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COMMISSION ON HUMAN RIGHTS  
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Agenda item 25

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Rajamony VENU

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\* E/CN.4/1996/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.4/1996/L.11 and addenda.

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1996/42. Preparations for the fiftieth anniversary of the  
Universal Declaration of Human Rights

The Commission on Human Rights,

Recalling that the General Assembly, in adopting the Universal Declaration of Human Rights on 10 December 1948, recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Considering that the fiftieth anniversary of the Universal Declaration provides an opportunity for the United Nations and Member States to redouble their efforts to promote awareness and strengthened observance of the rights set out in the Declaration,

Recognizing the Declaration as the source of inspiration and the basis for progress in the field of human rights and taking note of the improvements achieved in that field during the past five decades through national and international solidarity and efforts,

Concerned that the international human rights standards are not fully and universally accepted and implemented, that human rights continue to be violated in all parts of the world and that people still suffer misery and are deprived of full enjoyment of their civil, cultural, economic, political and social rights, and convinced of the necessity of respecting minimum human rights standards in all situations and of strengthening United Nations efforts in this regard,

Recalling the significance and the message of the Vienna Declaration and Programme of Action,

1. Requests the High Commissioner for Human Rights to coordinate the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, bearing in mind provisions in the Vienna Declaration and Programme of Action for evaluation and follow-up;

2. Invites Governments to review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration, to identify obstacles to achieving progress in this area and ways in which they can be overcome and to undertake additional efforts to develop programmes of education and information, with a view to disseminating the text and arriving at a better understanding of the universal message of the Declaration;

3. Invites the human rights treaty bodies to give appropriate attention, within their mandates and methods of work, to the

fiftieth anniversary of the Universal Declaration of Human Rights and to reflect on their possible contribution to the preparations therefor;

4. Calls upon relevant United Nations organs and agencies, in the light of the purposes set forth in the Universal Declaration of Human Rights, to make an assessment of and to put forward pertinent conclusions on the state of implementation and the impact of existing international human rights instruments;

5. Invites relevant United Nations organs and agencies, in coordination with the High Commissioner for Human Rights, to mark the anniversary by intensifying their own contributions to United Nations system-wide efforts to promote and protect human rights;

6. Invites non-governmental organizations and national institutions to participate fully in the preparation of the fiftieth anniversary of the Universal Declaration of Human Rights, to intensify their campaign for greater understanding and better use of the Declaration, and to communicate their observations and recommendations to the High Commissioner for Human Rights;

7. Decides to review at its fifty-third session the state of preparation of the fiftieth anniversary of the Universal Declaration of Human Rights and to consider further measures in this regard, including its own contribution in the matter.

52nd meeting

19 April 1996

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

1996/43. The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)

The Commission on Human Rights,

Recognizing that the increasing challenges presented by HIV/AIDS require intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, as well as the avoidance of HIV/AIDS-related discrimination and stigma,

Recalling its resolution 1995/44 of 3 March 1995 and other relevant resolutions and decisions adopted by organizations of the United Nations system, as well as by other competent forums,

Welcoming the Final Declaration of the Paris AIDS Summit, of 1 December 1994, the Cairo Programme of Action, the Copenhagen Declaration, the Beijing Declaration and Platform for Action and the

New Delhi Declaration and Action Plan on HIV/AIDS: Law and Humanity, of 10 December 1995, in all of which the pledge was made to promote and protect the rights of people infected and affected by HIV/AIDS,

Welcoming also the establishment of the Joint United Nations Programme on HIV/AIDS (UNAIDS),

Acknowledging the significant role of UNAIDS and other bodies of the United Nations system, and of national and international non-governmental organizations, in particular organizations of people living with HIV/AIDS, in fighting discrimination against people living with HIV/AIDS,

Concerned that lack of full enjoyment of their fundamental rights by persons suffering from economic, social or legal disadvantage heightens their vulnerability to the risk of HIV infection and to its impact, if infected,

Concerned also that people living with HIV/AIDS, as well as those presumed to be infected, continue to be discriminated against in law, policy and practice,

Bearing in mind that, as recognized by the World Health Assembly in its resolution WHA45.35 of 14 May 1992, there is no public health rationale for any measures that limit arbitrarily the rights of the individual, notably measures establishing mandatory screening,

Concerned that HIV/AIDS-related human rights issues are still not being adequately addressed by United Nations human rights bodies and human rights non-governmental organizations,

Emphasizing the responsibility of Governments to take measures to counter stigmatization of and discrimination against those affected by HIV/AIDS, and their commitment to strengthen national and international mechanisms that are concerned with HIV/AIDS-related human rights and ethics,

Recognizing that HIV transmission can be prevented through informed and responsible behaviour, and emphasizing the role and responsibility of individuals, groups and organs of society aimed at promoting, in a spirit of human solidarity and tolerance, a social environment supportive of the effective prevention and eradication of the root causes of the HIV/AIDS pandemic,

Welcoming the report of the Secretary-General on human rights and HIV/AIDS (E/CN.4/1996/44), which addresses the development of a human rights component within UNAIDS, ways to keep under review the protection of human rights and prevention of discrimination in the context of HIV/AIDS, and on

the elaboration of guidelines for States on the protection and promotion of fundamental human rights and freedoms in the context of HIV/AIDS,

1. Confirms that discrimination on the basis of AIDS or HIV status, actual or presumed, is prohibited by existing international human rights standards, and that the term "or other status" in non-discrimination provisions in international human rights texts should be interpreted to cover health status, including HIV/AIDS;

2. Calls upon all States to ensure, where necessary, that their laws, policies and practices, including those introduced in the context of HIV/AIDS, respect human rights standards, prohibit HIV/AIDS-related discrimination and do not have the effect of inhibiting programmes for the prevention of HIV/AIDS and for the care of persons infected with HIV, in particular with respect to women, children and vulnerable groups;

3. Also calls upon all States to take all the necessary steps, including appropriate and speedy redress procedures and the introduction of protective legislation and appropriate education to combat discrimination, prejudice and stigma, to ensure the full enjoyment of civil, political, economic, social and cultural rights by people living with HIV/AIDS, their families and associates, and people presumed to be at risk of infection, with particular attention to women, children and vulnerable groups;

4. Invites States to involve non-governmental and community-based organizations and people living with HIV/AIDS in the formulation and implementation of public policies, including the support of participatory programmes for prevention, care and social support among vulnerable and marginalized populations;

5. Calls upon States to take all necessary steps, in particular appropriate education and information for all individuals, including children and adolescents, to facilitate informed and responsible behaviour;

6. Recognizes the need to protect women and children from sexual abuse, violence and discrimination, and calls upon the Special Rapporteur on the sale of children, child prostitution and child pornography, the Committee on the Rights of the Child, the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women to address those aspects of discrimination and violence against women and children which increase their vulnerability to infection and to the impact of HIV/AIDS;

7. Urges all United Nations human rights bodies, including treaty bodies, special rapporteurs and representatives of working groups of the Commission to keep under review the protection of HIV-related human rights in relation to their respective mandates, as recommended in the Secretary-General's report, and, where relevant, to give full attention to monitoring States parties' compliance with their human rights commitments to reduce vulnerability to HIV/AIDS and to protect the rights of people affected by HIV/AIDS;

8. Calls upon relevant professional bodies to re-examine their codes of professional practice with a view to strengthening respect for human rights and dignity in the context of HIV/AIDS, and calls upon the relevant authorities to develop training in this regard;

9. Urges UNAIDS to continue the process of incorporating a strong human rights component in all its activities and to establish with the Centre for Human Rights a framework for close and ongoing cooperation;

10. Requests the High Commissioner for Human Rights to continue his efforts, in cooperation with UNAIDS and non-governmental organizations, as well as groups of people living with HIV/AIDS, towards the elaboration of guidelines on promoting and protecting respect for human rights in the context of HIV/AIDS, to ensure sufficient support from within existing resources, to the Centre for Human Rights to address HIV/AIDS-related issues, and to incorporate these, as appropriate in all the Centre's activities;

11. Requests the Secretary-General to prepare for the consideration of the Commission at its fifty-third session a final report on the above-mentioned guidelines, including the outcome of the second expert consultation on human rights and AIDS, and on their international dissemination.

52nd meeting  
19 April 1996

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

1996/44. United Nations Decade for Human Rights Education

The Commission on Human Rights,

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

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

Recalling the provisions of other international human rights instruments, including article 13 of the International Covenant on Economic, Social and Cultural Rights and article 28 of the Convention on the Rights of the Child, that reflect the aims of the aforementioned article,

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

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

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

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

Convinced also that human rights education contributes to a concept of development consistent with the dignity of women and men of all ages which takes into account the diversity of society including children, indigenous people, minorities and disabled persons,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, in particular Part II, paragraphs 78 to 82 thereof,

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

Recalling General Assembly resolution 49/184 of 23 December 1994 by which the Assembly proclaimed the 10-year period beginning on 1 January 1995 the



United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade, as contained in the report of the Secretary-General, and requested the High Commissioner for Human Rights to coordinate the implementation of the Plan of Action,

Noting General Assembly resolution 50/177 of 22 December 1995 by which the Assembly appealed to all Governments to contribute to the implementation of the Plan of Action and, in particular, in accordance with national conditions, to establish a national focal point (national committee) for human rights education and a resource and training centre for human rights education or, where such a centre already exists, to work towards its strengthening, and to develop and implement an action-oriented national plan for human rights education, as foreseen in the Plan of Action,

1. Takes note with appreciation of the report of the High Commissioner for Human Rights on the implementation of the Plan of Action for the United Nations Decade on Human Rights Education (E/CN.4/1996/51);

2. Requests the High Commissioner for Human Rights to accelerate, within existing resources, the implementation of the Plan of Action and, in particular, to encourage and facilitate the establishment of national plans of action, focal points and centres of human rights education in Member States in accordance with national conditions;

3. Invites all Governments to consider the establishment, in accordance with national conditions, of national focal points and plans of action for the implementation of the Plan of Action of the Decade, including the building and strengthening of programmes and capacities for formal and informal human rights education and cooperation with non-governmental organizations and the private sector in pursuing the objectives of the Plan of Action;

4. Requests human rights monitoring bodies to consider adopting a general comment on human rights education, placing emphasis on the implementation by Member States of their international obligation to promote human rights education;

5. Invites all relevant specialized agencies, in particular the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, United Nations programmes, especially the United Nations Children's Fund, and other intergovernmental organizations to

enhance their contribution, within their respective spheres of competence, to the implementation of the Plan of Action and to continue cooperating with the High Commissioner for that purpose;

6. Calls upon international, regional and national non-governmental organizations, in particular those concerned with women, children, indigenous people, minorities, labour, development and the environment, as well as other social justice groups, human rights advocates, educators, religious and community organizations and the media, to increase their involvement in formal and non-formal education in human rights and to cooperate with the High Commissioner and the Centre for Human Rights in implementing the Plan of Action;

7. Invites the High Commissioner for Human Rights to seek the views of States on ways and means to increase support to the Decade, with special emphasis on activities of non-governmental organizations in the field of human rights education, and on the advisability of establishing a voluntary fund for this purpose, and to include this information in his report to the fifty-third session of the Commission on Human Rights;

8. Decides to continue consideration of the question of human rights education at its fifty-third session under the same agenda item.

