1990, 1991/27 of 29 August 1991, 1992/29 of 27 August 1992, 1993/40 of 26 August 1993 and 1994/40 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

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

Having in mind the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children on 30 September 1990,

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

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

Recognizing the need to address the obstacles that impede the implementation of the Declaration on the Right to Development and the enjoyment of economic, social and cultural rights all over the world,

Aware of the fact that the Working Group on the Right to Development identified the problem of foreign debt as one of the obstacles to the implementation of the Declaration on the Right to Development,

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

Noting that developing countries still meet their debt obligations at considerable cost to their economies,

Noting with regret the negative effects of the policies adopted to face situations of external debt on the realization and enjoyment of economic, social and cultural rights,

Stressing that the present international economic order continues to be unfair and needs to be transformed,

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

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

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

Recalling its resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992, 1993/12 of 26 February 1993 and 1994/11 of 25 February 1994,

Taking into account the report submitted by the Secretary-General in accordance with its resolution 1994/11 (E/CN.4/1995/25 and Add.1 and 2),

1. Endorses the report submitted by the Secretary-General in accordance with its resolution 1994/11;
2. Stresses the importance of alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;
3. Also stresses the need to implement additional debt-reduction measures, including further cancellation or reduction of part of the official debt or debt-service, and the adoption of more urgent actions with regard to the commercial and multilateral debt owed by developing countries taking into account, in particular, the needs of debtor countries;

4. Emphasizes that, in addition to debt-relief measures that include debt and debt-service reduction, there is a need for new financial flows to debtor developing countries, and urges the creditor countries and the multilateral financial institutions to continue to extend concessional financial assistance in order to support the implementation by the developing countries of their economic reform programmes, so as to enable them to achieve adequate technological and productive progress and extricate themselves from the debt overhang and to assist them in achieving economic growth and development and to compensate in some measure the developing countries which meet their obligations at considerable cost to their economies;

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

6. Requests the Working Group on the Right to Development to continue to pay particular attention in its deliberations to the social repercussions of the policies adopted to face situations of external debt on the effective enjoyment of economic, social and cultural rights and to make recommendations in this regard;

7. Recognizes that there is a need for more transparency in the activities of international financial institutions;

8. Requests the international financial institutions to report periodically to the General Assembly and the Economic and Social Council on the social repercussions of their policies for the full enjoyment of economic, social and cultural rights in the developing countries;

9. Stresses that foreign debt continues to be one of the major obstacles to the realization of the right to development;

10. Considers that in order to find a durable solution to the debt crisis of developing countries and in addition to technical measures that should be implemented in order to alleviate the debt burden of those countries, there is a need for a political dialogue between creditor and debtor countries in the United Nations system, based on the principle of shared responsibility, and in this regard requests the Secretary-General to recommend ways and means to carry out this dialogue, and to submit a report to the Commission on Human Rights at its fifty-second session;

11. Also considers that the above-mentioned dialogue should contribute to the initiation of an integral process aimed at restructuring the international economic order with the objective of achieving more equitable and fair relations among all nations of the world;

12. Affirms that the process of consultations already initiated by the Secretary-General in accordance with Commission resolution 1994/11 should lead to the convening of high-level meetings at regional and world levels;

13. Requests the High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries;

14. Requests the Secretary-General to establish a programme unit in the Centre for Human Rights for the promotion of economic, social and cultural rights, in particular those related to the debt burden of developing countries and the implementation of the right to development;

15. Decides to continue to consider, at its fifty-second session, the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration on 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:

(a) 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;

(b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms".

41st meeting
24 February 1995

[Adopted by a roll-call vote of 33 votes to 15,
with 4 abstentions. See chap. VII.]

1995/14. Human rights and the environment

The Commission on Human Rights,

Recalling General Assembly resolutions 43/196 of 20 December 1988, 44/172 A and B of 19 December 1989, 44/228 of 22 December 1989, 45/211 of 21 December 1990, 46/168 of 19 December 1991 and 47/190 of 22 December 1992,

Recalling also its resolutions 1993/90 of 10 March 1993 and 1994/65 of 9 March 1994,

Reaffirming the Rio Declaration on Environment and Development (A/CONF.151/26, vol. I) and Agenda 21 (A/CONF.151/26, vol. II), adopted by the United Nations Conference on Environment and Development on 14 June 1992,

Noting the need to adopt an integrated and balanced approach to the issues related to sustainable development, democracy and human rights,

