



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/1996/L.11/Add.4
24 April 1996

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-second session
Agenda item 25

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Rajamony VENU

CONTENTS*

<u>Chapter</u>	<u>Page</u>
II. Resolutions and decisions adopted by the Commission at its fiftieth session	
A. <u>Resolutions</u>	
1996/82. Strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights	
1996/83. Evaluation of the human rights programme of the United Nations system, in accordance with the Vienna Declaration and Programme of Action	

* 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.

CONTENTS (continued)

<u>Chapter</u>		<u>Page</u>
II.	A. <u>Resolutions</u> (<u>continued</u>)	
	1996/84. Situation of human rights in the Islamic Republic of Iran	
	1996/85. Rights of the Child	
	B. <u>Decisions</u>	
	1996/101. Organization of work	
	1996/102. Indigenous issues	
	1996/103. Effects on the full enjoyment of human rights of structural adjustment policies	
	1996/104. Forced evictions	
	1996/105. Recognition of gross and large-scale violations of human rights as an international crime	
	1996/106. Question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems in the promotion and protection of human rights	
	1996/107. Systematic rape and sexual slavery during periods of armed conflicts	
	1996/108. Human rights dimensions of population transfer, including the implantation of settlers and settlements	
	1996/109. Study on treaties, agreements and other constructive arrangements between States and indigenous populations	
	1996/110. Organization of the work of the fifty-third session	
	1996/111. Organization of the work of the fifty-third session	

CONTENTS (continued)

<u>Chapter</u>		<u>Page</u>
II.	B. <u>Decisions</u> (<u>continued</u>)	
	1996/112. Question of human rights in Cyprus	
	1996/113. Organization of the work of the fifty-third session	
	1996/114. Organization of work	

1996/82. Strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights

The Commission on Human Rights,

Recalling General Assembly resolutions 48/141 of 20 December 1993 and 50/187 of 22 December 1995, the relevant Economic and Social Council resolutions, as well as its own resolutions on this question,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the Organization,

Recalling that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights stressed the importance of strengthening the Centre for Human Rights,

Taking note of the report of the Secretary-General on the strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights (E/CN.4/1996/116), as well as of the report of the United Nations High Commissioner for Human Rights (E/CN.4/1996/103),

Recalling the note by the Secretary-General on the geographical composition and functions of the staff of the Centre for Human Rights (A/50/682),

Taking into account that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights requested the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations, and to take urgent steps to seek increased extrabudgetary resources,

Taking into account also the establishment of the post of United Nations High Commissioner for Human Rights, as well as the mandate for the post, as defined in General Assembly resolution 48/141, including its coordinating role and its overall supervision of the Centre, as well as the request by the General Assembly in that resolution for appropriate staff and resources to enable the High Commissioner to fulfil his mandate,

Noting with concern that the response to this request has not been commensurate with the needs, resulting in a serious and increasing imbalance

between the mandates assigned to the High Commissioner and to the Centre by the competent bodies of the United Nations system in the field of human rights and the resources available to fulfil those mandates,

Taking into account the fact that the responsibilities of the High Commissioner include, inter alia, engaging in a dialogue with all Governments in the implementation of his mandate with a view to the promotion and protection of all human rights, and rationalizing, adapting, strengthening and streamlining the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness,

Mindful of situations in which rapid action by the High Commissioner for Human Rights is required in order to address urgent crises in the field of human rights,

Aware that the effectiveness of action by the High Commissioner for Human Rights could be enhanced through cooperation within the United Nations system, inter alia, through the use of its established procedures of existing mechanisms,

Noting that the difficult financial situation of the United Nations human rights programme has created considerable obstacles in implementing in full and on time the various procedures and mechanisms,

Noting also that the High Commissioner and the Centre are a unity whereby the High Commissioner, in accordance with General Assembly resolution 48/141, sets the policy directions and the priority of action and the Centre implements those policies under the direction of the head of the Centre, the Assistant Secretary-General for Human Rights,

Emphasizing that, while further improvement in the function and efficiency of the Centre, together with a strong emphasis on good management practices, is needed in order to enable the Centre to cope with its constantly increasing workload, good management practices need to be complemented by resources commensurate with mandates,

Taking note of the information provided by the High Commissioner with regard to the ongoing process aimed at increasing the efficiency and effectiveness of the Centre, and encouraging the High Commissioner to continue to inform Member States on his efforts in a similar manner, inter alia through briefing sessions,

Recognizing that this process should contribute to the strengthening of the functional framework for integrated and consolidated activities of the

Secretariat in the field of human rights, while reaffirming full respect for the mandates given to the High Commissioner for Human Rights and to the Centre by the appropriate intergovernmental bodies,

Recalling that in its report to the Special Commission of the Economic and Social Council, the Commission on Human Rights reaffirmed that the paramount consideration in the employment of staff at every level was the need for the highest standards of efficiency, competence and integrity, and that it was convinced that that was compatible with the principle of equitable geographical distribution, and bearing in mind Article 101, paragraph 3, of the Charter of the United Nations,