52nd meeting  
19 April 1996

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

1996/45. The Olympic Ideal

The Commission on Human Rights,

Recalling the basic principles of the Universal Declaration of Human Rights which, inter alia, provide that it is essential to promote the development of friendly relations between nations and that education shall be directed to the full development of the personality and to the strengthening of respect for human rights and to promote understanding, tolerance and friendship among all nations for the maintenance of peace,

Recalling also the value of the equal rights of men and women to the enjoyment of all economic, social and cultural rights and the recognition of the right of everyone to take part in cultural life,

Recalling further General Assembly resolution 48/11 of 25 October 1993 in which, inter alia the Assembly, recognizing that the goal of the

Olympic Movement is to build a peaceful and better world by educating the youth of the world through sport, practised without discrimination of any kind and the Olympic spirit, which requires mutual understanding, promoted by friendship, solidarity and fair play, recognized the efforts to restore the ancient Greek tradition of ekecheria, or Olympic Truce, calling for all hostilities to cease during the Olympic Games, thereby mobilizing the youth of the world in the cause of peace,

Bearing in mind General Assembly resolution 50/13 of 7 November 1995 on the Olympic Ideal,

Taking into account in particular preambular paragraph 6 of General Assembly resolution 49/29 of 7 December 1994,

1. Stresses the importance of the principles of the Olympic Charter, according to which any form of discrimination with regard to a country or a person on grounds of race, religion, politics, sex or otherwise is incompatible with the Olympic Movement;

2. Reaffirms that sports may contribute to the promotion and social integration of target groups, such as women and youth;

3. Expresses its satisfaction that the General Assembly, at its fiftieth session, decided to include in its agenda a biennial item entitled "Building a peaceful and better world through sport and the Olympic Ideal", to be considered in advance of each Summer and Winter Olympic Games;

4. Maintains its support for the Olympic Ideal on the occasion of the eve of the centenary of the revival of the Olympic Games in 1896 at Athens, at the initiative of a French educator, Baron Pierre de Coubertin;

5. Recognizes that the Olympic Games have exemplified excellence through education and cultural expression;

6. Reaffirms once again the valuable contribution of the Olympic Movement to the promotion, protection and implementation of human rights and to the creation of global friendship and the maintenance of world peace;

7. Urges all States to take the necessary and appropriate measures for the equal and full participation, without any discrimination, of women and men in the Olympic Games in accordance with the spirit of the Olympic Ideal and the principles of the Olympic Movement.

52nd meeting  
19 April 1996

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

1996/46. Human rights and thematic procedures

The Commission on Human Rights,

Considering that, over the years, thematic procedures established by the Commission with regard to the consideration of questions related to the promotion and protection of all human rights have earned an important position among its human rights monitoring mechanisms,

Reaffirming 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, on the same footing, and with the same emphasis,

Mindful that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Noting with satisfaction that an increasing number of Governments, as well as non-governmental organizations, have developed a working relationship with one or more of the thematic procedures,

Recalling its resolutions 1991/31 of 5 March 1991, 1992/41 of 28 February 1992, 1993/47 of 9 March 1993, 1994/53 of 4 March 1994 and 1995/87 of 8 March 1995,

Recalling also its various resolutions in which it urged Governments to intensify their cooperation with the thematic special rapporteurs and working groups, and to provide information requested on any measures taken in pursuance of recommendations addressed to them,

Recalling further recommendations contained in the Vienna Declaration and Programme of Action, especially in Part II, paragraph 95, in which the World Conference on Human Rights underlined the importance of preserving and strengthening the system of special procedures, rapporteurs, representatives, experts and working groups of the Commission,

Recalling Part II, paragraph 88, of the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights recommended that the States parties to international human rights instruments, the General Assembly and the Economic and Social Council should consider studying the existing human rights treaty bodies and the various thematic mechanisms and procedures with a view to promoting greater efficiency and effectiveness through better

coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks,

Recalling also the meetings of the special rapporteurs, representatives, experts and members or chairmen of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme with the High Commissioner for Human Rights, held from 14 to 16 June 1993, on the occasion of the World Conference on Human Rights, from 30 May to 1 June 1994 and from 29 to 31 May 1995,

Noting that some human rights violations are specific to or primarily directed against women, and that the identification and reporting of these violations demand specific awareness and sensitivity,

Noting General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

1. Commends those Governments that have invited the thematic special rapporteurs or working groups to visit their countries;

2. Recommends that Governments consider follow-up visits designed to assist them with effective implementation of recommendations by the thematic special rapporteurs and working groups;

3. Encourages Governments to respond expeditiously to requests for information made to them through the thematic procedures, so that the procedures may carry out their mandates effectively;

4. Also encourages all Governments to cooperate more closely with the Commission through the pertinent thematic procedures and, where appropriate, by inviting a thematic special rapporteur or working group to visit their countries;

5. Invites the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed promptly on the progress made towards their implementation;

6. Invites the thematic special rapporteurs and working groups to include in their reports information provided by Governments on follow-up action, and in their conclusion their own observations thereon, including in regard to both problems and improvements, as appropriate;

7. Invites the non-governmental organizations to continue their cooperation with thematic procedures, and to ascertain that the material provided falls under the mandates of these procedures and contains the required elements;

8. Takes note of the recommendations of the meetings of the special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme with the High Commissioner for Human Rights, held from 30 May to 1 June 1994 (E/CN.4/1995/5, annex, paras. 25-26) and from 29 to 31 May 1995 (E/CN.4/1996/50, annex, paras. 62-74);

9. Encourages the thematic special rapporteurs and working groups to make recommendations for the avoidance of human rights violations;

10. Also encourages the thematic special rapporteurs and working groups to follow closely the progress made by Governments in their investigations carried out within their respective mandates;

11. Further encourages the thematic special rapporteurs and working groups to continue close cooperation with relevant treaty monitoring bodies and country rapporteurs;

12. Encourages the High Commissioner for Human Rights further to strengthen cooperation among the thematic special rapporteurs, representatives, experts, members and chairpersons of working groups of the Commission and other relevant United Nations bodies, including the human rights treaty bodies, with a view to promoting greater efficiency and effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

13. Requests the thematic special rapporteurs and working groups to include in their reports comments on problems of responsiveness and the result of analyses, as appropriate, in order to carry out their mandates even more effectively, and to include also in their reports suggestions as to areas where Governments might request relevant assistance through the programme of advisory services administered by the Centre for Human Rights;

14. Calls on the thematic special rapporteurs and working groups to include regularly in their reports gender-disaggregated data and to address the characteristics and practice of human rights violations under their

mandates that are specifically or primarily directed against women, or to which women are particularly vulnerable, in order to ensure the effective protection of their human rights;

15. Suggests that the special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights consider how these mechanisms can make available information on the particular situation of individuals working for the promotion and protection of all human rights and fundamental freedoms and how their protection can be enhanced, taking into account the ongoing deliberations of the relevant working group of the Commission;

16. Requests the Secretary-General, in close collaboration with the thematic special rapporteurs and working groups, to issue annually and sufficiently early their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission;

17. Welcomes the joint declaration (A/CONF.157/9) of the independent experts responsible for the special procedures for the protection of human rights, of 17 June 1993;

18. Requests the Secretary-General to consider the possibility of convening further periodic meetings of all the thematic special rapporteurs and the chairmen of working groups of the Commission on Human Rights in order to enable them to continue to exchange views, cooperate and coordinate more closely and make recommendations;

19. Also requests the Secretary-General, in implementing the United Nations budget for the biennium 1996-1997, to ensure the availability of such resources as are necessary for the effective implementation of all thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs and working groups by the Commission;

20. Further requests the Secretary-General to present annually a list of all persons currently constituting the thematic and country procedures, including their country of origin, in an annex to the annotations to the provisional agenda of each session of the Commission on Human Rights.

52nd meeting  
19 April 1996

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

1996/47. Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the International Covenants on Human Rights,

Recalling the Declaration on the occasion of the Fiftieth Anniversary of the United Nations,

Recalling the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Recalling and reaffirming General Assembly resolutions 49/60 of 9 December 1994 and 50/186 of 22 December 1995, and its own resolution 1995/43 of 3 March 1995,

Recalling also resolution 1994/18 of 25 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the Co-Chairmen's statement adopted at the Summit of Peacemakers on 13 March 1996 in Sharm El Sheikh, Egypt,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified as a means to promote and protect human rights,

Taking into account that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism creates an environment that destroys the freedom from fear of the people,

Reiterating that all States have an obligation to promote and protect human rights and fundamental freedoms, and that every individual should strive to secure their universal and effective recognition and observance,

Seriously concerned at the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,



Noting with great concern the growing connection between terrorist groups and the illegal traffic in arms and drugs, as well as the consequent commission of serious crimes,

Reaffirming that all measures to counter terrorism must be in strict conformity with international human rights standards,

1. Expresses its solidarity with the victims of terrorism;
2. Reiterates the unequivocal condemnation of all acts, methods and practices of terrorism, regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed, as acts of aggression aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States;
3. Condemns incitement of ethnic hatred, violence and terrorism;
4. Calls upon States to take all necessary and effective measures, in accordance with relevant provisions of international law and international standards of human rights, to prevent, combat and eliminate terrorism, wherever and by whomever committed;
5. Urges the international community to enhance cooperation at the regional and international levels in the fight against terrorism in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;
6. Urges all thematic special rapporteurs and working groups to address as appropriate the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;
7. Notes that the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning the preparation of a working paper on the question of human rights and terrorism has not yet been carried out, and calls on the Sub-Commission to report to the Commission on this matter at its fifty-third session;
8. Requests the Secretary-General to continue to collect information on this question from all relevant sources, including Governments, specialized agencies, intergovernmental organizations and non-governmental organizations, and to make it available to the special rapporteurs and working groups concerned and to the Commission on Human Rights for their consideration;