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

Taking into account resolutions 1994/27 and 1994/37 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Conscious of the mandate of the Commission on Sustainable Development for the implementation of Agenda 21 and of the important work undertaken on environment and development issues by the Commission on Sustainable Development, the United Nations Environment Programme and other relevant forums,

Considering that the promotion of an environmentally healthy world contributes to the protection of the human rights to life and health of everyone,

Reaffirming that States have common but differentiated responsibilities and capabilities, as defined in Agenda 21,

Recognizing that illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights to life and health of everyone, bearing especially in mind the vulnerability and concern of developing countries, and that States should vigorously implement the existing conventions related to the dumping of toxic and dangerous products and waste and cooperate in the prevention of illicit dumping,

Reaffirming that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and

developmental policies and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Reaffirming also the importance of promoting, facilitating and financing, as appropriate, the access to, the transfer and the development of environmentally sound technologies and corresponding know-how, in particular to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, including the traditional knowledge of indigenous people and local communities, as well as the special needs of developing countries for the implementation of Agenda 21,

1. Reaffirms principle No. 1 of the Rio Declaration on Environment and Development (A/CONF.151/26, vol. I), which states that human beings are at the centre of concerns for sustainable development and that they are entitled to a healthy and productive life in harmony with nature;

2. Reiterates that the right to development must be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations;

3. Recognizes that environmental damage has potentially negative effects on human rights and the enjoyment of life, health and a satisfactory standard of living;

4. Takes note of the final report of the Special Rapporteur on human rights and the environment of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mrs. Fatma Zohra Ksentini (E/CN.4/Sub.2/1994/9 and Corr.1);

5. Requests that the Special Rapporteur's final report be published by the United Nations in all the official languages;

6. Recalls that everyone should enjoy the benefit of scientific progress and its application and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern;

7. Also recalls chapter 33 of Agenda 21 (A/CONF.151/26, vol. II) on the provision of new and additional financial resources to developing countries to achieve sustainable development;

8. Requests the Secretary-General to submit to the Commission on Human Rights, at its fifty-second session, a report containing the opinions of Governments, specialized agencies and intergovernmental and non-governmental organizations on the issues raised in the report of the Special Rapporteur of the Sub-Commission;

9. Decides to continue its consideration of this question at its fifty-second session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and study of special problems which 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 effect on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development."

41st meeting
24 February 1995

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

1995/15. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

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

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

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

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

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, which has underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

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

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

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

Welcoming the decision taken by the General Assembly, in its resolution 47/92 of 16 December 1992, to convene a World Summit for Social Development, to take place at Copenhagen in March 1995, which will have among its objectives to put the needs of people at the centre of development and of international cooperation and to identify common problems of socially marginalized and disadvantaged groups and promote their integration into society,

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

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

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

Recalling that the World Conference on Human Rights encouraged the Commission on Human Rights, in cooperation with the Committee on Economic, Social and Cultural Rights, to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

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

Recalling its resolution 1994/20 of 1 March 1994,

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

2. Welcomes the important work of the Committee on Economic, Social and Cultural Rights in its continuing efforts to give impetus to the implementation process and to develop greater in-depth understanding of the relevant issues within the framework of the International Covenant on Economic, Social and Cultural Rights by holding general discussions on specific rights or articles and by adopting general comments;

3. Takes note with interest of the two general discussions held by the Committee in 1994 on the role of social safety nets as a means of protecting economic, social and cultural rights and on human rights education and public information activities, and welcomes the decision of the Committee to hold at its next session a general discussion on the interpretation of the obligations incumbent upon States parties to the Covenant;

4. Encourages States parties to continue to give their full support and cooperation to the Committee and to use their reporting obligation as a

process to assist the realization of economic, social and cultural rights, ensuring popular participation in the national consideration of their periodic reports, as well as the widest possible distribution of those reports at the national level;

5. Urges all States parties to submit their reports in a regular and timely manner, as recommended in the Vienna Statement of the International Human Rights Treaty bodies, adopted during the World Conference on Human Rights (A/CONF.157/TBB/4 and Add.1);

6. Takes note of the steps taken by the Committee on Economic, Social and Cultural Rights for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant, and invites the Committee to report thereon to the Commission on Human Rights at its fifty-second session;

7. Recognizes the importance of using appropriate indicators as a means of measuring or assessing progress in the realization of human rights, as referred to in the Vienna Declaration and Programme of Action;

8. Notes the conclusions and recommendations of the seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights, held at Geneva in January 1993;

9. Recommends that, as a follow-up to the seminar on indicators, the Centre for Human Rights convene expert seminars for chairpersons of the human rights treaty monitoring bodies and representatives of specialized agencies and non-governmental organizations, as well as representatives of States, focused on specific economic, social and cultural rights, with a view to clarifying the particular content of these rights;

