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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE
FIFTY-FIFTH SESSION OF THE COMMISSION

Draft report of the Commission

Rapporteur: Mr. Raouf CHATY

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* Documents E/CN.4/1999/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.4/1999/L.11 and addenda.

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1999/44. Human rights of migrants

The Commission on Human Rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming that every State party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant,

Reaffirming also that every State party to the International Covenant on Economic, Social and Cultural Rights must undertake to guarantee that the rights enunciated in that Covenant will be exercised without discrimination of any kind, including on the basis of national origin,

Taking note of the large and increasing number of migrants in the world,

Deeply concerned at the manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants in different parts of the world,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, among other things, to their absence from their State of origin and to the difficulties they encounter because of differences of language, costume and culture, as well as the economic and social difficulties and obstacles for the return of migrants who are non-documented or in an irregular situation to their States of origin,

Bearing also in mind the need for a focused and consistent approach towards migrants as a specific vulnerable group, particularly women and children migrants,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants,

Recalling its resolutions 1998/16 of 9 April 1998 and 1997/15 of 3 April 1997 and its decision to reconvene the working group of intergovernmental experts on the human rights of migrants with the mandate to gather all relevant information on the obstacles existing to the effective and full protection of the human rights of migrants and to elaborate recommendations on strengthening the promotion, protection and implementation of the human rights of migrants,

Having examined the report of the working group of intergovernmental experts on the human rights of migrants (E/CN.4/1999/80),

Taking note with appreciation of the recommendations of the working group,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. Acknowledges that the principles and standards embodied in the Universal Declaration of Human Rights apply to everyone, including migrants;

2. Requests States, in conformity with their respective constitutional systems, the Universal Declaration of Human Rights and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other applicable international human rights instruments, effectively to promote and protect the human rights of all migrants;

3. Decides to appoint, for a three-year period, a special rapporteur on the human rights of migrants to examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of this vulnerable group, including obstacles and difficulties for the return of migrants who are non-documented or in an irregular situation, with the following functions:

(a) To request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families;

(b) To formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur;

(c) To promote the effective application of relevant international norms and standards on the issue;

(d) To recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants;

(e) To take into account a gender perspective when requesting and analysing information, as well as to give special attention to the occurrence of multiple discrimination and violence against migrant women;

4. Requests the Special Rapporteur, in carrying out his/her mandate, to give careful consideration to the various recommendations of the working group of intergovernmental experts aimed at the promotion and protection of the human rights of migrants, and to take into consideration relevant human rights instruments of the United Nations to promote and protect the human rights of migrants;

5. Invites the Special Rapporteur, in carrying out this mandate and within the framework of the Universal Declaration of Human Rights and all other international instruments, to request, receive and exchange information on violations of the human rights of migrants from Governments, treaty bodies, specialized agencies, special rapporteurs for various human rights questions and from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

6. Requests the Special Rapporteur, in carrying out his/her mandate, to take into account bilateral and regional negotiations which aim at addressing, inter alia, the return and reinsertion of migrants who are non-documented or in an irregular situation;

7. Requests the Chairman of the Commission, after consultations with the other members of the Bureau, to appoint as Special Rapporteur an individual of recognized international standing and experience in addressing the human rights of migrants;

8. Requests all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated and to furnish all information requested, including by reacting promptly to his/her urgent appeals;

9. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him/her to fulfil the mandate effectively;

10. Invites the Special Rapporteur to contribute to the preparatory committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, within the framework of the objectives of the Conference, including by identifying major issues to be considered by the Conference;

11. Requests the Special Rapporteur to submit a report on his/her activities to the Commission at its fifty-sixth session;

12. Requests the Secretary-General to give the Special Rapporteur all necessary human and financial assistance for the fulfilment of his/her mandate;

13. Decides to examine this question further, as a matter of priority, at its fifty-sixth session under the same agenda item.