9. Decides to continue consideration of the question at its fifty-third session as a matter of priority.

52nd meeting

19 April 1996

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

1996/48. Question of integrating the human rights of women throughout the United Nations system

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

Recalling its resolutions 1995/86 of 8 March 1995 and 1994/45 of 4 March 1994,

Also recalling that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community,

Bearing in mind that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity and for steps to be taken to increase cooperation and promote further integration of objectives and goals between the Commission on the Status of Women, the Commission on Human Rights, the Committee for the Elimination of Discrimination against Women, the United Nations Development Fund for Women, the United Nations Development Programme and other United Nations agencies,

Welcoming the successful convening of the Fourth World Conference on Women, held in Beijing from 4 to 15 September 1995, and the significant contribution the Conference has made to the promotion of the human rights of women and the girl child, and encouraging all States to take practical measures to implement the Beijing Declaration and Platform for Action,

Recognizing the major role of the Commission on the Status of Women in promoting equality between women and men, and recalling resolution 40/... on mainstreaming the human rights of women adopted by the Commission at its fortieth session,

Welcoming the appointment of a high-level adviser on gender issues in the Office of the Secretary-General,

Bearing in mind that, in the Platform for Action, the Fourth World Conference on Women called on all relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees to give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates,

Recognizing the need to promote and strengthen national and international efforts to improve the status of women in all areas in order to foster the elimination of discrimination and gender-based violence against women,

Reaffirming the important role women's groups and non-governmental organizations play in promoting and protecting the human rights of women,

1. Calls for intensified effort at the international level to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms;

2. Encourages the efforts made by the High Commissioner for Human Rights, within his mandate established by the General Assembly in resolution 48/141 of 20 December 1993, to coordinate the activities of relevant United Nations organs, bodies and mechanisms dealing with human rights in considering violations of the human rights of women;

3. Encourages the strengthening of cooperation and coordination among all human rights treaty bodies, special rapporteurs, special procedures and other human rights mechanisms of the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and requests that they regularly and systematically take a gender perspective into account in the implementation of their mandates, including information and qualitative analysis in their reports on violations of the human rights of women;

4. Encourages the further strengthening of cooperation and coordination between the Commission on Human Rights and the Commission on the

Status of Women and between the Centre for Human Rights and the Division for the Advancement of Women, and requests that the joint work plan of the Centre for Human Rights and the Division for the Advancement of Women be made available to the Commission on Human Rights at its fifty-third session as well as the Commission on the Status of Women at its forty-first session;

5. Welcomes the report of the expert group meeting on the development of guidelines for the integration of a gender perspective into human rights activities and programmes (E/CN.4/1996/105), and requests the Secretary-General to distribute the report widely, including within the Centre for Human Rights and to the special rapporteurs and experts;

6. Also welcomes the recommendation by the chairpersons of the human rights treaty bodies that each treaty body consider how it might most effectively integrate a gender perspective into its work and, in particular:

(a) Integrate a gender perspective into its pre-sessional and sessional working methods, and consider the gender implications of each issue discussed under each of the articles of its respective instrument;

(b) Amend its guidelines for the preparation of reports by States parties to include specific information on the human rights of women and gender-disaggregated data;

(c) Exchange information with other treaty bodies on the human rights of women and the use of gender-inclusive language in preparing reports of the sessions of the treaty bodies;

7. Urges States to consider the gender composition of the treaty bodies when nominating and electing candidates to such bodies;

8. Recalls that the Beijing Platform for Action urged States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, formulate any such reservations as precisely and as narrowly as possible, ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law, and regularly review them with a view to withdrawing them;

9. Notes that the meeting of the special rapporteurs and chairpersons of working groups of the special procedures of the Commission on Human Rights has begun to consider the question of integrating the human rights of women

into their work, and stresses the need for further consideration and qualitative analysis of this issue at their next meeting and its practical application in their work;

10. Encourages improved coordination among the specialized agencies and funds of the United Nations system, particularly the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Programme and the United Nations Population Fund, in order to promote the human rights of women through a systematic and periodic exchange of information, experience and expertise, and requests the High Commissioner to bring the present resolution to their attention;

11. Urges the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to provide training in the human rights of women for all United Nations personnel and officials, especially those in human rights and humanitarian relief activities, and promote their understanding of the human rights of women so that they recognize and deal with violations of the human rights of women and can fully take into account the gender aspects of their work, and, in particular, encourages the Centre for Human Rights to ensure that its information and training materials, including the Manual on Human Rights Reporting, incorporate a gender perspective;

12. Invites the High Commissioner for Human Rights to consider assigning to a high-level post within his Office the task of providing advice on integrating the human rights of women throughout the Centre for Human Rights and liaising with other relevant United Nations bodies in this regard;

13. Requests States and the relevant United Nations bodies to include in their human rights education activities information on the human rights of women;

14. Requests the Secretary-General to report on the implementation of the present resolution at its fifty-third session;

15. Decides to continue its consideration of the question at its fifty-third session.

52nd meeting  
19 April 1996

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

1996/49. The elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Recalling its resolution 1994/45 of 4 March 1994 in which it decided to appoint a special rapporteur on violence against women, its causes and consequences,

Welcoming the adoption by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

Deeply concerned at continuing and endemic violence against women, and noting that the Declaration on the Elimination of Violence against Women sets out various forms of physical, sexual and psychological violence against women,

Bearing in mind that violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms,

Mindful that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions

or in detention, the girl child, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence,

Alarmed by the marked increase in acts of sexual violence directed notably against women and children, as expressed in the Final Declaration of the International Conference for the Protection of War Victims, held in Geneva from 30 August to 1 September 1993, and reiterating that such acts constitute grave breaches of international humanitarian law,

Stressing that the implementation of the Convention on the Elimination of All Forms of Discrimination against Women will contribute to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements this process, and welcoming the significant progress achieved in relevant sections of the Beijing Declaration and Platform for Action, such as those on violence against women, women and armed conflict and the human rights of women,

Noting with appreciation the Special Rapporteur's active participation in the preparatory process for the Fourth World Conference on Women and in the Conference itself,

Welcoming the adoption of General Assembly resolution 50/166 of 22 December 1995 on the role of the United Nations Development Fund for Women in eliminating violence against women,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of working towards the elimination of violence against women in public and private life and urges the eradication of all forms of discrimination against women,

1. Welcomes the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note of her report (E/CN.4/1996/53 and Add.1 and 2);

2. Encourages the Special Rapporteur in her work on violence in the community;

3. Commends the Special Rapporteur for her analysis of violence in the family;

4. Condemns all acts of gender-based violence against women and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of gender-based violence in the

family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, to punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State or by private persons and to provide access to just and effective remedies and specialized assistance to victims;

5. Also condemns all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law, and calls for a particularly effective response to violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;

6. Takes note of the procedures established by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and its consequences, in particular standard information forms;

7. Stresses the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women, including violence against women in the family, and calls on States to:

(a) Work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women, including those contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) Include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women;

(c) Enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done



to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society, bearing in mind the Special Rapporteur's suggested guidelines;

(d) Create, improve or develop, as appropriate, and fund the training programmes for judicial, legal, medical, social, educational and police and immigrant personnel, in order to avoid the abuse of power leading to violence against women and sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be assured;

(e) Enact and enforce legislation against the perpetrators of practices and acts of violence against women, such as female genital mutilation, female infanticide, prenatal sex selection and dowry-related violence, and give vigorous support to the efforts of non-governmental and community organizations to eliminate such practices;

(f) Condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

(g) Promote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women, and encourage research into the causes, nature, seriousness and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women;

(h) Cooperate with other competent mechanisms, such as the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudiciary, summary or arbitrary executions, in relation to violence against women;

(i) Enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography;

8. Reminds Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be fully implemented with regard to violence against women, taking into account General Recommendation No. 19, adopted by the Committee on the Elimination of

Discrimination against Women at its eleventh session, and calls upon those countries which are still not parties to the Convention to work actively towards ratification of or accession to it;

9. Requests Governments to support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness on the issue of violence against women and to contribute to its elimination;

10. Welcomes the decision of the Commission on the Status of Women, at its fortieth session, to renew the open-ended working group established to develop an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, taking into account the recommendations of the Special Rapporteur in regard to an optional protocol;

11. Requests all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and respond to the Special Rapporteur's visits and communications;

12. Requests human rights treaty bodies, other special rapporteurs responsible for various human rights questions, United Nations bodies and organs, specialized agencies and intergovernmental and non-governmental organizations, including women's organizations, to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, and in particular to respond to requests for information on violence against women, its causes and its consequences;

13. Renews its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

14. Also requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women to assist in the Commission's work in the area of violence against women, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

15. Decides to continue consideration of the question as a matter of high priority at its fifty-third session.

52nd meeting  
19 April 1996

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

1996/50. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling relevant resolutions of the General Assembly and its own relevant resolutions concerning national institutions for the promotion and protection of human rights, notably General Assembly resolution 48/134 of 20 December 1993, Commission on Human Rights resolution 1995/50 of 3 March 1995 and General Assembly resolution 50/176 of 22 December 1995,

Welcoming the growing interest shown worldwide in the creation and strengthening of national institutions, that is, independent and pluralistic national institutions for the promotion and protection of human rights, expressed during the regional preparatory meetings for the World Conference on Human Rights and at the Conference itself, as well as at the various international meetings of national institutions for the promotion and protection of human rights held since 1991,

Convinced of the important role national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played and should continue to play an important role in assisting the development of national institutions,

Recalling that, in General Assembly resolution 48/134, the Assembly welcomed the Principles relating to the status of national institutions, annexed to that resolution,

Welcoming the decision, announced recently by several States, to establish, or consider establishing national institutions for the promotion and protection of human rights,

Recognizing that it is the prerogative of each State to choose, for the establishment of a national institution, the framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, in which was reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Recalling also the Platform for Action adopted at the Fourth World Conference on Women, in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women, as recommended by the World Conference on Human Rights,

Recalling that, at the World Conference on Human Rights, representatives of national institutions who attended as observers played a positive and constructive role in the deliberations of the Conference,

Noting with satisfaction the convening of the third International Workshop on National Institutions for the Promotion and Protection of Human Rights in Manila, from 18 to 21 April 1995 and the first African Conference on Human Rights National Institutions in Yaounde from 5 to 7 February 1996,

Taking note of the decision by one Government to provide funding for the appointment of a special adviser to the High Commissioner for Human Rights on national human rights institutions,