1. Supports and encourages the efforts of the Secretary-General to enhance the role and further improve the functioning of the Centre for Human Rights, under the overall supervision of the High Commissioner for Human Rights;

2. Reiterates the need to ensure that all the necessary human, financial, material and personnel resources are provided from the regular budget of the United Nations without delay to the United Nations human rights programme to enable it to carry out the mandates efficiently, effectively and expeditiously;

3. Requests the Secretary-General to make available additional human and financial resources, from within the overall regular budget of the United Nations, and to enhance the capability of the High Commissioner and the Centre to fulfil effectively their mandates and their ability to carry out mandated operational activities and to coordinate efficiently with other relevant departments of the Secretariat, as well as other organs, bodies and specialized agencies of the United Nations system, including on logistical and administrative questions, having due regard to the need to finance and implement activities of the United Nations relating to development;

4. Encourages the increased cooperation and coordination between the High Commissioner, acting within his mandate, and other departments and offices of the United Nations Secretariat on human rights issues;

5. Requests the Secretary-General to facilitate the participation of the High Commissioner for Human Rights in all established procedures of existing mechanisms within the framework of the United Nations system with a view to addressing urgent crises in the field of human rights;

6. Encourages the High Commissioner for Human Rights, within his mandate as set out in General Assembly resolution 48/141, to continue to seek effective ways to react rapidly to crises in the field of human rights and to continue to report on his activities in this regard to the competent bodies of the United Nations in the field of human rights, and requests in this context the Secretary-General to support activities proposed by the High Commissioner for Human Rights;

7. Supports fully the High Commissioner in his continuing efforts to strengthen the human rights activities of the United Nations, inter alia through measures aimed at restructuring the Centre to improve its efficiency and effectiveness;

8. Requests the High Commissioner for Human Rights to continue to keep all States informed on a regular basis of the ongoing process of restructuring the Centre, inter alia through informal open briefing sessions;

9. Decides to consider the question of strengthening the Office of the High Commissioner for Human Rights/Centre for Human Rights, including measures taken in furtherance of the present resolution at its fifty-third session.

61st meeting
24 April 1996

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

1996/83. Evaluation of the human rights programme of the United Nations system, in accordance with the Vienna Declaration and Programme of Action

The Commission on Human Rights,

Considering that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993 and endorsed by the General Assembly in resolution 48/121 of 20 December 1993, recommends that, among other relevant bodies of the United Nations, the Commission on Human Rights consider ways and means for the full implementation, without delay, of the recommendations contained in the Declaration and Programme of Action and that, for this purpose, the Commission should annually review the progress towards this end,

Recalling its resolution 1994/95 of 9 March 1994, in which it decided to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action,

Considering that the Vienna Declaration and Programme of Action stressed the importance of strengthening the United Nations Centre for Human Rights and the need for it to play an important role in coordinating system-wide attention for human rights,

Recognizing the necessity for the continuing adaptation of the United Nations human rights machinery to current and future needs in the promotion and protection of all human rights, to be conducted in a transparent manner through consultations with Member States and competent intergovernmental bodies,

Having in mind the prominent role played by the Commission on Human Rights as a policy-making body in the field of human rights within the United Nations system,

Recalling General Assembly resolution 48/141 of 20 December 1993 in which the General Assembly decided to create the post of High Commissioner for Human Rights as the United Nations official with principal responsibility for United Nations human rights activities,

Noting the respective functions of the Secretary-General and the pertinent bodies in the revision of the medium-term plan of the human rights programme of the United Nations system, especially the Committee on Programme Planning and Coordination, the Third and Fifth Committees of the General Assembly and the Advisory Committee on Administrative and Budgetary Questions,

Recalling that, in the ongoing review of the structures of the Secretariat of the United Nations dealing with human rights, in particular the Centre for Human Rights, it is necessary to ensure full implementation of the Vienna Declaration and Programme of Action and all mandates established by decisions of competent bodies in the field of human rights,

Emphasizing the importance of maintaining a continuing dialogue between the High Commissioner for Human Rights and Member States on these issues,

Welcoming the consultations carried out by the High Commissioner for Human Rights in this regard,

1. Encourages the General Assembly to continue its current examination of the proposed revisions to the medium-term plan of the human rights programme of the United Nations system with a view to its early adoption;

2. Stresses the need for the United Nations bodies responsible for the revision of the medium-term plan of the human rights programme of the

United Nations system to ensure full reflection of the Vienna Declaration and Programme of Action and of all mandates established by decisions of the competent bodies in the field of human rights;

3. Also stresses that the process of restructuring the Centre for Human Rights should ensure the full implementation of the Vienna Declaration and Programme of Action and of all mandates established by decisions of the competent bodies in the field of human rights;

4. Requests the Secretary-General to continue to convene at least twice a year in Geneva meetings with all interested States to provide information and exchange views on the activities conducted by the Centre for Human Rights and its process of restructuring;

5. Expresses its confidence that the Secretary-General will continue to keep Member States informed on the follow-up of the present resolution;