56th meeting
27 April 1999

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

1999/45. International Convention on the Protection of
the Rights of All Migrant Workers and Members
of Their Families

The Commission on Human Rights,

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

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

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

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

growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

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

Considering that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23) urges all States to guarantee the protection of all migrant workers and their families and invites them to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrant workers in different parts of the world;

2. Urges countries of destination to review and adopt, as appropriate, measures to prevent the excessive use of force and to ensure that their police forces and competent migration authorities comply with the basic standards relating to the decent treatment of migrant workers and their families, inter alia through the organization of training courses on human rights;

3. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1999/77), and welcomes the fact that some additional Member States have recently signed, ratified or acceded to the Convention;

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

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

6. Welcomes the launching of the global campaign for entry into force of the Convention, and invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to continue and intensify their efforts with a view to disseminating information on and promoting the Conventions;

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

8. Decides to include in the provisional agenda of its fifty-sixth session under the item entitled "Specific groups and individuals: migrant workers".

56th meeting
27 April 1999

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

1999/46. Contemporary forms of slavery

The Commission on Human Rights,

Gravely concerned at modern manifestations of slavery, the slave trade and slavery-like practices,

Recalling its previous resolutions on the subject, especially resolution 1997/20 of 11 April 1997, and taking note of relevant resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the subject, including 1997/22 of 27 August 1997 and 1998/19 of 21 August 1998,

Bearing in mind that no one shall be held in slavery or servitude, as provided in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949, as well as other provisions in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights prohibiting slavery or servitude,

Acknowledging that the Internet can be a valuable medium of communication but noting the necessity of paying particular attention to the use of the Internet to promote sexual exploitation and trafficking,

Reaffirming the necessity of examining the problem of allegations regarding the removal of organs and tissues of children and adults for commercial purposes, taking special account of information from the specialized agencies, in particular the Task Force on Organ Transplantation of the Advisory Committee on Health Research of the World Health Organization,

1. Welcomes the work of the Working Group on Contemporary Forms of Slavery and takes note of its recommendations made at its 1997 and 1998 sessions;

2. Expresses its grave concern at manifestations of contemporary forms of slavery, inter alia, those reported to and by the Working Group;

3. Notes that the Secretary-General has not yet received any information about the reliability of allegations regarding the removal of organs and tissues of children and adults and, in order to enable the Commission to examine this question, again requests the Secretary-General to seek information among relevant specialized agencies, working closely in particular with the Advisory Committee on Health Research of the World Health Organization and the International Criminal Police Organization, and to include an analysis of the information received in an updated report to be submitted to the Commission at its fifty-sixth session;

4. Calls upon States:

(a) To consider, in accordance with relevant provisions of international human rights instruments, as a matter of priority, reviewing, amending and enforcing existing laws or enacting new laws, with a view to preventing the use of, inter alia, the Internet for trafficking and sexual exploitation of women and children, as well as new levels of cooperation among Governments in this regard;

(b) To take appropriate action for the protection of particularly vulnerable groups, such as children and migrant women, against exploitation of the prostitution of others and other slavery-like practices, including the possible establishment of national bodies to achieve this objective;

(c) To consider developing national plans of action taking account, inter alia, of the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1); adopted by the Commission in its resolution 1996/61;

(d) To consider ratifying, if they have not yet done so, the pertinent international instruments relating to slavery, the slave trade and slavery-like practices;

4. Once again requests the Secretary-General:

(a) To designate the United Nations High Commissioner for Human Rights as the focal point for the coordination of activities and dissemination of information in the United Nations system on the suppression of contemporary forms of slavery;

(b) To give effect to his decision to reassign to the Working Group a Professional staff member of the Office of the United Nations High Commissioner for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity of the implementation of the resolutions of the Sub-Commission and the Commission and close coordination within and outside the Office on issues relating to contemporary forms of slavery;

(c) To transmit to Governments an appeal for contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;

5. Decides to consider this question at its fifty-sixth session.

56th meeting
27 April 1999

[Adopted by a roll-call vote of 36 votes to none,
with 17 abstentions. See chap. XIV.]