Noting with satisfaction the constructive participation of representatives of a number of national institutions for the promotion and protection of human rights in international seminars and workshops organized or sponsored by the United Nations and its Member States and in other United Nations activities,

Noting the importance of finding an appropriate form of participation by national institutions in relevant United Nations meetings dealing with human rights, and noting that a number of national institutions have for some time taken part in such meetings as part of the delegations of Member States,

1. Reaffirms the importance of the development of effective national institutions for the promotion and protection of human rights in keeping with the Principles relating to the status of national institutions annexed to General Assembly resolution 48/134 of 20 December 1993;

2. Encourages Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action, and, where appropriate, to incorporate the elements identified in that Declaration and Programme of Action in national development plans or in their preparation of national action plans;

3. Also encourages all Member States to take appropriate steps to promote the exchange, in particular by national institutions, of information and experience concerning the establishment and operation of national institutions;

4. Emphasizes in this regard the need to disseminate the Principles relating to the status of national institutions, annexed to General Assembly resolution 48/134, as widely as possible, and calls upon the Secretary-General to undertake this task;

5. Affirms the role of national institutions, where they exist, as appropriate agencies for the dissemination of human rights materials and other public information activities, including those of the United Nations;

6. Requests the Secretary-General to continue to give a high priority to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical assistance in the field of human rights;

7. Requests the Centre for Human Rights, with the assistance of national institutions and their Coordinating Committee, to continue to provide technical assistance for States wishing to establish or strengthen their national institutions and to organize training programmes for national institutions which request them, and invites Governments to contribute additional funds to the Voluntary Fund for Technical Cooperation in the Field of Human Rights for these purposes;

8. Requests the Secretary-General to take measures to ensure that national institutions are informed effectively, including through diplomatic channels, about the activities of the Centre for Human Rights involving national institutions;

9. Commends the intensified activities of the High Commissioner in promoting and strengthening national institutions;

10. Commends the Centre for Human Rights for the preparation and publication of the handbook National Human Rights Institutions (HR/P/PT/4);

11. Takes note of the role of the Coordinating Committee created by national institutions at the second International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Tunis from 13 to 17 December 1993, in close cooperation with the Centre for Human Rights, to assist Governments and institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

12. Requests the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee during the sessions of the Commission on Human Rights, under the auspices of and in cooperation with the Centre for Human Rights;

13. Takes note of the report of the third International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Manila from 18 to 21 April 1995 (E/CN.4/1996/8), and the declaration and recommendations therein, in particular its recommendations relating to the participation of national institutions in the work of United Nations human rights bodies;

14. Also takes note of the report of the Secretary-General concerning possible forms of participation by national institutions in United Nations meetings dealing with human rights (E/CN.4/1996/48 and Add.1), and notes the corresponding recommendation therein;

15. Considers that it would be appropriate for national institutions to be able to participate in an appropriate manner in their own right in meetings of the Commission on Human Rights and its subsidiary bodies, that consideration should be given to a definitive resolution of this question and that appropriate practices should be adopted in the interim to provide for their participation;

16. Requests the Secretary-General again to invite Member States which have not yet done so to inform him of their views concerning possible forms of participation by national institutions in meetings of the Commission on Human Rights and its subsidiary bodies and, in particular, to address themselves to possible measures which could provide for such participation, and to include the information provided by Governments in his report to the Commission at its fifty-third session;

17. Encourages Governments and national institutions to take account, in their policy and practice in this area, of the provisions contained in the Principles relating to the status of national institutions;

18. Encourages Governments to devise an information strategy to raise awareness among the general public and among all elements of civil society on the need to promote and protect human rights;

19. Requests the Secretary-General to convene, within existing resources, a fourth international workshop on national institutions for the promotion and protection of human rights, to be held, if possible, in Latin America during 1996 or 1997, and to invite Governments and intergovernmental organizations to contribute to the Voluntary Fund for the purpose of financing, where necessary, attendance by representatives of national institutions;

20. Recognizes the important and constructive role that non-governmental organizations can play, in cooperation with national institutions, for the better promotion and protection of human rights;

21. Requests the Secretary-General to report to the Commission at its fifty-third session on the implementation of the present resolution;

22. Decides to continue its consideration of this question at its fifty-third session.

52nd meeting  
19 April 1996

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

1996/51. Human rights and mass exoduses

The Commission on Human Rights,

Deeply disturbed by the escalating scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Recalling its previous relevant resolutions, in particular resolution 1995/88 of 8 March 1995, as well as those of the General Assembly, and the conclusions of the World Conference on Human Rights, which recognized that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people and that there is a need for a comprehensive approach by the international community to

address root causes and effects of movements of refugees and other displaced persons and for the strengthening of emergency preparedness and response mechanisms,

Conscious of the fact that mass exoduses of populations are caused by multiple and complex factors, such as human rights violations, political, ethnic and economic conflicts, famine, insecurity, violence, poverty and environmental degradation, which indicate that any approach to early warning requires an intersectoral and multidisciplinary approach,

Noting that the Secretary-General, in his report entitled "An Agenda for Peace", identifies the protection of human rights and the promotion of economic well-being as important elements of peace, security and development,

Recognizing the important aspects of complementarity between the system for the protection of human rights and humanitarian action, and that humanitarian agencies make an important contribution to the achievement of human rights,

Welcoming the continuation of inter-agency consultations on early warning of mass flows of refugees, pursuant to the decision of the Administrative Committee on Coordination, with the purpose of serving both prevention of, and preparedness for, emergencies, and welcoming also the participation of the High Commissioner for Human Rights and the representative of the Secretary-General on internally displaced persons in the deliberations of the Inter-Agency Standing Committee established by the General Assembly in resolution 46/182 of 19 December 1991,

Welcoming also the cooperation between the United Nations High Commissioner for Refugees, other relevant United Nations entities and the High Commissioner for Human Rights, with a view to ensuring complementarity of mandates and expertise in the areas of returnee monitoring and promotion, institution-building and rehabilitation projects,

Welcoming further the involvement of the Office of the High Commissioner for Refugees in activities in countries of actual or potential return, including the monitoring of returnees, in particular in the framework of tripartite agreements between the State of origin, the State of asylum and the Office of the United Nations High Commissioner for Refugees, aimed at making effective the fundamental right of refugees to return to their own countries,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human



rights treaty bodies, acting within their mandates, has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Convinced that the activities of these mechanisms, with a view, inter alia, to preventing mass exoduses and the strengthening of emergency preparedness and response mechanisms should be encouraged and further developed and coordinated, with priority given to the systematization of early warning information collection,

Recognizing that women and children constitute approximately 80 per cent of most refugee populations and that, in addition to the problems and needs they share in common with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violence and exploitation,

Recalling that States parties to the 1951 Convention relating to the Status of Refugees undertake, under article 35, to provide information to the Office of the United Nations High Commissioner for Refugees on the implementation of the Convention, as was recalled in the General Conclusion of 1995 of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees to meet the protection and assistance needs of refugees worldwide,

1. Takes note with interest of the report of the Secretary-General on human rights and mass exoduses (E/CN.4/1996/42), which is an important contribution to efforts to develop a comprehensive approach to the question of human rights and mass exoduses;

2. Welcomes the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language, and urges States to refrain from denying these because of gender;

3. Strongly deplores ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

4. Takes note of resolution 1995/13 of 18 August 1995 entitled "The right to freedom of movement" adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

5. Invites again all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;

6. Urges all bodies involved in inter-agency consultations on early warning to cooperate fully in and to devote the necessary resources to the successful operation of the consultations;

7. Invites the special rapporteurs, special representatives and working groups of the Commission and the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on problems resulting in mass exoduses of populations or impeding their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports, and to bring such information to the attention of the High Commissioner for Human Rights for appropriate action in fulfilment of his mandate, in consultation with the United Nations High Commissioner for Refugees;

8. Requests all United Nations bodies, including the United Nations human rights treaty bodies acting within their mandates, the specialized agencies, and governmental, intergovernmental and non-governmental organizations to cooperate fully with all mechanisms of the Commission and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons;

9. Requests the High Commissioner for Human Rights, in the exercise of his mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, for preventing the continuation of human rights violations throughout the world and for coordinating human rights activities throughout the United Nations system, and in cooperation with the United Nations High Commissioner for Refugees, to pay attention to situations which cause or threaten to cause mass exoduses and to address effectively such situations through emergency preparedness and response mechanisms, including information sharing and the provision of technical advice, expertise and cooperation;

10. Welcomes the establishment by the Department of Humanitarian Affairs of the Humanitarian Early Warning System, and notes with appreciation the contribution made by the High Commissioner for Human Rights and the Centre for Human Rights to its development;

11. Notes with satisfaction the participation of the High Commissioner for Human Rights in the framework for coordination projects organized by the Department of Humanitarian Affairs, the Department of Political Affairs and the Department of Peace-keeping Operations, reflecting the need for a comprehensive approach to address root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms;

12. Urges the Secretary-General to attach high priority and to allocate the necessary resources to the consolidation and strengthening of the system for undertaking early warning activities in the humanitarian area for the purpose of ensuring, inter alia, that effective action is taken to identify all human rights abuses which contribute to mass outflows of persons, and to invite comments on this issue;

13. Welcomes with appreciation the contributions of the United Nations High Commissioner for Refugees to the deliberations of international human rights bodies and mechanisms, and invites her to address the Commission at its fifty-third session;

14. Encourages States that have not already done so to consider accession to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and other relevant regional refugee instruments and relevant international human rights instruments;

15. Encourages States parties to the 1951 Convention relating to the Status of Refugees to provide information to the Office of the United Nations High Commissioner for Refugees, in accordance with article 35 thereof;

16. Requests the High Commissioner for Human Rights to invite Governments, intergovernmental organizations, specialized agencies and non-governmental organizations to provide information and to prepare, within existing resources, and submit to the Commission at its fifty-third session an update of the Secretary-General's report, including information on and recommendations and conclusions emerging from the action taken pursuant to

the present resolution, as well as all relevant information on the human rights situations creating or affecting refugees and displaced persons;

17. Decides to continue its consideration of the question at its fifty-third session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission" under the sub-item entitled "Human rights, mass exoduses and displaced persons".