6. Decides to consider this matter at its fifty-third session.

61st meeting
24 April 1996

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

1996/84. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

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

Recalling the Vienna Declaration and Programme of Action as endorsed by the General Assembly in its resolution 48/121 of 20 December 1993, and in particular Part I, paragraph 1, which reaffirms, inter alia, that human rights and fundamental freedoms are the birthright of all human beings and that their protection and promotion is the first responsibility of Governments,

Reaffirming that all Member States have a duty to fulfil the obligations they have undertaken under the various international instruments in the field of human rights,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling in particular its resolution 1984/54 of 14 March 1984, in which the Commission requested its Chairman to appoint a special representative to

make a thorough study of the human rights situation in the Islamic Republic of Iran, based on such information as the special representative might deem relevant, including comments and material provided by the Government of the Islamic Republic of Iran,

Noting the appointment by the Chairman of the Commission on Human Rights of Mr. Maurice Danby Copithorne as Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, and paying tribute to his predecessor, Mr. Reinaldo Galindo Pohl,

Welcoming the cooperation extended by the Government of the Islamic Republic of Iran to the Special Representative, who has been able to conduct a preliminary visit to the Islamic Republic of Iran,

Recalling its previous resolutions expressing concern at the violations of human rights by the Government of the Islamic Republic of Iran, including its most recent resolution, 1995/68 of 8 March 1995, and those of the General Assembly, including the most recent resolution, 50/188 of 22 December 1995, and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including the most recent resolution, 1995/18 of 24 August 1995, which condemned the violations of human rights in the Islamic Republic of Iran,

Noting the concluding observations of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the human rights situation in the Islamic Republic of Iran,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Noting the view of the Special Representative that a number of specific topics warrant his further detailed examination, particularly in the area of criminal procedure and the penal system,

Expressing the hope that the atmosphere for change believed to be detected by the Special Representative will result in relevant improvements,

Welcoming the cooperation extended by the Government of the Islamic Republic of Iran to the Special Rapporteur on religious intolerance and the Special Rapporteur on freedom of opinion and expression, who have been able to

visit the Islamic Republic of Iran, and bearing in mind the reports of these Special Rapporteurs on their visits (E/CN.4/1996/95/Add.2 and E/CN.4/1996/39/Add.2),

1. Welcomes the report of the Special Representative of the Commission and the observations contained therein (E/CN.4/1996/59);

2. Expresses its concern at the continuation of violations of human rights in the Islamic Republic of Iran, in particular the failure to meet international standards with regard to the administration of justice, notably with respect to pre-trial detention and the right of accused persons to defence lawyers, subsequent executions in the absence of guarantees of due process of law and cases of torture and cruel, inhuman or degrading treatment or punishment, the discriminatory treatment of minorities by reason of their religious beliefs, notably the Baha'is, whose existence as a viable religious community in the Islamic Republic of Iran is threatened, lack of adequate protection for some Christian minorities, some members of which have been the target of intimidation and assassinations, violations of the right to peaceful assembly and restrictions on the freedom of expression, thought, opinion and the press, including intimidation and harassment of journalists;

3. Calls upon the Government of the Islamic Republic of Iran to implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and to other minority religious groups, including Christians;

4. Expresses its concern at the lack of full and equal enjoyment by women of human rights, and calls upon the Government of the Islamic Republic of Iran to take effective measures to eliminate discrimination against women;

5. Expresses its grave concern at the continued use of the death penalty in the Islamic Republic of Iran in violation of the relevant provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

6. Also expresses its grave concern that there are continuing threats to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which have the support of the Government of the Islamic Republic of Iran;

7. Deplores the continuing violence against Iranians outside the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to refrain from activities against members of the Iranian opposition

living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and punishing offences reported by them;

8. Urges the Government of the Islamic Republic of Iran, as a State party to the International Covenants on Human Rights, to abide by its obligations under the Covenants and under other international instruments on human rights to which it is party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in these instruments;

9. Encourages the Government of the Islamic Republic of Iran to continue to extend maximum cooperation to international humanitarian organizations;

10. Welcomes the invitation extended by the Government of the Islamic Republic of Iran to the Special Representative as well as the Special Rapporteur on the right to freedom of expression and association, and calls upon the Government of the Islamic Republic of Iran to continue to cooperate with the mechanisms of the Commission, including by allowing them continued free access to the country;

11. Decides to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year;

12. Stresses the need to apply gender perspective in the reporting process, including in information collection and recommendations;

13. Requests the Special Representative to submit an interim report to the General Assembly at its fifty-first session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and to report to the Commission at its fifty-third session;

14. Requests the Secretary-General to give all necessary assistance to the Special Representative;

15. Decides to continue its consideration of the situation of human rights in the Islamic Republic of Iran, as a matter of priority, at its fifty-third session.

62nd meeting

24 April 1996

[Adopted by a roll-call vote of 24 votes to 7,
with 20 abstentions. See chap. X.]