10. Invites Member States, when including measures to ensure the promotion and protection of human rights in national legislation, policies and development programmes, to consider the desirability of drawing up a national action plan identifying steps to improve the situation of human rights, as well as to seek the participation of communities affected by the non-realization of these rights;

11. Invites States parties to the International Covenant on Economic, Social and Cultural Rights, in the light of its article 2 and of General Comment No. 3 (1990) adopted by the Committee on Economic, Social and Cultural Rights (E/1991/23, annex III), to identify specific national

benchmarks designed to give effect to the minimum core obligation to ensure the satisfaction of the minimum essential levels of each of the rights;

12. Reaffirms the importance of ensuring the study of specific economic, social and cultural rights, and in this framework recognizes the interest of the second progress report on the right to adequate housing, submitted by Mr. Rajindar Sachar, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to the Sub-Commission at its forty-sixth session (E/CN.4/Sub.2/1994/20);

13. Welcomes the preparatory document on the relation between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by Mr. Asbjørn Eide (E/CN.4/Sub.2/1994/21), and encourages the Sub-Commission to continue to give attention to this issue;

14. Takes note with deep appreciation of the reports on the realization of economic, social and cultural rights submitted by the Special Rapporteur of the Sub-Commission, Mr. Danilo Türk, and reaffirms its requests to the Secretary-General to ensure the publication of the study of the Special Rapporteur in a single document;

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

16. Also welcomes the dialogue which has been established between human rights bodies, in particular the Centre for Human Rights as coordinating focal point, and other bodies of the United Nations system, including the international financial institutions, and encourages these bodies to increase their participation in the meetings of human rights bodies, including the treaty monitoring bodies, as well as to assess the impact of their policies and programmes on the enjoyment of human rights;

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

18. Also requests the High Commissioner for Human Rights to continue to promote coordination of the human rights activities of the United Nations and those of development agencies with a view to drawing upon their relevant expertise and support;

19. Encourages the High Commissioner for Human Rights to continue to take into full consideration economic, social and cultural rights in carrying out his mandate;

20. Encourages country rapporteurs to consider including, when appropriate, a specific reference to the enjoyment of economic, social and cultural rights in their reports;

21. Encourages the Centre for Human Rights to make available, through its programme of advisory services and technical assistance, expert assistance to States for the purpose of formulating policies on economic, social and cultural rights, and developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as developing adequate means for evaluating and monitoring their realization;

22. Requests the World Summit for Social Development to acknowledge the human rights dimensions of social development, to use the rights recognized by the human rights conventions as a basis for relevant sections of the programme of action to be adopted by the Summit and to acknowledge the central role of the relevant treaty bodies in monitoring commitments that may appear in the programme of action;

23. Decides to consider issues raised in the present resolution at its fifty-second session under the appropriate agenda item.

41st meeting
24 February 1994

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

1995/16. Human rights and extreme poverty

The Commission on Human Rights,

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

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

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

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

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

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

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

Welcoming the relevant paragraphs of the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, emphasizing that the existence of extreme poverty inhibits the full and effective enjoyment of human rights and that its immediate alleviation and eventual elimination must be accorded high priority by the international community, and reaffirming that extreme poverty and social exclusion constitute a violation of human dignity and that urgent steps are necessary to achieve a better understanding of extreme poverty and its causes, including those related to the problems of development, in order to promote the human rights of the poorest, to put an end to extreme poverty and social exclusion and to promote the enjoyment of social progress,

Recalling its resolution 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a specific study of extreme poverty and social exclusion, its resolution 1991/14 of 22 February 1991, in which it recommended that the Sub-Commission should give attention more particularly to the

conditions in which the poorest themselves can convey their experience and their thinking and so contribute to a better understanding of the harsh reality of their lives and its causes, and of its meaning for the international community, its resolution 1992/11 of 21 February 1992, its resolution 1993/13 of 26 February 1993 approving the appointment of Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty, and its resolution 1994/12 of 25 February 1994, in which it approved the recommendations of the Special Rapporteur relating to the organization of a seminar on extreme poverty and the denial of human rights,

Recalling also General Assembly resolution 49/179 of 23 December 1994, entitled "Human rights and extreme poverty", in which the Assembly reaffirmed that extreme poverty and social exclusion constituted a violation of human dignity and that it was essential for States to foster participation by the poorest, and expressed its satisfaction at the aspects of extreme poverty to which the Commission had invited the Special Rapporteur to give special attention in preparing his reports,