52nd meeting  
19 April 1996

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

1996/52. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world who receive inadequate protection and assistance, and conscious of the serious problem this is creating for the international community,

Noting with concern that many serious situations of internal displacement do not receive sufficient attention and response,

Conscious of the human rights, as well as the humanitarian, dimensions of the problem of internally displaced persons and the responsibilities this poses for States and the international community to explore methods and means better to address their protection and assistance needs,

Recalling the relevant norms of international human rights instruments, of international humanitarian law and analogous refugee law,

Bearing in mind General Assembly resolutions 49/169 of 23 December 1994 and 50/195 of 22 December 1996 and, in particular, the call by the General Assembly on the Commission to consider the question of establishing an appropriate legal framework for the internally displaced, on the basis of the report of the representative of the Secretary-General,

Recognizing that the protection of internally displaced persons would be strengthened by identifying, reaffirming and consolidating specific rights for their protection,

Welcoming the call by the General Assembly for a more concerted response by the international community to the needs of internally displaced persons and the emphasis in the Vienna Declaration and Programme of Action on the need to develop global strategies to address the problem of internal displacement,

Welcoming also the cooperation established between the representative of the Secretary-General and the High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the United Nations Development Programme and the Department of Humanitarian Affairs of the Secretariat as well as the International Committee of the Red Cross and other relevant international and regional organizations and agencies, and taking note with appreciation in particular of the appointment by the Inter-American Commission on Human Rights of a rapporteur on internally displaced persons following discussions with the representative of the Secretary-General,

Recalling Economic and Social Council resolution 1995/56 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations,

Noting the representative's finding that a central coordination mechanism to assign responsibilities in emergency situations is essential and welcoming in this context, the establishment, by the Inter-Agency Standing Committee, of the Task Force on Internally Displaced Persons,

Welcoming the decision by the Inter-Agency Standing Committee to invite the representative to participate in its relevant meetings, as well as in its Task Force, and encouraging further strengthening of this collaboration in order to promote better assistance, protection and development strategies for internally displaced persons,

Recalling its resolution 1995/57 of 3 March 1995,

1. Takes note with appreciation of the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1996/52 and Add.1 and 2);

2. Also takes note with interest of the compilation and analysis of legal norms submitted by the representative, which concludes, in particular, that present international law provides sufficient protection for most of the specific needs of the internally displaced, although important areas of insufficient legal protection exist;

3. Commends the representative for the activities undertaken so far, despite the limited resources available to him, and for the catalytic role he continues to play to raise the level of consciousness about the plight of internally displaced persons;

4. Also commends the representative for his efforts to promote a comprehensive strategy for better protection, assistance and development for internally displaced persons;

5. Encourages the representative through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for the internally displaced, taking into account specific situations;

6. Welcomes the specific attention paid by the representative to the protection and assistance needs of women and children in accordance with the relevant objectives in the Beijing Declaration and Platform of Action and encourages him to continue to address these needs;

7. Emphasizes the need for better implementation of existing international law applicable to internally displaced persons;

8. Requests the Secretary-General to publish the compilation and analysis of legal norms prepared by the representative and to disseminate it widely;

9. Calls upon the representative to continue, on the basis of his compilation and analysis of legal norms, to develop an appropriate framework in this regard for the protection of internally displaced persons and to report thereon to the Commission at its fifty-third session;

10. Calls upon all Governments to continue to facilitate the activities of the representative, encourages them to give serious consideration to inviting him to visit their countries so as to enable him to study and analyse more fully the issues involved, and thanks those Governments that have already done so;

11. Invites Governments to give due consideration, in dialogue with the representative, to his recommendations and suggestions and to make available information on measures taken thereon;

12. Expresses appreciation to those Governments, intergovernmental and non-governmental organizations which have provided assistance and protection to internally displaced persons and have supported the work of the representative;

13. Encourages the representative and the High Commissioner for Human Rights, as well as the United Nations High Commissioner for Refugees, the

United Nations Development Programme, the Department for Humanitarian Affairs of the Secretariat, the International Committee of the Red Cross and all other relevant humanitarian assistance and development organizations to strengthen their cooperation further;

14. Calls upon these organizations and agencies to develop, in cooperation with the representative, the setting up of a more comprehensive and coherent system of data collection on the situation and protection of internally displaced persons;

15. Urges these organizations to establish, in particular through the Inter-Agency Standing Committee and its Task Force on Internally Displaced Persons, frameworks of cooperation with the representative in order to provide all possible support to him in the implementation of his programme of activities, in particular by monitoring and identifying situations of internal displacement and bringing them to his attention, supporting timely intercessions and dialogue with authorities, ensuring timely and effective response by the appropriate agencies, and assisting in follow-up measures to his recommendations and suggestions;

16. Calls upon the representative and regional intergovernmental organizations, such as the Organization of African Unity, the Organization of American States and the Organization for Security and Cooperation in Europe, to intensify their cooperation with a view to enhancing their support for the representative and strengthening their initiatives to facilitate through regional approaches assistance to and protection of internally displaced persons;

17. Welcomes the attention paid by relevant rapporteurs, working groups, experts and treaty bodies to issues of internal displacement and calls upon them to continue to seek information on situations which have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports and to make them available to the representative;

18. Calls upon the High Commissioner for Human Rights to develop projects, in cooperation with Governments, relevant international organizations and the representative, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation;

19. Requests the Secretary-General to provide the representative, from within existing resources, with all necessary assistance to carry out his mandate effectively and encourages the representative to continue to seek the contribution of local, national and regional institutions;

20. Decides to continue its consideration of the question at its fifty-third session.

53rd meeting  
19 April 1996

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

1996/53. Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in its article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice,

Mindful also that the International Covenant on Civil and Political Rights also states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these should be only such as provided by law and are necessary for the respect of the rights and reputations of others, or for the protection of national security or public order (ordre public) or of public health or morals,

Mindful further that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Mindful of the need to ensure that unjustified invocation of national security to restrict the right to freedom of expression and information does not take place,

Considering the promotion and protection of the rights to freedom of opinion and expression, including the right to seek, receive and impart information, as well as the rights to peaceful assembly and association, to be



essential to popular participation in decision-making processes and to the realization of all rights set forth in international human rights instruments,

Emphasizing that individuals working in the field of social development can play a useful role in promoting popular participation by the expression of views and information related to the decision-making process,

Recalling its resolution 1993/45 of 5 March 1993, in which it decided to appoint a Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression with a specific mandate, as well as subsequent resolutions in which the Commission took action on his reports,

Recalling also the reports and final conclusions and recommendations on the right to freedom of opinion and expression submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second, forty-third and forty-fourth sessions by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Turk (E/CN.4/Sub.2/1990/11, E/CN.4/Sub.2/1991/9 and E/CN.4/Sub.2/1992/9 and Add.1),

Taking note of the report of the Special Rapporteur and the reference therein to the Johannesburg Principles on National Security, Freedom of Expression and Access to Information adopted by a group of experts meeting in South Africa on 1 October 1995 which are annexed to that report (E/CN.4/1996/39),

Considering that the effective promotion and protection of the human rights of persons who exercise the right to freedom of opinion and expression are of fundamental importance to the safeguarding of human dignity,

Considering also that the right to freedom of opinion and expression is interrelated with and enhances the exercise of all other human rights,

Deeply concerned by numerous reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information, including journalists, editors, writers and authors, translators, publishers, broadcasters, printers and distributors,

Taking note of the need to raise awareness about the linkages between the media, including modern telecommunications technology and the right to freedom of expression and information, mindful of provisions of relevant instruments,

Welcoming the agreed conclusions on women and the media adopted by the Commission on the Status of Women on 20 March 1996,

Deeply concerned also that for women in all parts of the world there exists a gap between the right to freedom of opinion and expression and the effective promotion and protection of that right and that this contributes to the underreporting of incidents of discrimination based on sex and inadequate action by Governments to investigate and take appropriate remedial action in response to these incidents,

1. Welcomes the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/1996/39 and Add.1 and 2), and recalls his conclusion in his report to the Commission at its fifty-first session that freedom of expression is a fundamental right, the enjoyment of which illustrates in many ways the degree of enjoyment of all human rights enshrined in the International Bill of Human Rights;

2. Notes that the Special Rapporteur recognized in his first report (E/CN.4/1994/33) the need to cooperate with other special rapporteurs, special representatives, independent experts, working groups and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue his efforts in this regard;

3. Expresses its concern at the inadequate resources, both human and material, provided to the Special Rapporteur, particularly in the light of the information contained in his latest report, stating that the situation has become more acute in view of the substantially larger number of allegations he has received (E/CN.4/1996/39, para. 6), and accordingly reiterates its request to the Secretary-General to provide, from within existing overall United Nations resources, all the assistance necessary to the Special Rapporteur to fulfil his mandate effectively, in particular by strengthening the human and material resources placed at his disposal;

4. Requests the Secretary-General to consider ways of publicizing, particularly within the framework of the information activities of the Centre for Human Rights and the United Nations Decade for Human Rights Education, the work of the Special Rapporteur, as well as recommendations made by him;

5. Expresses its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at, persons who exercise the right to freedom of opinion and expression and the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and

freedom of association and the right to take part in the conduct of public affairs as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

6. Also expresses its concern at the extensive occurrence in many parts of the world of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at, persons who seek to promote and defend these rights and freedoms;

7. Emphasizes that professionals in the field of information play a major role in the promotion and protection of freedom of opinion and expression, and expresses in this regard its deep concern at the numerous reports received by the Special Rapporteur of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at, such professionals, including journalists, editors, writers and authors, translators, publishers, broadcasters, printers and distributors;

8. Expresses its concern at the number of cases of arbitrary detention ordered following the exercise of rights protected by article 19 of the International Covenant on Civil and Political Rights and by other relevant human rights instruments concerning the right to freedom of opinion and expression;

9. Welcomes the release of persons detained for exercising these rights and freedoms, and encourages further progress in this regard;

10. Urges the Special Rapporteur, within the framework of his mandate, to draw the attention of the High Commissioner for Human Rights to those situations regarding freedom of opinion and expression which are of particularly serious concern to the Special Rapporteur, and encourages the High Commissioner for Human Rights, within his mandate, to take into account reports in this regard in the context of his activities to promote and protect human rights, with a view to preventing the occurrence and recurrence of human rights violations;

11. Invites the Special Rapporteur to pay particular attention to the situation of women and the relationship between the effective promotion and protection of the right to freedom of opinion and expression and incidents of discrimination based on sex, creating obstacles for women with regard to their right to seek, receive and impart information, and to consider how these

obstacles impede the ability of women to make informed choices in areas of particular importance to them, as well as in areas related to the general decision-making processes in the societies in which they live;

12. Invites relevant United Nations bodies, mechanisms and procedures of the Commission on Human Rights, the Committee on the Elimination of Discrimination against Women and independent expert bodies, within their mandates, further to examine violations of the right to freedom of opinion and expression, from a gender perspective, in cooperation with the Commission on the Status of Women, as also recommended by that Commission in its agreed conclusions on women and the media of 20 March 1996;