1996/85. Rights of the child

The Commission on Human Rights,

Recalling its resolutions 1995/78 and 1995/79 of 8 March 1995 and General Assembly resolution 50/153 of 21 December 1995,

Recalling also the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights urged all States, with the support of international cooperation, to address the acute problem of children under especially difficult circumstances, and recalling further that the Vienna Declaration and Programme of Action stated that exploitation and abuse of children should be actively combated, including by addressing their root causes, and that effective measures are required against female infanticide, harmful child labour, sale of children and organs, child prostitution, child pornography, as well as other forms of sexual abuse,

Recalling the recommendations of the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for implementing the Declaration adopted by the World Summit for Children, in 1990,

Recalling the recommendations made at the World Summit for Social Development and the Declaration and Platform for Action adopted by the Fourth World Conference on Women in Beijing in 1995, in particular those for the protection of the rights of the girl child,

Recalling also the adoption by the Commission of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, in its resolution 1992/74 of 5 March 1992, as well as the Programme of Action for the Elimination of the Exploitation of Child Labour, in its resolution 1993/79 of 10 March 1993,

Noting the recent adoption by the Executive Board of the United Nations Children's Fund of a new Mission Statement,

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

Encouraged by the widespread commitment and political will shown by the unprecedented number of States that have to date become signatories and

parties to the Convention on the Rights of the Child and by its almost universal nature, while noting that the commitment to achieve universal ratification by 1995 has not been reached,

Convinced that urgent national and international action is required to ensure that States parties implement the Convention on the Rights of the Child and the recommendations of the Committee on the Rights of the Child,

Noting the plan of action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child,

Determined to safeguard children's right to life, and recognizing the duty and responsibility of Governments to investigate all cases of offences against children, including killing and violence, and to punish offenders,

Convinced that children affected by armed conflicts require the special protection of the international community and that there is a need for all States to work towards the alleviation of their plight,

Deeply worried by the continued practice of recruiting children in armed forces in contravention of the Convention on the Rights of the Child,

Noting with satisfaction that the XXVIth International Conference of the Red Cross and Red Crescent in December 1995 recommended that parties to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

Reiterating resolutions 2C and 2D of the XXVIth International Conference of the Red Cross and the Red Crescent, concerning children and family reunification,

Alarmed by the fact that children are often among the main victims of weapons which strike long after conflicts have ended, especially anti-personnel mines,

Aware of the need to promote the physical and psychological care and recovery, as well as the social reintegration, of children victims of any form of exploitation, abuse or neglect, torture or any other form of cruel, inhuman or degrading treatment or punishment, armed conflicts or displacements, in an environment which fosters the health, self-respect and dignity of children,

Deeply concerned at the persistence of the practices of and the existence of markets for the sale of children, child prostitution, child pornography, and fraudulent adoption in many parts of the world, as well as at continuing

reports of children being involved in and affected by serious crime, drug abuse, violence and prostitution, and, in this connection, aware of the particular vulnerability of street children to these phenomena,

Noting with concern the growing phenomenon of child sex tourism which can directly promote the sale of children for sexual exploitation as well as child prostitution and child pornography, and conscious of the need for appropriate measures to combat this phenomenon,

Recognizing that legislation per se is not enough to prevent violations of human rights and that Governments should implement their laws and complement legislative measures with effective action, inter alia in the fields of law enforcement and the administration of justice, and in social, educational and public health programmes,

Reaffirming the fundamental principle set forth in the Vienna Declaration and Programme of Action and in the Beijing Declaration and Platform for Action that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights,

Concerned by those attitudes and those traditional practices which are harmful to the health and well-being of the girl child, including female genital mutilation,

Taking note of the respective reports of the two open-ended working groups for the elaboration of a draft optional protocol to the Convention on the involvement of children in armed conflicts (E/CN.4/1996/102) and the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (E/CN.4/1996/101),

Mindful of the important role of the United Nations system, in particular the United Nations Children's Fund and its national committees, in assisting Governments to promote the well-being of children and their development,

Concerned at the exploitation of child labour and by the fact that it prevents a large number of children from an early age, especially in poverty-stricken areas, from receiving basic education and may unduly imperil their health and even their lives,

Recognizing that progressive elimination of exploitative child labour can be brought about also by tackling poverty, one of the principal factors giving rise to child labour in developing countries,

Underlining the importance of international cooperation in support of initiatives to ensure the realization of children's rights at the national level, and welcoming in particular the programmes of the International Labour Organization aimed at the elimination of exploitative child labour and the activities carried out within the framework of its International Programme on the Elimination of Child Labour,

Alarmed, in particular, by the exploitation of child labour in its most extreme forms, including forced labour, bonded labour and other forms of slavery,

Encouraged by measures taken by Governments to eradicate the exploitation of child labour,

Deeply concerned about the growing number of street children worldwide and the squalid conditions in which these children are often forced to live, as well as the killing of and violence against these children,

Welcoming the efforts made by Governments to take effective action to address the question of street children,

I

The Convention on the Rights of the Child and its implementation

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/1996/99);
2. Urges once again all States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, with a view to reaching universal adherence;
3. Reaffirms that all States have a duty to fulfil the obligations they have undertaken under the various international instruments, and in this regard recalls the responsibility of States parties to implement the Convention on the Rights of the Child;
4. Urges States parties to the Convention that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with a view to considering the withdrawal of those reservations which are contrary to article 51 of the Convention or otherwise contrary to international law;
5. Takes note with appreciation of the constructive role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