Recalling decisions 1991/6, entitled "Reaching the poorest", and 1993/8 entitled "UNICEF programmes for the urban poor", adopted by the Executive Board of the United Nations Children's Fund,

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

Noting also General Assembly resolution 48/183 of 21 December 1993, in which the Assembly proclaimed the International Year for the Eradication of Poverty, which will be celebrated in 1996,

Emphasizing furthermore the importance of the reflections developed in the context of the World Summit for Social Development, which will take place at Copenhagen in March 1995, on the issue of the eradication of extreme poverty,

Mindful of the report of the Secretary-General on human rights and extreme poverty (E/CN.4/Sub.2/1991/38 and Add.1 and 2), submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-third session, and his note on the subject (E/CN.4/Sub.2/1992/50) submitted to the Sub-Commission at its forty-fourth session,

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

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

2. Also reaffirms that, in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, it is essential for States to foster participation by the poorest people in the decision-making process in their communities, the promotion of human rights and efforts to combat extreme poverty;

3. Acknowledges that this question will be considered in the future in the light of the declaration and programme of action to be adopted by the World Summit for Social Development;

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

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

6. Welcomes the fact that the Committee on the Rights of the Child, in its discussions and work, gives attention to the situation of children living in extreme poverty with a view to promoting the enjoyment by all children of all rights recognized in the Convention on the Rights of the Child, and encourages the Committee to continue in this way;

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

8. Endorses resolution 1994/41 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in which the

Sub-Commission took note with appreciation of the interim report of the Special Rapporteur on human rights and extreme poverty (E/CN.4/Sub.2/1994/19);

9. Takes note of the proposal of the Sub-Commission contained in its draft decision 11 (E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I.B), and recommends that it be considered subsequently in the light of the conclusions of the current study on human rights and extreme poverty;

10. Welcomes the holding of the innovative seminar on "Extreme poverty and the denial of human rights" from 12 to 14 October 1994 at United Nations Headquarters, which enabled persons and families living in extreme poverty from poverty-stricken areas all over the world to participate in a common reflection with experts and representatives of international, intergovernmental and non-governmental organizations, and takes note with appreciation of the report of the seminar (E/CN.4/1995/101) which it recommends to the attention of the Special Rapporteur and which it requests the Secretariat to transmit to the secretariat of the World Summit for Social Development;

11. Takes note of the conclusions and recommendations of the seminar on "Extreme poverty and the denial of human rights" (E/CN.4/1995/101, chap. IV);

12. Invites the Special Rapporteur to continue to give special attention to the following aspects in preparing his reports:

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

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

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

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

13. Also invites the Special Rapporteur to give attention to the declaration and programme of action to be adopted by the World Summit for Social Development;

14. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate, particularly his consultations with United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations, including, as appropriate, assistance from those with experience of the subject;

15. Welcomes the events organized by the United Nations to celebrate the International Day for the Eradication of Poverty on 17 October, which, in accordance with Commission on Human Rights resolutions 1993/13 and 1994/12, focused on the poorest and gave due attention to events organized worldwide since 17 October 1987 on the theme "Rejection of extreme poverty" which have underlined the relationship between extreme poverty and the full enjoyment of human rights;

16. Invites States, United Nations bodies and intergovernmental and non-governmental organizations to continue to give due attention, in celebrating the International Day for the Eradication of Poverty, to the various forms of poverty;

17. Decides to examine this question at its fifty-second session under agenda item 7.

41st meeting
24 February 1995

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

1995/17. The right to development

The Commission on Human Rights,

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

Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action in cooperation with the United Nations for the achievement of the purposes set forth in Article 55 of the Charter,

Reaffirming also the principles contained in the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Underlining that the right to development as a universal and inalienable right and an integral part of fundamental human rights was reaffirmed by the Vienna Declaration and Programme of Action (A/CONF.157/23) and that the human person is the central subject of development,

Reiterating that all human rights are universal, indivisible, interdependent and interrelated and that the international community must

treat human rights globally in a fair and equal manner and on the same footing, and the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured,

Recalling General Assembly resolutions 49/183 of 23 December 1994 and its own resolutions 1994/11 of 25 February 1994 and 1994/21 of 1 March 1994,

Reaffirming the need for a relevant evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development, and the need to provide the Centre for Human Rights with a focal unit with the specific task of following up the implementation of the Declaration,