13. Appeals to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, the rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs or who seek to promote and defend these rights and freedoms and, where any persons have been detained, subjected to violence or threats of violence and to harassment, including persecution and intimidation, solely for exercising these rights as laid down in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments, to take the appropriate steps to ensure the immediate cessation of these acts and to create conditions under which these acts may be less liable to occur;

14. Also appeals to all States to ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services, and in this context to pay particular attention to the situation of women;

15. Once again invites the working groups, representatives and the special rapporteurs of the Commission on Human Rights to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments;

16. Urges all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to provide all information necessary in order to permit him fully to carry out his mandate;

17. Again invites the Special Rapporteur, in his next report, to develop further his commentary on the right to seek and receive information and to expand on his observations arising from communications;

18. Requests the Special Rapporteur to submit to the Commission at its fifty-third session a report covering the activities relating to his mandate;

19. Decides that the mandate of the Special Rapporteur should be renewed for a period of three years;

20. Also decides to continue its consideration of the question at its fifty-third session.

53rd meeting  
19 April 1996

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

1996/54. Situation of human rights in Cambodia

The Commission on Human Rights,

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

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991, including Part III relating to human rights,

Recalling Commission on Human Rights resolution 1995/55 of 3 March 1995, General Assembly resolution 50/178 of 22 December 1995 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which it requested the Secretary-General to appoint a special representative in Cambodia, and the subsequent appointment of a special representative,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that the tragic recent history of Cambodia requires special measures to ensure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Commending the continued operation in Cambodia of the office of the Centre for Human Rights,

Welcoming the understanding reached between the Special Envoy of the Secretary-General and the Government of Cambodia in May 1995 regarding increased consultations between the Centre for Human Rights and the Government of Cambodia,

1. Requests the Secretary-General, through his special representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;

2. Welcomes the report of the Secretary-General on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (E/CN.4/1996/92);

3. Also welcomes the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia and the signing of a memorandum of understanding with the Government of Cambodia to allow the office of the Centre for Human Rights to continue operating for the next two years and to maintain its technical cooperation programmes;

4. Commends the work of the former special representative of the Secretary-General, Mr. Michael Kirby, in promoting and protecting human rights in Cambodia;

5. Takes note with appreciation of the latest report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/1996/93), and endorses his recommendations and conclusions, including those aimed at ensuring the independence of the judiciary and the establishment of the rule of law, good governance, freedom of expression and the promotion of an effective functioning multi-party democracy;

6. Welcomes the appointment by the Secretary-General of Mr. Thomas Hammarberg as his new special representative;

7. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the special representative in his report, and those contained in his previous reports, are followed up and implemented;

8. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;

9. Welcomes the efforts made by the Government of Cambodia to promote and protect human rights, in particular in the area of human rights education and the essential area of creating a functioning system of justice, urges that efforts continue in this area, and encourages the Government to improve the conditions of prisons;

10. Notes that communal elections are due to be held in 1997 and National Assembly elections in 1998, and strongly urges the Government of Cambodia to promote and uphold the effective functioning of multi-party democracy, including the right to form political parties, stand for election, take part freely in a representative Government and freedom of expression, in accordance with the principles set out in paragraphs 2 and 4 of annex 5 to the Agreement signed in Paris on 23 October 1991;

11. Calls upon the Government of Cambodia to investigate cases of violence and intimidation directed against political parties and their supporters, as well as against media personnel and offices, and to bring to justice those responsible;

12. Expresses grave concern about the atrocities that continue to be committed by the Khmer Rouge, including the taking and killing of hostages and other deplorable incidents detailed in the reports of the Special Representative;

13. Also expresses grave concern about the serious violations of human rights as detailed by the Special Representative in his reports, and calls upon the Government of Cambodia to prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;

14. Expresses particularly grave concern at the comments made by the Special Representative concerning the reluctance of the courts to charge members of the military and other security forces for serious criminal offences, and encourages the Government of Cambodia to address this problem, which in effect places persons in authority above the principle of equality before the law, as a matter of urgent priority;

15. Calls upon the Government of Cambodia to ensure the full observance of human rights for all persons within its jurisdiction in accordance with the International Covenants on Human Rights and other human rights instruments to which Cambodia is a party;

16. Recognizes the seriousness with which the Government of Cambodia has approached the preparation of its initial reports to the relevant treaty bodies, and encourages the Government to continue its efforts to meet its reporting obligations under international human rights instruments, drawing on the assistance of the office in Cambodia of the Centre for Human Rights;

17. Encourages the Government of Cambodia to request the Centre for Human Rights to provide advice and technical assistance with respect to the creation of an independent national institution for the promotion and protection of human rights;

18. Commends the ongoing efforts of the office in Cambodia of the Centre for Human Rights in supporting and assisting the Government of Cambodia, as well as assisting non-governmental organizations and others involved in the promotion and protection of human rights in cooperation with the Government of Cambodia;

19. Welcomes and encourages the efforts of individuals, non-governmental organizations, Governments and international organizations involved in human rights activities in Cambodia;

20. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the Centre for Human Rights as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to this Trust Fund;

21. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to women, children, disabled persons and minorities;

22. Expresses grave concern at the devastating consequences and destabilizing effects of the indiscriminate use of anti-personnel land-mines



on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines, and welcomes the intention of the Government of Cambodia to ban all anti-personnel land-mines;

23. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-third session on the role of the Centre for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

24. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-third session, under the agenda item entitled "Advisory services in the field of human rights".

53rd meeting  
19 April 1996

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

1996/55. Advisory services, technical cooperation and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as the latest resolution of the Commission on Human Rights on the subject, 1995/53 of 3 March 1995,

Recalling the Vienna Declaration and Programme of Action in which the World Conference on Human Rights called for an enhanced programme of advisory services in the field of human rights, as well as for a more efficient and transparent management of the programme,

Mindful of the responsibilities of the High Commissioner for Human Rights set out in General Assembly resolution 48/141 of 20 December 1993, in particular that of providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical cooperation at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights,

Welcoming the increasing number of requests for advisory services and technical cooperation in the field of human rights as an expression of the growing commitment of States to promote and protect human rights,

Encouraging all States in need of assistance in the field of human rights to consider making use of the advisory services and technical cooperation being offered at the bilateral, regional or international level, provided by the Centre for Human Rights or other relevant bodies involved in the field of human rights within the United Nations system or by national institutions or non-governmental organizations, in order to achieve the full enjoyment of all human rights,

Emphasizing the particular importance of the development of assistance in the field of human rights, including through the assignment of human rights field officers, to countries in transition or reconstruction after situations of armed conflict or internal disturbance, with the consent of the Government concerned,

Reaffirming that the provision of advisory services and technical cooperation may be seen as a complement to, but not a substitute for, the monitoring and investigating activities of the human rights programme and that their provision does not reduce a Government's responsibility to account for the human rights situation and, whenever applicable, would not exempt it from monitoring through the various procedures established by the United Nations,

Convinced that advisory services and technical cooperation in the field of human rights require close cooperation between United Nations bodies and specialized agencies active in this field so as to enhance the effectiveness and efficiency of their respective programmes and avoid unnecessary duplication,

Mindful that the High Commissioner for Human Rights, in accordance with his mandate as established by the General Assembly in resolution 48/141 of 20 December 1993, is responsible, inter alia, for the coordination of human rights promotion and protection activities throughout the United Nations system,

Convinced, therefore, of the need for the Centre for Human Rights to assume the functions of focal point and clearing house for inter-agency coordination on human rights issues with other organizations of the United Nations system,

Reaffirming that within the comprehensive programme of advisory services and technical cooperation in the field of human rights, a clear distinction should be made between technical cooperation projects financed under the Voluntary Fund for Technical Cooperation in the Field of Human Rights and activities under the regular budget of the United Nations, while at the same time close coordination between these activities should be ensured,

Welcoming the nomination of a coordinator for the Voluntary Fund for Technical Cooperation in the Field of Human Rights,

Taking note with appreciation of the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1996/90), as well as of the report of the High Commissioner for Human Rights (E/CN.4/1996/103) regarding the provision of technical assistance,

1. Reaffirms that the programme of advisory services and technical cooperation in the field of human rights should continue to provide, at the request of Governments, assistance designed to strengthen national capacities for the promotion and protection of all human rights, achieve equality and strengthen the rule of law and democracy;

2. Welcomes the progress made in the management of the programme of advisory services and technical cooperation, notably the efforts made to introduce more efficient procedures and training of staff in the area of project identification, management and evaluation, as well as the progressive development of clear objectives, strategies and priorities for the effective management of the programme of advisory services and technical cooperation, and, in accordance with the Vienna Declaration and Programme of Action, encourages the Secretary-General to pursue these efforts further;

3. Requests the High Commissioner for Human Rights to establish, in connection with activities under the programme of advisory services and technical cooperation, a roster of experts and to invite Member States to provide relevant information to that end;

4. Requests the High Commissioner to explore yet further the possibilities offered by cooperation between the Centre for Human Rights and specialized bodies and other organizations of the United Nations system, as well as non-governmental organizations, and arrangements where needs identified by the Centre are met by projects for which such bodies and organizations take full responsibility for financing and implementation;

5. Encourages in particular the cooperation between the Centre for Human Rights and the United Nations Development Programme, with a view to integrating, with the advice of the Commission on Human Rights, projects for strengthening human rights into the United Nations Development Programme activities and carrying out joint projects;

6. Invites competent United Nations treaty bodies, special rapporteurs and representatives, as well as working groups, to continue to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services and technical cooperation in the field of human rights;

7. Requests the Secretary-General, in the context of the budgetary planning for the biennium 1998-1999, to allocate to the Centre for Human Rights more human and financial resources for the enlargement of the programme of advisory services and technical cooperation in the field of human rights, from within existing overall United Nations resources and in a manner compatible with other development objectives, in order to meet the substantially increased demand;

8. Expresses its appreciation to Governments and non-governmental organizations for their contributions to the Voluntary Fund for Technical Cooperation in the Field of Human Rights, and invites more Governments and non-governmental organizations to consider contributing;

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

10. Requests the Secretary-General in accordance with Part II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the Voluntary Fund as advisory body, to ensure more efficient management of the Voluntary Fund, strict and transparent project management rules, periodical evaluations of the programme and projects, and the dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for the holding of annual information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme;