6. Calls upon States parties to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated for that purpose;

7. Requests the Secretary-General to ensure the provision of appropriate staff and facilities, from within existing financial resources, for the effective and expeditious performance of the functions of the Committee on the Rights of the Child, in the light of its increasingly heavy workload and bearing in mind article 43 of the Convention on the Rights of the Child;

8. Notes with appreciation the efforts of the United Nations Children's Fund in providing support to the Committee on the Rights of the Child in accordance with article 45 of the Convention and in close collaboration with the Office of the High Commissioner for Human Rights/Centre for Human Rights;

9. Requests bodies and organs of the United Nations, including the United Nations Children's Fund, within the scope of their respective mandates, and encourages States parties, intergovernmental and non-governmental organizations, the media and the community at large to intensify their efforts to disseminate information on the Convention on the Rights of the Child, promote understanding of it and assist States parties in its implementation;

10. Emphasizes the importance of ensuring training on the rights of the child of those who are involved in actions concerning children, including teachers, the judiciary and law enforcement and immigration officials, and draws the attention of interested Governments to the possibilities offered in this connection by the Office of the High Commissioner for Human Rights and the Centre for Human Rights through the programme of technical cooperation and advisory services in the field of human rights;

11. Recommends that within their mandates, special rapporteurs, special representatives and working groups of the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities pay special attention to particular situations in which children are in danger, including the plight of street children, exploitation of child labour, children in armed conflicts, refugee and internally displaced children, and children who are the victims of sale, child prostitution and child pornography or other forms of child abuse, and that they take into account the work of the Committee on the Rights of the Child;

II

Protection of children affected by armed conflicts

12. Notes the progress made in the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

13. Requests the Secretary-General to transmit the report of the working group on a draft optional protocol to the Convention on the involvement of children in armed conflicts to Governments, relevant specialized agencies and intergovernmental and non-governmental organizations, the International Committee of the Red Cross, and the expert appointed by the Secretary-General to undertake a study on the impact of armed conflicts on children, and to invite their comments thereon in time for circulation prior to the next session of the working group, and invites the International Committee of the Red Cross to consider being represented at the next session of the Working Group;

14. Invites the Committee on the Rights of the Child to offer comments on the draft optional protocol to the Convention on the involvement of children in armed conflicts and to consider being represented at future sessions of the working group;

15. Requests the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts to meet for a period of two weeks, or less if possible, prior to the fifty-third session of the Commission, with a view to finalizing the draft optional protocol;

16. Welcomes the report of the Secretary-General on the impact of armed conflict on children (E/CN.4/1996/110 and Add.1) and notes with appreciation the work of the Expert appointed by the Secretary-General, Ms. Graça Machel;

17. Invites Member States and United Nations bodies and organs, including the Committee on the Rights of the Child, the Centre for Human Rights, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization, as well as the International Committee of the Red Cross and other relevant intergovernmental and non-governmental organizations, to contribute to the ongoing study on the impact of armed conflict on children;

18. Welcomes international efforts aimed at restricting and prohibiting the indiscriminate use of anti-personnel mines and calls upon Governments to contribute to demining activities, thereby reducing the number of child victims;

19. Also welcomes the financial contributions made to the Voluntary Trust Fund for Assistance in Mine Clearance, established by the Secretary-General to finance information and training programmes relating to mine clearance, and calls upon Member States to contribute further to it;

III

International measures for the prevention and eradication of the sale of children, child prostitution and child pornography

20. Welcomes the report of the Special Rapporteur on the sale of children, child prostitution and child pornography and notes her recommendations (E/CN.4/1996/100);

21. Requests the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance, from within existing resources, to make the full discharge of the mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-first session and a report to the Commission at its fifty-third session;

22. Appeals to all Governments to cooperate with and assist the Special Rapporteur and to furnish all information requested, including by inviting her to undertake country visits;

23. Invites the Special Rapporteur to continue to cooperate closely with other relevant United Nations organs and bodies and to convey her findings to the Commission on Human Rights;

24. Recognizes the importance of strengthening international cooperation, inter alia through the adoption of bilateral and multilateral measures or the use of the United Nations programme of advisory services in the field of human rights, as a means to assist Governments in preventing and combating violations of the rights of the child, including the sale of children, child prostitution and child pornography;

25. Notes the progress made in the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

26. Requests the Secretary-General to transmit the report of the working group on the question of a draft optional protocol to the Convention on the sale of children, child prostitution and child pornography to

Governments, relevant specialized agencies and intergovernmental and non-governmental organizations, the Committee on the Rights of the Child and the relevant Special Rapporteur and to invite their comments thereon in time for circulation prior to the next session of the working group;

27. Invites the Committee on the Rights of the Child to offer comments on the draft optional protocol to the Convention on the sale of children, child prostitution and child pornography and to consider being represented at future sessions of the working group;