Taking note with interest of the meeting of the Chairman of the Working Group on the Right to Development with members of the Committee on Economic, Social and Cultural Rights at the ninth session of that Committee and the participation of the Chairman of the Committee on Economic, Social and Cultural Rights and the Vice-Chairman of the Committee on the Rights of the Child in the meetings of the Working Group at its second and third sessions, respectively,

Noting that the Assistant Secretary-General for Human Rights addressed a letter, dated 14 April 1994, to the Executive Secretaries of the regional commissions and the heads of the international financial institutions enjoining them to participate actively in the sessions of the Working Group and to contribute substantially to its work,

Welcoming the active process of inter-agency consultations with a view to finalizing the draft declaration and the draft programme of action to be adopted at the World Summit for Social Development, the holding of the United Nations Conference on Human Settlements (Habitat II) and the commitment of the High Commissioner for Human Rights to undertake high-level consultations with heads of State or Government, heads of the multilateral financial institutions, specialized agencies and intergovernmental and non-governmental organizations on the implementation of adequate measures in order to find a durable solution to the debt crisis of developing countries,

Having considered the reports of the Working Group on the Right to Development on its second and third sessions (E/CN.4/1995/11 and E/CN.4/1995/27),

1. Takes note with appreciation of the reports of the Working Group on the Right to Development on its second and third sessions, and welcomes its recommendations;

2. Welcomes the efforts made by the Working Group, which are increasingly oriented towards the establishment of a permanent evaluation mechanism in the future to follow up the implementation of the Declaration on the Right to Development in accordance with the pertinent resolutions of the Commission and the General Assembly;

3. Urges the Secretary-General to take further necessary measures in order to achieve wide and effective dissemination of the provisions of the Declaration on the Right to Development and the work of the Working Group on the Right to Development;

4. Requests the Secretary-General to take steps to implement the recommendations made by the Working Group on its second and third sessions, particularly by providing the Centre for Human Rights with a focal unit with the specific task of following up on the Declaration on the Right to Development and its implementation;

5. Urges the Working Group to continue to identify ways and means and to suggest further concrete measures to promote an international economic environment which is more responsive to the needs of the developing countries, particularly the least developed among them, so as to allow the right to development to be implemented;

6. Recommends that the Economic and Social Council dedicate, as early as possible, the high-level segment of one of its substantive sessions to evaluating the implementation of the Declaration on the Right to Development within the United Nations system, including the work of the international financial institutions and other specialized agencies and taking into account the work of the Working Group and its report and the conclusions of the World Summit for Social Development to be held at Copenhagen on this issue;

7. Recommends that the question of the realization of the right to development be adequately reflected in the work and the final outcome of the World Summit for Social Development, particularly with regard to creating an enabling economic and social environment and the means of implementing and following up on the results of the Summit;

8. Also recommends that consideration be given to including the question of the right to development on the agenda of other forthcoming

conferences to be convened by the United Nations, including, in particular, the United Nations Conference on Human Settlements (Habitat II) and the Fourth World Conference on Women: Action for Equality, Development and Peace, and the substantive session of the Commission on Sustainable Development;

9. Decides that the Working Group will hold two sessions, each for a two-week period, in April and September 1995 respectively, to formulate its recommendations for submission to the Commission at its fifty-second session;

10. Calls on the Centre for Human Rights to give priority to the right to development by making it a sub-programme of its programme of activities for the years 1992-1997 and of its future programme of activities;

11. Requests the Economic and Social Council at its substantive session for 1995, under the agenda item "Human rights questions", to continue to consider the question of the implementation of the provisions of the Declaration on the Right to Development;

12. Requests the High Commissioner for Human Rights to continue promoting the implementation of the right to development and the Declaration on the Right to Development, inter alia, by working closely with the Working Group on the Right to Development and making recommendations for enhancing the support of relevant bodies of the United Nations system, in fulfilment of his mandate to promote and protect the realization of the right to development;

13. Reiterates its request to the Secretary-General to ensure that the Working Group is granted all the necessary assistance, in particular human and financial resources, to carry out its mandate;

14. Decides that the reports of the Working Group on its work should, along with other relevant documentation relating to development, be made available to the General Assembly in the context of the celebration of the fiftieth anniversary of the United Nations;

15. Requests the Secretary-General to submit to the Commission at its fifty-second session a report on the implementation of the present resolution;

16. Decides to consider the question of the right to development at its fifty-second session, under the item entitled "Question of the realization of the right to development".