11. Requests the Board of Trustees to exercise its full mandate as advisory body to promote and solicit contributions to the Voluntary Fund and to continue to assist the High Commissioner for Human Rights/the Centre for Human Rights in monitoring, reviewing and improving constantly the process of selecting and implementing technical cooperation projects, the conduct of comprehensive needs assessments and the evaluation of ongoing and completed projects against the objectives that have been set and criteria of cost-effectiveness, and invites the Chairman of the Board to address the Commission;

12. Requests the Secretary-General to provide the necessary administrative assistance for the Board, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on Human Rights on technical cooperation in the field of human rights;

13. Also requests the Secretary-General to submit a report to the Commission at its fifty-third session containing an inventory and an analysis of the availability of technical cooperation in the field of human rights from all sources, both multilateral and bilateral, and to request relevant information from such sources;

14. Further requests the Secretary-General to report annually to the Commission on Human Rights on the progress made in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

53rd meeting

19 April 1996

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

1996/56. Assistance to States in strengthening the rule of law

The Commission on Human Rights,

Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights,

Convinced also that through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Centre for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, inter alia, providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the coordination of the Centre for Human Rights with a view to helping States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

Recalling also its resolution 1995/54, of 3 March 1995 and General Assembly resolution 50/179 of 22 December 1995,

1. Takes note with satisfaction of the report of the Secretary-General to the General Assembly (A/50/653), submitted in conformity with Assembly resolution 49/194 of 23 December 1994;

2. Takes note with interest of the proposals contained in the report of the Secretary-General for strengthening the programme of advisory services and technical assistance of the Centre for Human Rights in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions which uphold the rule of law;

3. Praises the efforts made by the United Nations High Commissioner for Human Rights and the Centre to accomplish their ever-increasing tasks with the limited financial and personnel resources at their disposal;

4. Expresses its deep concern at the scarcity of means at the disposal of the Centre for the fulfilment of its tasks;

5. Notes that the programme of advisory services and technical assistance does not have assistance funds sufficient to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends, but which face economic hardship;

6. Affirms that the High Commissioner, with the assistance of the Centre, remains the focal point for coordinating system-wide attention for human rights, democracy and the rule of law;

7. Welcomes the consultations and contacts initiated by the High Commissioner with other relevant bodies and programmes of the United Nations system aiming at the enhancement of inter-agency coordination and cooperation in providing assistance for the strengthening of the rule of law;

8. Encourages the High Commissioner to pursue these consultations, taking into account the need to explore new synergies with other organs and agencies of the United Nations system with a view to obtaining increased financial assistance for human rights and the rule of law;

9. Requests the High Commissioner in this respect to continue to explore the possibilities of obtaining from all relevant institutions of the United Nations system, including financial institutions, acting within their mandates, technical and financial means to strengthen the capacity of the Centre to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

10. Requests the Secretary-General to submit a report to the General Assembly at its fifty-first session on the results of the contacts established in accordance with paragraph 9 above, as well as on any other developments pertaining to the implementation of the above-mentioned recommendation of the World Conference on Human Rights.

53rd meeting  
19 April 1996

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

1996/57. Assistance to Somalia in the field of human rights  
The Commission on Human Rights,  
Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Recalling its resolution 1995/56 of 3 March 1995, in which it requested the independent expert to study ways and means of how best to implement, at the earliest possible date, a programme of advisory services for Somalia, upon request, inter alia through the contributions of agencies and programmes of the United Nations currently in the field, aimed at re-establishing respect for human rights and the rule of law and strengthening the police and the judicial and prison systems in Somalia, in a manner consistent with internationally accepted criminal justice standards,

Noting with concern that the breakdown of governmental authority in Somalia has exacerbated the grave situation of human rights in the country,

Welcoming all efforts aimed at improving the humanitarian situation in Somalia, such as those of agencies and programmes of the United Nations, other humanitarian organizations and non-governmental organizations,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

Noting with appreciation the efforts aimed at encouraging a peaceful political solution to the crisis, in particular those of neighbouring countries and the Organization of African Unity,

Appreciating, in this respect, the role of organizations such as the Organization of the Islamic Conference and the League of Arab States,

Affirming the need for a peaceful process leading to the disarmament of factions, political reconciliation and the re-establishment of effective government committed to the promotion and protection of human rights,

Deeply concerned at reports of arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment, violence against women and children and attacks against humanitarian personnel and at the absence of an effective judicial system essential to ensure the right to a fair trial in accordance with international standards,

Deploring continued attacks, acts of reprisal, abductions and other acts of violence committed against United Nations personnel, personnel of other humanitarian organizations and non-governmental organizations and representatives of the international media in Somalia, sometimes resulting in serious injury or death,

Recognizing the negative impact the current situation is having on neighbouring countries, in particular through refugee outflows,



Noting that under the prevailing circumstances, it has been extremely difficult for the independent expert to fulfil his mandate as envisioned by the Commission,

Believing none the less that the Centre for Human Rights should be in a position, through its programme of advisory services and technical assistance, to reinforce any positive political developments in Somalia by providing assistance, including to the police and the judicial and penal systems as well as to other institutions for the promotion and protection of human rights,

1. Takes note of the report of the independent expert (E/CN.4/1996/14);
2. Calls upon all parties to the conflict in Somalia to work towards a peaceful solution to the crisis;
3. Strongly urges all parties in Somalia to respect human rights and humanitarian law, to apply criminal justice standards and to protect United Nations personnel, humanitarian relief workers and representatives of the international media;
4. Requests the independent expert to report to the Commission at its fifty-third session within his mandate;
5. Requests the Secretary-General to provide adequate resources, from within the regular budget of the United Nations, to fund the activities of the independent expert and the Centre for Human Rights, and invites Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;
6. Decides to continue consideration of the question at its fifty-second session under the item "Advisory services in the field of human rights".

53rd meeting  
19 April 1996

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

1996/58. Situation of human rights in Haiti

The Commission on Human Rights,

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

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various instruments in this field,

Recalling its resolutions 1994/80 of 9 March 1994 and 1995/70 of 8 March 1995, and the relevant resolutions adopted by the General Assembly at its fiftieth session,

Having in mind the report (E/CN.4/1996/94) of the independent expert, Mr. Adama Dieng, appointed to consider the development of the human rights situation in Haiti and to verify compliance by that country with its obligations in that field, and the recommendations contained therein,

Condemning again the cruel and systematic violations of human rights experienced by the Haitian people under the de facto regime endured until 1994, from whose negative effects the country is still suffering,

Recognizing the efforts made by the international community, through the Secretary-General of the United Nations, the Secretary-General of the Organization of American States and the Special Representative of the Secretary-General of the United Nations for Haiti, to re-establish the democratic institutions in Haiti,

Aware that, although the human rights situation in Haiti has improved considerably since the resumption of office, in October 1994, by its legitimate President, Jean Bertrand Aristide, it is incumbent on the international community to observe closely developments in Haiti and, in particular, the situation of human rights and fundamental freedoms,

Welcoming warmly the holding in Haiti, during 1995, of free and democratic legislative, municipal and presidential elections,

Acknowledging the work done by the International Civilian Mission to Haiti, and by the Commission for Truth and Justice, in the field of the diffusion of democracy and respect for human rights,

Concerned, nevertheless, at the continued occurrence of specific abuses of human rights and at the persistence of flagrant shortcomings in the areas of the administration of justice and policing,

Considering that the support of the international community, especially through adequate technical and financial assistance, is essential for the more effective development of the efforts of the Government of Haiti and people to promote the realization of freedom and human rights,

Welcoming warmly the request of the Government of Haiti for technical assistance and advisory services in the field of human rights by the Centre for Human Rights,

Receiving favourably the invitation to visit Haiti addressed by the Government of Haiti to the Commission's Special Rapporteur on violence against women,

1. Expresses its thanks to the Secretary-General and his Special Representative for the work done with a view to consolidating the democratic institutions in Haiti and respect for human rights in that country;

2. Welcomes the extension, by the General Assembly in resolution 50/86 B of 4 April 1996, of the mandate of the International Civilian Mission to Haiti;

3. Takes note with gratitude of the report (E/CN.4/1996/94) of Mr. Adama Dieng, independent expert of the Commission on Human Rights, on the situation of human rights in Haiti, and of the conclusions and recommendations contained therein;

4. Welcomes the efforts initiated by the Haitian authorities to promote democratization, among which must be included the successful conduct of democratic elections to Congress, the municipal councils and the office of President of the Republic;

5. Acknowledges the favourable approach taken by the Government of Haiti towards the establishment and development of institutions aimed at the promotion and protection of human rights and fundamental freedoms, in accordance with the international instruments on this question;

6. Expresses its concern at recent acts of violence, in particular assassinations of possibly political origin and cases of personal reprisals, and expresses its hope that such acts will be properly investigated;

7. Urges the Government of Haiti to continue and intensify the ongoing process of judicial reform, especially through the modernization of civil legislation, the training of judges and government commissioners, and the teaching of international humanitarian law and human rights;

8. Welcomes the establishment of the programme of technical cooperation prepared by the Centre for Human Rights, aimed at strengthening institutional capacity in the field of human rights, particularly in the areas of legislative reform, training of justice administration personnel and human rights education;

9. Requests, to this end, the Secretary-General, through the High Commissioner for Human Rights and the Centre for Human Rights, to take appropriate steps to ensure, from within existing resources, financial and human resources for the implementation of that programme;

10. Requests the independent expert to report to the Commission at its fifty-third session on the development of the human rights situation in Haiti, and on the initiation of the technical cooperation programme in the area of human rights;

11. Urges the Government of Haiti to create favourable conditions for the execution of programmes aimed at the reconstruction and development of Haiti, and calls on the international community to extend its fullest collaboration to that end, through the implementation of international programmes of assistance;

12. Expresses its support for the work done by the National Commission for Truth and Justice, with the cooperation of the International Civilian Mission to Haiti, with regard to the investigation of past human rights abuses, and urges the Government of Haiti to implement its recommendations;

13. Invites the Commission's Special Rapporteur on violence against women to give favourable consideration to the invitation by the Government of Haiti to visit the country, with the support of the United Nations Population Fund;

14. Decides to continue consideration of this question at its fifty-third session, under the item entitled "Advisory services in the field of human rights".