28. Requests the working group on the question of a draft optional protocol to the Convention on the sale of children, child prostitution and child pornography to meet for a period of two weeks, or less if possible, prior to the fifty-third session of the Commission to pursue its mandate, with a view to finalizing the draft optional protocol;

29. Welcomes the convening of the World Congress against Commercial Sexual Exploitation of Children, to be held in Stockholm from 27 to 31 August 1996, and in this connection, recommends the participation, within existing resources, of the Special Rapporteur, and the participation of the Chairman/Rapporteur of the Working Group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, within their mandates;

30. Encourages States to take measures aimed at eliminating sale of children, child prostitution and child pornography as well as related phenomena and to enhance bilateral and multilateral cooperation to effectively tackle trans-border problems associated with the sexual exploitation of children;

IV

Elimination of exploitation of child labour

31. Encourages Member States which have not yet done so to consider ratifying the Conventions of the International Labour Organization relating to the elimination of exploitation of child labour, in particular those concerning the minimum age for employment, the abolition of forced labour and the prohibition of particularly hazardous work for children, and to implement them;

32. Calls upon Governments to take legislative, administrative, social and educational measures to ensure the protection of children from economic exploitation, in particular protection from performing any work that is likely

to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development;

33. Urges Governments to take all necessary measures to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

34. Encourages, in particular, Governments to take the necessary legislative, administrative, social and educational measures to provide for a minimum age or minimum ages for admission to employment, appropriate regulation of the hours and conditions of employment, and appropriate penalties or other sanctions to ensure the effective enforcement of these measures;

35. Invites Governments, in accordance with the commitments made at the World Summit for Social Development in March 1995, to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and ensuring the full enforcement of relevant existing laws, and, where appropriate, enacting the legislation necessary to implement their obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

36. Encourages Member States to strengthen bilateral and multilateral cooperation, such as through the United Nations programme of advisory services in the field of human rights and the International Programme on the Elimination of Child Labour of the International Labour Organization, as a means to assist Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

37. Takes note of the recommendations made by the Committee on the Rights of the Child in the area of child labour and encourages the Committee, as well as other relevant human rights treaty bodies within their respective mandates to continue to monitor this growing problem when examining reports of States parties;

V

The plight of street children

38. Expresses grave concern at the growing incidence worldwide, and at reports of, street children being involved in and affected by serious crime, drug abuse, violence and prostitution;

39. Urges Governments to continue actively to seek comprehensive solutions to the problems of street children and to take measures to restore their full participation in society and to provide them with, inter alia, adequate nutrition, shelter, health care and education;

40. Strongly urges all Governments to guarantee respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat torture and violence against them;

41. Emphasizes that strict compliance with obligations under relevant international human rights instruments, including the Convention on the Rights of the Child constitutes a significant step towards solving the problems of street children;

42. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children, and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child to bear this problem in mind and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

43. Recommends that the Committee on the Rights of the Child and other relevant treaty-monitoring bodies give continued attention within their respective mandates to this growing problem when examining reports of States parties;

VI

The girl child

44. Urges all States to eliminate all forms of discrimination against the girl child and to eliminate the violation of the human rights of all children, paying particular attention to the obstacles faced by the girl child;

45. Encourages States to 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, and to develop age-appropriate, safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

VII

Refugee and internally displaced children

46. Urges Governments to pay particular attention to the situation of refugee and internally displaced children, by designing and implementing new policies for their care and well-being with the necessary international cooperation, in particular that of the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund;

VIII

47. Welcomes the increasingly active support given to child rights by regional and intergovernmental organizations and institutions;

48. Encourages the establishment of bodies and institutions, both governmental and non-governmental, to monitor, carry out or support activities in favour of children, guided by the principle of the best interests of the child as recognized by the Convention on the Rights of the Child;

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

50. Decides to continue its consideration of the question, as a matter of priority, at its fifty-third session under the agenda item entitled "Rights of the child".

62nd meeting

24 April 1996

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

B. Decisions

1996/101. Organization of work

At its 2nd meeting, on 19 March 1996, the Commission on Human Rights decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 3: Mr. J. Urrutia, Chairman-Rapporteur of the working group established in accordance with Commission resolution 1995/32;

(b) In connection with item 3: Mr. P. Pinheiro, Special Rapporteur on the situation of human rights in Burundi;

(c) In connection with item 3: Ms. F.Z. Ksentini, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes;