42nd meeting

24 February 1995

[Adopted by a roll-call vote of 36 to 15,
with 1 abstention. See chap. VIII]

1995/18. Succession of States in respect of
international human rights treaties

The Commission on Human Rights,

Recalling its resolution 1994/16 of 25 February 1994,

Taking note of the report of the Secretary-General (E/CN.4/1995/80) on action taken with respect to the implementation of its resolution 1994/16 and the comments made thereon,

Bearing in mind relevant decisions and recommendations of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, as well as of the fifth meeting of persons chairing the human rights treaty bodies, on succession issues in respect of international obligations in the field of human rights,

Welcoming the recommendation of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, to encourage and facilitate the ratification of and accession or succession to international human rights treaties and protocols,

Emphasizing once again the special importance of the observance of universal norms and standards on human rights for the maintenance of stability and the rule of law in any State, and noting in this connection the paramount responsibility of each State to promote, protect and secure the full realization of all human rights and fundamental freedoms,

Welcoming the progress made in the confirmation by some successor States of their obligations under international human rights treaties,

1. Reiterates its call to successor States which have not yet done so to confirm to appropriate depositaries that they continue to be bound by obligations under international human rights treaties;

2. Emphasizes the special nature of the human rights treaties aimed at the protection and promotion of human rights and fundamental freedoms;

3. Requests the human rights treaty bodies to consider further the continuing applicability of the respective international human rights treaties to successor States, with the aim of assisting them in meeting their obligations;

4. Requests the Secretary-General to encourage successor States to confirm their obligations under the international human rights treaties to which their predecessor States were a party;

5. Requests the Secretary-General to report to the Commission at its fifty-second session in regard to action taken under this agenda item;

6. Decides to continue the consideration of this question at its fifty-second session under the agenda item entitled "Status of the International Covenants on Human Rights".

42nd meeting
24 February 1995

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

1995/19. Promoting the realization of the right to adequate housing

The Commission on Human Rights,

Taking note of resolution 1994/38 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1994/14 of 25 February 1994,

Recalling also its decision 1993/103 of 4 March 1993,

Welcoming the second progress report of the Special Rapporteur on the right to adequate housing, Mr. Rajindar Sacher (E/CN.4/Sub.2/1994/20),

1. Invites the Special Rapporteur to submit his final report to the Sub-Commission at its forty-seventh session;

2. Requests the Secretary-General to provide the Special Rapporteur with all the necessary financial, technical and expert assistance required for the completion of his final report;

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

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/19 of 24 February 1995 and resolution 1994/38 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities decides to approve the Commission's request to the Secretary-General to provide the Special Rapporteur on the right to adequate housing with all the necessary financial, technical and expert assistance required for the completion of his final report."

42nd meeting
24 February 1995

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

1995/20. Violence against women migrant workers

The Commission on Human Rights,

Recalling that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Reaffirming the principles set forth in the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in its resolution 34/180 of 18 December 1979,

Stressing that the promotion of the human rights of women constitutes an integral part of the human rights activities of the United Nations, as reaffirmed in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Welcoming the Programme of Action of the International Conference on Population and Development, held at Cairo from 5 to 13 September 1994, which called upon all countries to take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women,

Noting the large numbers of women from developing countries and from some economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families, as a consequence of poverty, unemployment and other socio-economic situations in their home countries, while acknowledging the primary duty of States to work for conditions that provide employment for their citizens,

Recognizing that it is for the sending countries to protect and promote the interests of their citizens who seek or receive employment in other countries, to provide them with appropriate training/education and to apprise them of their rights and obligations in the countries of employment,

Aware of the obligation of receiving or host countries to ensure the human rights and fundamental freedoms of all persons within their boundaries, including migrant workers, and in particular women migrant workers, who are doubly vulnerable because of their gender and their being foreigners,

Noting with concern the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some of their employers in some host countries,

Stressing that acts of violence directed against women impair or nullify the enjoyment by women of their human rights and fundamental freedoms,

Convinced of the need to eliminate all forms of discrimination against women and the need to protect them from gender-based violence,

1. Expresses grave concern at the plight of women migrant workers who become victims of physical, mental and sexual harassment and abuse;

2. Recognizes with appreciation the efforts exerted by some receiving countries to alleviate the negative situation of women migrant workers;

3. Recalls, in this context, General Assembly resolution 48/104 of 20 December 1993, in which the Assembly proclaimed the Declaration on the Elimination of Violence against Women;

4. Welcomes measures to strengthen the human rights of women and the establishment of closer ties between the organs dealing with women's issues and rights in the United Nations, through a special programme of activities, as envisioned in the proposed revision to the medium-term plan for the period 1992-1997;