53rd meeting

19 April 1996

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

1996/59. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

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

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

Recalling its resolution 1995/51 of 3 March 1995,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1995/7 of 18 August 1995,

Having considered the reports of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1996/38 and Add.1) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4),

Having considered also the report of the independent expert, Mrs. Mónica Pinto (E/CN.4/1996/15), and studied the conclusions and recommendations contained therein,

Also taking into account the four reports submitted by the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) to the Secretary-General,

Taking note with satisfaction of the legal and institutional reforms undertaken by the previous Government, as well as the measures adopted by the new Government, such as the dismissal of some high-ranking military officers and a large number of members of the security forces, with a view to combating impunity and guaranteeing full enjoyment of human rights and fundamental freedoms for everyone in Guatemala,

Concerned nevertheless by the fact that, despite those reforms, there continue to be serious human rights violations in Guatemala, attributed to members of the armed forces and security forces and to the so-called voluntary civil self-defence committees, whereas it cannot be affirmed that those violations are a consequence of an existing policy of the current Government systematically to violate human rights,

Concerned also by the fact that situations of impunity continue to exist and that, in cases of human rights violations, there has not been sufficient progress in the investigations and/or judicial proceedings,

Regretting the human rights violations, marginalization and centuries-old discrimination that have been suffered by the indigenous populations in Guatemala,

Also regretting that the process of the return of refugees and the resettlement of displaced persons has encountered serious problems, particularly the massacre in the community of "Aurora, 8 de octubre" in Xaman, municipality of Chisec, on 5 October 1995, which constitutes the most significant violation of the human rights of returnees in Guatemala, and recognizing the measures taken by the Government of Guatemala which resulted

in the soldiers involved being brought to trial before the competent civil judge, the dismissal of the local detachment commander and the resignation of the Minister of Defence,

Considering that the economic and social situation continues to have serious consequences for the great majority of the population, particularly for the indigenous peoples of Guatemala and the most vulnerable sectors of Guatemalan society,

Taking note with great satisfaction of the historic Agreement on Identity and Rights of Indigenous Peoples, signed in Mexico City on 31 March 1995 between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG),

Recognizing with satisfaction the decision of the previous Government of Guatemala to suspend obligatory military service and to order the demobilization of the paramilitary officers (comisionados militares),

Recognizing the importance of the general elections which were held in November 1995 and January 1996, with the participation, for the first time since 1950, of sectors that had been traditionally marginalized from the political life of the country, and which led to the inauguration of a new government on 14 January 1996, to the formation of a Congress and to the installation of new local governments which are more representative of the interests of the population,

Encouraged by the fact that the new Government of Guatemala has given immediate attention to various problems related to violations of human rights and to impunity, as well as to continuity in the process of negotiation in an effort to establish a firm and lasting peace,

Equally encouraged by the fact that the Government of Guatemala and the URNG General Command have restarted the process of negotiation, with the intention of resolving the remaining substantive issues in the shortest possible time in order to end that process with the signing of a firm and lasting peace agreement within the current year,

Even more encouraged by the declaration of the URNG General Command, on 19 March 1996, on the temporary suspension of offensive military operations, attacks on garrisons, detachments and military installations and the deployment of troops on the roads, and by the corresponding declaration of

the Government of Guatemala, on 20 March 1996, issuing instructions to the army of Guatemala to cease their counter-insurgent operations and undertake solely those activities prescribed by their constitutional mandate,

Recognizing the importance of the role played in these negotiations by the moderator appointed by the Secretary-General, of the participation of the Group of Friendly Countries composed of Colombia, Spain, the United States of America, Mexico, Norway and Venezuela, and of the valuable contributions of the Civil-Society Assembly, on the terms established in the Framework Agreement,

Also recognizing the positive role played by MINUGUA for the benefit of the peace process in carrying out its work of verifying the human rights situation and compliance with the Commitments of the Comprehensive Agreement on Human Rights,

Considering that it is necessary for the international community to continue to keep the human rights situation in Guatemala under review and to provide advisory services in the field of human rights to the Government and to non-governmental organizations, as well as technical and financial assistance for both, with the aim of promoting full respect for human rights and fundamental freedoms and supporting the efforts of the Government and people of Guatemala to that end,

1. Takes note with appreciation of the report of the independent expert and the conclusions and recommendations contained therein (E/CN.4/1996/15);

2. Expresses its gratitude to the Government of Guatemala for the facilities and cooperation afforded to the independent expert in the fulfilment of her mandate;

3. Takes note of the reports that MINUGUA has produced on the activities it has carried out in Guatemala since it began its work on 21 November 1994, thanking the Government of Guatemala and URNG for the cooperation they gave the Mission to assist it in the performance of its functions;

4. Recognizes the efforts made by the Government of Guatemala and encourages it to apply the necessary urgent measures to consolidate democratic institutions and to promote and protect human rights and fundamental freedoms, taking into account the recommendations of the independent expert and the contributions of MINUGUA;

5. Regrets that, notwithstanding these efforts, serious violations of human rights persist, particularly violations of the right to life and threats and intimidation against the physical integrity of individuals, attributed mainly to members of the armed forces and security forces and to the so-called voluntary civil self-defence committees;

6. Urges both parties, the Government of Guatemala and URNG, to respect the applicable rules of international humanitarian law in the internal armed conflict and to refrain from any activities which might endanger the rights of Guatemalans, in particular of the persons specially protected by international humanitarian law, and which might affect the physical security of the civilian population and that of their property;

7. Exhorts the Government of Guatemala to continue to adopt and apply the necessary legal and political measures to strengthen the independence of the judiciary and respect for its members and its decisions, as well as the full application of the rule of law;

8. Also exhorts the Government of Guatemala to intensify investigations enabling all those responsible for violations of human rights to be identified and brought to justice, to provide compensation for the victims of such violations within a legal framework, to ensure that the judicial system can operate with due protection being afforded to judges, investigators, witnesses and relatives of victims, and to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights;

9. Requests the Government of Guatemala, taking into account the recommendations made by the independent expert, to promote all relevant legislative reforms pertaining to military tribunals, so that violations of human rights committed by members of the armed forces of Guatemala are excluded from their jurisdiction;

10. Takes note with satisfaction of the initial actions of the Government of Guatemala designed to ensure that all authorities, including the armed forces and security forces, fully respect human rights and fundamental freedoms, and encourages it to continue strengthening the civilian authorities to ensure that those decisions are respected;

11. Further exhorts the Government of Guatemala, within the framework of its general human rights policy, to continue to apply the independent expert's recommendations, in particular those relating to a police system



answerable to the civilian authorities, and takes note of the declaration made by the Minister of Defence regarding respect for the freedom of the voluntary civil self-defence committees to demobilize - as a means of demilitarizing society and contributing to the tranquillity of the population in the rural areas, within the framework of the peace accords;

12. Takes note that despite the legal and institutional reforms which the previous Government of Guatemala introduced in the system for the administration of justice in order to combat violence and impunity, these still persist, and encourages the new Government to pay particular attention to the legal standards and the content of the Agreement on Identity and Rights of Indigenous Peoples, in order to guarantee the rights and freedoms of all Guatemalans, and, in particular, those of the members of the indigenous populations and of the most vulnerable sectors of society, and also takes note of the initial efforts and measures undertaken by the new Government to combat impunity;

13. Expresses its conviction that the preeminence of civilian authority in the national decision-making process is an indispensable condition for the consolidation of the rule of law and the full realization of human rights, and, in that respect, invites the Government to take into account the independent expert's recommendations to that end and requests it to continue to contribute towards broadening political participation for all political groups and all citizens;

14. Recognizes the positive work done in defence of human rights by the Human Rights Procurator and exhorts the Government to give him support and to guarantee the conditions for the strengthening of his activities, inter alia, through the adoption of legislative measures to enable him to participate in proceedings relating to human rights violations;

15. Exhorts the Government of Guatemala to adopt concrete measures against extreme poverty that will enable the population to attain better living standards, giving priority to economic and social development programmes, and calls on the Government of Guatemala and URNG, in the framework of the negotiations on socio-economic aspects and the agrarian situation, bearing in mind the Agreement on Identity and Rights of Indigenous Peoples, to find a just solution to the demands of the Guatemalan people in

general and the indigenous communities in particular, as expressed through the appropriate proposals of the Civil-Society Assembly and other sectors of the population;

16. Takes note of the continuation of the refugee repatriation process, urges the competent authorities to ensure that this process is accomplished with full consideration for the well-being and dignity of all affected persons, providing the necessary facilities for their prompt resettlement, and urges the parties concerned to comply strictly with the agreements reached on the subject since October 1992;

17. Urges the Government of Guatemala to continue to assist the civilian population displaced by the internal armed conflict and to facilitate its resettlement, on the basis of the recommendations of the Technical Commission provided for in the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict;

18. Congratulates the Government and Congress of Guatemala on the ratification of the International Labour Organization's Convention No. 169 concerning indigenous and tribal peoples in independent countries, and invites the Government to consider ratifying as soon as possible the other international human rights instruments to which it is not yet a party;

19. Asks the Congress of the Republic to adopt at the earliest possible date the law regulating obligatory non-discriminatory military service, taking into account inter alia the proposals for voluntary civilian service;

20. Expresses its satisfaction at the implementation of the electoral process for the posts of President and Vice-President and for the Congress, the Central American Parliament and municipal governments, in which traditionally excluded sectors were able to participate, as well as at the inauguration of the new civilian Government, presided over by Mr. Alvaro Arzú, the installation of a Congress and the initiation of activities by local governments which are more representative of the interests of the people;

21. Also expresses its satisfaction at the signing of the Agreement on Identity and Rights of Indigenous Peoples on 31 March 1995, at the role played by MINUGUA in the country and at the resumption of negotiations between the new Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG);

22. Expresses its satisfaction to the Government of Guatemala and to URNG for the boost given to the negotiations which seek to achieve agreements

on the pending items on the agenda, with the corresponding mechanisms for verification, and expresses confidence that URNG will maintain the suspension of offensive military action and that the army will maintain its suspension of counter-insurgency action and undertake solely those activities stipulated for it in the Constitution, in order to secure the signing of a firm and lasting peace agreement in the shortest possible time;

23. Commends the work of the moderator appointed by the Secretary-General, the efforts of the Group of Friendly Countries to advance the peace process in Guatemala and the valuable contributions of the Civil-Society Assembly;

24. Requests the Secretary-General to increase, within overall existing resources, advisory services in the field of human rights to the Government of Guatemala and to develop specific programmes with non-governmental organizations;

25. Also requests the Secretary-General to extend the mandate of the independent expert so that she may continue to examine the situation of human rights in Guatemala, taking into account the work of MINUGUA, provide assistance to the Government in the field of human rights, and submit to the Commission at its fifty-third session a report containing, among other items, an evaluation of the measures taken by the Government in accordance with the recommendations made to it;

26. Decides to consider at its fifty-third session the report of the independent expert on the situation of human rights in Guatemala in the question of assistance to Guatemala in the field of human rights.

53rd meeting

19 April 1996

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

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