- (d) In connection with item 4: Mr. H. Halinen, Special Rapporteur on the Palestinian territories occupied by Israel;
- (e) In connection with item 6: Mr. M. Ennaceur, Chairman-Rapporteur of the Working Group on the Right to Development;
- (f) In connection with item 7: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries;
- (g) In connection with item 8: Mr. L. Joinet, Chairman-Rapporteur of the Working Group on Arbitrary Detention;
- (h) In connection with item 8: Mr. A. Hussain, Special Rapporteur on the right to freedom of opinion and expression;
- (i) In connection with item 8: Mr. P. Kumaraswamy, Special Rapporteur on the independence of judges and lawyers;
- (j) In connection with item 8 (a): Mr. N. Rodley, Special Rapporteur on the question of torture;
- (k) In connection with item 8 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;
- (l) In connection with item 8 (c): Mr. M. Nowak, expert, Special process dealing with missing persons in the former Yugoslavia;
- (m) In connection with item 8 (d): Mr. C. Vargas Pizarro, Chairman-Rapporteur of the working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;
- (n) In connection with item 9 (a): Ms. R. Coomaraswamy, Special Rapporteur on violence against women;
- (o) In connection with item 9 (d): Mr. F.M. Deng, Representative of the Secretary-General on internally displaced persons;
- (p) In connection with item 10: Mr. M. Copithorne, Special Representative of the Secretary-General on the situation of human rights in the Islamic Republic of Iran;
- (q) In connection with item 10: Mr. A. Artucio, Special Rapporteur on the situation of human rights in Equatorial Guinea;
- (r) In connection with item 10: Mr. Choong-Hyun Paik, Special Rapporteur on the situation of human rights in Afghanistan;
- (s) In connection with item 10: Mr. Y. Yokota, Special Rapporteur on the situation of human rights in Myanmar;

- (t) In connection with item 10: Mr. C.J. Groth, Special Rapporteur on the situation of human rights in Cuba;
- (u) In connection with item 10: Ms. E. Rehn, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia;
- (v) In connection with item 10: Mr. M. van der Stoep, Special Rapporteur on the situation of human rights in Iraq;
- (w) In connection with item 10: Mr. G. Biró, Special Rapporteur on the situation of human rights in the Sudan;
- (x) In connection with item 10: Mr. R. Dégni-Ségui, Special Rapporteur on the situation of human rights in Rwanda;
- (y) In connection with item 10: Mr. B.W. N'diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions;
- (z) In connection with item 10: Mr. R. Garretón, Special Rapporteur on the situation of human rights in Zaire;
- (aa) In connection with item 10 or item 17: Ms. M. Pinto, independent expert on the situation of human rights in Guatemala;
- (bb) In connection with item 10 or item 17: Mr. M. Charfi, independent expert on the situation of human rights in Somalia;
- (cc) In connection with item 10 (b): Mr. F. Yimer, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations are being considered under item 10 (b);
- (dd) In connection with item 10 (b): Mr. H. Templeton, independent expert;
- (ee) In connection with item 10 (b): Ms. N'Douré M'Bam Diarra, independent expert;
- (ff) In connection with item 12: Mr. M. Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;
- (gg) In connection with item 15: Mr. I. Maxim, Chairman of the forty-seventh session of the Sub-Commission;
- (hh) In connection with item 17: Mr. M.D. Kirby, Special Representative of the Secretary-General on Cambodia;
- (ii) In connection with item 17: Mr. A. Dieng, independent expert on the situation of human rights in Haiti;

(jj) In connection with item 17: Ms. A.-M. Lizin, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

(kk) In connection with item 18: Mr. A. Amor, Special Rapporteur on the question of religious intolerance;

(ll) In connection with item 19: Mr. J. Helgesen, Chairman-Rapporteur of the Working Group on "human rights defenders";

(mm) In connection with item 20: Mr. N. Eliasson, Chairman-Rapporteur of the working group on a draft optional protocol on involvement of children in armed conflicts;

(nn) In connection with item 20 (b): Ms. O. Calcetas-Santos, Special Rapporteur on the sale of children;

(oo) In connection with item 20 (d): Mr. I. Mora, Chairman-Rapporteur of the working group on a draft optional protocol on sale of children, child prostitution and pornography.

[See chap. III.]

1996/102. Indigenous issues

At its 20th meeting, on 1 April 1996, the Commission on Human Rights decided, without a vote, to add a new agenda item 23, entitled "Indigenous issues", to its provisional agenda and to renumber items 23 and 24 accordingly.

[See chap. III.]

1996/103. Effects on the full enjoyment of human rights of structural adjustment policies

At its 35th meeting, on 11 April 1996, the Commission on Human Rights, taking note of resolution 1995/32 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to establish an open-ended working group of the Commission to meet for a period of one week prior to its fifty-third session to elaborate, on the basis of the preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights contained in document E/CN.4/Sub.2/1995/10 and in close cooperation with the Committee on Economic, Social and Cultural Rights, policy guidelines on the subject-matter. The Commission also decided, without a vote, to invite Governments and intergovernmental organizations and non-governmental organizations, as well as the Committee on Economic, Social and Cultural Rights, to contribute to the

elaboration of draft policy guidelines by providing their comments on the preliminary set of basic policy guidelines for consideration by the working group, and recommended the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B,
draft decision . . . , and chap. V.]

1996/104. Forced evictions

At its 35th meeting, on 11 April 1996, the Commission on Human Rights, taking note of resolution 1995/29 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, bearing in mind the work of other United Nations bodies on this issue, notably that of the United Nations Centre for Human Settlements (Habitat), and mindful of the need to avoid unnecessary duplication, decided, without a vote, to request the Sub-Commission to reconsider, in the light of the conclusions of the United Nations Conference on Human Settlements (Habitat II), to be held in Istanbul in June 1996, its recommendation to convene an expert seminar on the practice of forced evictions with a view to developing comprehensive human rights guidelines on development-based displacement.