5. Invites States concerned, specifically the sending and receiving States of women migrant workers, to conduct regular consultations for the purpose of identifying problem areas in promoting and protecting the rights of women migrant workers and in ensuring health and social services for them, adopting specific measures to address those problems, setting up, as necessary, appropriate mechanisms to implement those measures, and, in general, creating conditions that foster greater harmony and tolerance between women migrant workers and the rest of the society in which they reside;

6. Calls upon the countries concerned to take appropriate measures to ensure that law-enforcement officials assist in guaranteeing the full protection of the rights of women migrant workers, consistent with international obligations of Member States;

7. Urges both sending and host countries to help ensure that women migrant workers are protected from unscrupulous recruitment practices and, if needed, by the adoption of legal measures;

8. Encourages Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

9. Invites trade unions to support the realization of the rights of women migrant workers by assisting them in organizing themselves so as to enable them better to assert their rights;

10. Calls upon relevant bodies and specialized agencies of the United Nations system, intergovernmental organizations and non-governmental organizations to inform the Secretary-General of the extent of the problem and to recommend further measures to achieve the purposes of the present resolution;

11. Requests treaty-monitoring bodies and non-governmental organizations concerned with violence against women to include, where appropriate, the situation of women migrant workers in their deliberations and findings and to supply relevant information to United Nations bodies and Governments;

12. Calls upon relevant specialized agencies of the United Nations system, intergovernmental bodies and non-governmental organizations concerned, in cooperation with both the sending and the host countries, to conduct seminars and training programmes on human rights instruments, particularly those pertaining to migrant workers;

13. Invites all States to adopt, with the support of relevant non-governmental organizations, appropriate measures to provide support services to women migrant workers who have become traumatized as a consequence of violation of their rights by, inter alia, unscrupulous employers and/or recruiters, to provide resources for their physical and psychological rehabilitation and to facilitate their return to their countries of origin;

14. Invites the World Summit for Social Development, the Fourth World Conference on Women and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to consider including in their respective programmes of action the subject of the traffic in women and girls;

15. Invites the Special Rapporteur of the Commission on Human Rights on violence against women to continue to include among the urgent issues pertaining to her mandate the violence perpetrated against women migrant workers and to consider including her findings in her report to the Commission on Human Rights at its fifty-second session;

16. Decides to continue to consider the question at its fifty-second session under the agenda item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

42nd meeting
24 February 1995

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

1995/21. 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 Organization 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,

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

Considering that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, urges all States to guarantee the protection of the human rights of all migrant workers and their families,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside,

Recalling General Assembly resolution 45/158 of 18 December 1990, by 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 the Their Families, contained in the annex to the resolution,

Recalling its resolution 1991/60 of 6 March 1991, 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,

Bearing in mind that the Vienna Declaration and Programme of Action invite all States to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 1994/17 of 25 February 1994, the Commission requested the Secretary-General to submit to it at its fifty-first session a report on the status of the Convention,

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.4/1995/73);

2. Welcomes the fact that some Member States have signed, ratified or acceded to the Convention;

3. Calls upon all Member States to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that this international instrument will enter into force at an early date;

4. Requests the Secretary-General to provide all facilities and assistance necessary for the active 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;

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

6. Requests the Secretary-General to submit to the Commission at its fifty-second session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

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

42nd meeting
24 February 1995

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

1995/22. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 48/119 of 20 December 1993 and its own resolution 1994/15 of 25 February 1994,

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

Having considered the report of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1995/79),

Noting that many States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Bearing in mind the successful conclusion of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and the adoption of the Vienna Declaration and Programme of Action (A/CONF.157/23), and taking into account in particular the call for strengthening and further implementation of the human rights instruments,

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

2. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in its article 41;

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

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

5. Encourages States, in accordance with the Vienna Declaration and Programme of Action, to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

6. Also encourages States parties to review periodically any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to withdrawing them;

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

8. Expresses its satisfaction with the serious and constructive manner in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are undertaking their functions, and welcomes further efforts of the Committees to improve their methods of work, as well as to pay due attention to equal enjoyment of human rights by women and men;

9. Welcomes the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar questions of human rights to accept these uniform standards as expressed in the general comments of the two Committees;

10. Takes note of the measures taken by the Committee on Economic, Social and Cultural Rights towards the elaboration of a draft optional protocol to the International Covenant on Economic, Social and Cultural rights as recommended by the World Conference on Human Rights, and requests the Committee to submit a report on the matter to the Commission on Human Rights at its fifty-second session;

11. Urges States parties to fulfil in good time their reporting obligations under the International Covenants on Human Rights and in their reports to make use of gender-disaggregated data;