[See chap. V.]

1996/105. Recognition of gross and large-scale violations of human rights as an international crime

At its 51st meeting, on 19 April 1996, the Commission on Human Rights, taking note of resolution 1995/22 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, bearing in mind the work of other United Nations bodies on this issue, notably that of the International Law Commission, and mindful of the need to avoid unnecessary duplication, decided, without a vote, to postpone the decision on forwarding to the Economic and Social Council the draft decision of the Sub-Commission authorizing the preparation of a report on the recognition of gross and large-scale violations of human rights as an international crime (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B) in order to be able to take into account the work of other United Nations bodies in this field, including that of the International Law Commission.

[See chap. XV.]

1996/106. Question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems in the promotion and protection of human rights

At its 51st meeting, on 11 April 1996, the Commission on Human Rights, taking note of resolution 1995/19 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and recalling its decision 1995/107 of 3 March 1995, decided, without a vote, not to forward to the Economic and Social Council the draft decision of the Sub-Commission authorizing a study on the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B).

[See chap. XV.]

1996/107. Systematic rape and sexual slavery during periods of armed conflict

At its 51st meeting, on 19 April 1996, the Commission on Human Rights, taking note of resolution 1995/14 of 18 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the decision of the Sub-Commission to appoint Ms. Linda Chavez as Special Rapporteur with the task of undertaking an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict. The Commission also decided, without a vote, to invite Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on this question, and recommended the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B,
draft decision .., and chap. XV.]

1996/108. Human rights dimensions of population transfer, including the implantation of settlers and settlements

At its 51st meeting, on 19 April 1996, the Commission on Human Rights, taking note of decision 1995/111 of 24 August 1995 and resolution 1994/42 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the

recommendation of the Sub-Commission to request the Special Rapporteur to submit his final report to the Sub-Commission at its forty-eighth session, and to request the Secretary-General to provide the Special Rapporteur with all the assistance necessary in order to allow him to complete his work.

[See chap. XV.]

1996/109. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 52nd meeting, on 19 April 1996, the Commission on Human Rights, taking note of decision 1995/118 of 24 August 1995, and recalling resolutions 1989/38 of 29 August 1989 and 1990/28 of 31 August 1990 and decisions 1991/11 of 29 August 1991, 1992/110 of 24 August 1992 and 1994/116 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the recommendation of the Sub-Commission to request the Special Rapporteur, Mr. Miguel Alfonso Martínez, to submit a third report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations to the Working Group at its fourteenth session and to the Sub-Commission at its forty-eighth session and a final report to both bodies at their fifteenth and forty-ninth sessions respectively. The Commission also decided, without a vote, to request the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to continue and conclude his study, in particular by providing for specialized research assistance and for the necessary visits to Geneva for consultation with the Centre for Human Rights, and the resources necessary for a field mission to examine in situ the contemporary significance of a historic treaty in one country, to be determined in consultation with the Government concerned, as a practical example for inclusion in the final report.

[See chap. XXIII.]

1996/110. Organization of the work of the fifty-third session

At its 60th meeting, on 23 April 1996, the Commission decided, without a vote, in the light of the positive experience gained by rescheduling the dates of the fifty-second session on a one year trial basis, to recommend to the Economic and Social Council, pursuant to the Council's decision 1994/297 of 29 July 1994, and bearing in mind Council decision 1995/296 of 25 July 1995, the dates for the Commission's annual regular session be rescheduled to take

place in March/April each year, instead of earlier in the year, and that, accordingly, the fifty-third session be rescheduled to take place from 10 March to 18 April 1997.

[See chap. III.]

1996/111. Organization of the work of the fifty-third session

At its 60th meeting, on 23 April 1996, the Commission, taking into account its heavy schedule of work, as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh to fifty-second sessions, decided without a vote:

(a) To recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, 40 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-third session;

(b) To request the Chairman of the Commission at its fifty-third session to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings that the Economic and Social Council might authorize to be utilized only if such meetings proved to be absolutely necessary.

[See chap. III.]

1996/112. Question of human rights in Cyprus

At its 60th meeting, on 23 April 1996, the Commission decided, without a vote, to retain on its agenda item 10(a), entitled "Question of human rights in Cyprus", it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. X.]

1996/113. Organization of the work of the fifty-third session

At its 61st meeting, on 24 April 1996, the Commission decided, without a vote, that, unless otherwise indicated in the resolutions adopted by the fifty-second session, all continuing thematic or country-oriented mandates

established by the Commission and entrusted to Special Rapporteurs, Special Representatives, Independent Experts and working groups are expected to report to the fifty-third session, irrespective of whether the relevant resolutions make explicit reference to that reporting obligation, or not.

[See chap. III.]

1996/114. Organization of work

At its 62nd meeting, on 24 April 1996, the Commission decided, without a vote, to defer consideration of draft resolution E/CN.4/1996/L.2, entitled "Organization of work", to its fifty-third session.

[See chap. III.]