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

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

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

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

16. Also requests the Secretary-General to provide the Human Rights Committee and the Committee on Economic, Social and Cultural Rights with additional means to deal effectively and in a timely manner with the increasing workload;

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

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

42nd meeting
24 February 1995

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

1995/23. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Recalling also General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Taking note of General Assembly resolution 49/188 of 23 December 1994, in which it requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration and requested the Special Rapporteur on the question of religious intolerance to submit an interim report to the General Assembly at its fiftieth session,

Reaffirming the call of the World Conference on Human Rights for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

Emphasizing also the importance of education in ensuring tolerance of religion and belief, and taking note with interest of the Special Rapporteur's questionnaire on religious education (E/CN.4/1995/91, annex) as a contribution to an increased understanding of this matter,

Considering that the inclusion of events relating to tolerance and religious diversity among the activities to be undertaken during the United Nations Year for Tolerance will contribute to greater tolerance and understanding in matters of religion and belief,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious extremism, threaten the enjoyment of human rights and fundamental freedoms in many parts of the world,

Deeply concerned that, as reported by the Special Rapporteur, the rights violated on religious grounds include the right to life, the right to physical integrity and to liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Expresses its thanks to the Special Rapporteur on the question of religious intolerance, and takes note of his report (E/CN.4/1995/91);

3. Notes with grave concern the continuing instances of hatred, intolerance and acts of violence, based upon intolerance in matters of religion and belief and upon religious extremism, as identified by the Special Rapporteur, which threaten all human rights and fundamental freedoms;

4. Condemns all such acts, including practices which discriminate against women, and all acts motivated by religious extremism in all its forms;

5. Urges States to ensure that their constitutional and legal systems provide adequate guarantees of freedom of thought, conscience, religion and

belief to all without discrimination, including through the provision of effective remedies in cases where there is intolerance or discrimination based on religion or belief;

6. Also urges States to ensure in particular that no one within their jurisdiction is, on account of their religion or belief, deprived of the right to life or the right to liberty and security of person, or subjected to torture or arbitrary arrest or detention;

7. Further urges all States, therefore, in conformity with international standards of human rights, to take all necessary measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

8. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

9. Urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

10. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

11. Expresses its grave concern at attacks upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert their utmost efforts to ensure that such places, sites and shrines are fully respected and protected;

12. Recognizes that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

13. Reiterates its invitation to the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration in all the official languages of the United Nations and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies;

14. Recommends that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work of the United Nations programme of advisory services and technical assistance in the field of human rights;

15. Encourages Governments, when seeking the assistance of the United Nations programme of advisory services and technical assistance in the field of human rights, to consider, where appropriate, including requests for assistance in the field of promotion and protection of the right to freedom of thought, conscience and religion;

16. Welcomes and encourages the efforts on non-governmental organizations to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

17. Decides to extend for three years the mandate of the Special Rapporteur appointed to examine incidents and governmental action in all parts of the world which are inconsistent with the provisions of the Declaration and to recommend remedial measures, as appropriate;

18. Invites the Special Rapporteur, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, to seek the views and comments of the Government concerned on any information which he intends to include in his report, and to continue to carry out his work with discretion and independence;

19. Calls upon Governments to cooperate with the Special Rapporteur, inter alia by responding expeditiously to requests for such views and comments;

20. Welcomes the invitations extended by a number of Governments to the Special Rapporteur to visit their countries;

21. Encourages other Governments to give serious consideration to extending similar invitations to enable the Special Rapporteur to fulfil his mandate even more effectively;

22. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fiftieth session and to report to the Commission at its fifty-second session;

23. Decides to continue its consideration of the question at its fifty-second session under the agenda item entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

42nd meeting
24 February 1995

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

B. Decisions

1995/104. A world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance

At its 42nd meeting, on 24 February 1995, the Commission, noting resolution 1994/2 of 12 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recommends, through the Economic and Social Council, to the General Assembly, at its fiftieth session, to consider the possibility of convening a world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance.

[See chap. XVI.]

1995/105. Human rights and income distribution

At its 42nd meeting, on 24 February 1995, the Commission on Human Rights, noting resolution 1994/40 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approved the decision to appoint Mr. José Bengoa as Special Rapporteur on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, taking also into account the preliminary and final reports of the

Special Rapporteur of the Sub-Commission on human rights and extreme poverty and matters related to the realization of the right to development, with a view to determining how most effectively to strengthen activities in this field, and approved further the request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its forty-seventh session, a progress report at its forty-eighth session and a final report at its forty-ninth session.

[See chap. VII.]