1999/47. 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,

Conscious of the human rights and 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 its previous relevant resolutions, in particular resolution 1998/50 of 17 April 1998, and those of the General Assembly, as well as the Vienna Declaration and Programme of Action (A/CONF.157/23), regarding the need to develop global strategies to address the problem of internal displacement,

Recalling in particular Economic and Social Council agreed conclusions 1998/1 on special economic, humanitarian and disaster relief assistance, in which the Council noted with satisfaction the designation of the Emergency Relief Coordinator as the focal point for inter-agency coordination of humanitarian assistance to internally displaced persons and also noted the adoption by the Inter-Agency Standing Committee of the Guiding Principles on Internal Displacement,

Recalling also that the Economic and Social Council in its agreed conclusions 1998/2 on the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action commended the efforts of the Representative of the Secretary-General to promote a comprehensive strategy that focuses on prevention, as well as better protection, assistance and development for internally displaced persons,

Noting Sub-Commission resolution 1998/26 on housing and property restitution in the context of the return of refugees and internally displaced persons and encouraging it to continue its work on this matter,

Deploring practices of forced displacement, in particular "ethnic cleansing", and the negative impact they constitute for the enjoyment of fundamental human rights by large groups of populations,

Recalling the relevant norms of international human rights instruments, international humanitarian law and refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific rights for their protection, in particular through the Guiding Principles on Internal Displacement,

Noting the work of the Representative of the Secretary-General on internally displaced persons in developing a legal framework, in particular

the compilation and analysis of legal norms and the development of guiding principles; analysing institutional arrangements; undertaking dialogue with Governments; and issuing a series of reports on particular country situations together with proposals for remedial measures,

Welcoming the cooperation established between the Representative of the Secretary-General and the United Nations as well as other international and regional organizations, in particular the participation of the Representative of the Secretary-General in the meetings of the Inter-Agency Standing Committee and its subsidiary bodies, and encouraging further strengthening of this collaboration in order to promote better assistance, protection and development strategies for internally displaced persons,

1. Takes note with appreciation of the report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/1999/79 and Add.1 and 2);
2. Expresses its appreciation to the Representative of the Secretary-General 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;
3. Also expresses its appreciation to those Governments and intergovernmental and non-governmental organizations which have provided assistance and protection to internally displaced persons and have supported the work of the Representative of the Secretary-General, urges them to continue to do so and calls upon others to provide support for the Representative;
4. Encourages the Representative of the Secretary-General 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;
5. Welcomes the fact that the Representative of the Secretary-General has made use of the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations, in particular in the

framework of the seminars on displacement held in 1998 under the auspices of the Organization of African Unity, and requests him to continue his efforts in that regard;

6. Notes with appreciation that United Nations agencies, regional organizations and non-governmental organizations are making use of the Guiding Principles in their work and encourages the further dissemination and application of the Guiding Principles;

7. Welcomes the specific attention paid by the Representative of the Secretary-General to the special assistance, protection and development needs of internally displaced women and children and encourages him to continue to draw attention to these needs;

8. Thanks Governments which have invited the Representative of the Secretary-General to visit their countries and encourages them to follow up on his recommendations and suggestions and to make available information on measures taken thereon;

9. Calls upon all Governments to facilitate the activities of the Representative of the Secretary-General, in particular those Governments with situations of internal displacement which have not yet extended invitations or responded positively to requests for information from the Representative;

10. Commends the Representative of the Secretary-General for his efforts to promote a comprehensive strategy that focuses on prevention, as well as better protection, assistance and development for internally displaced persons;

11. Welcomes the development of frameworks of cooperation to address the needs of internally displaced persons, in particular the designation of the Emergency Relief Coordinator as the focal point for inter-agency coordination of humanitarian assistance to internally displaced persons, the appointment of an adviser on internally displaced persons within the Office for the Coordination of Humanitarian Affairs and the designation of focal points on internally displaced persons within some of the other international organizations, and encourages the Representative of the Secretary-General, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs, the United Nations Development Programme, the United Nations Children's Fund, the World Food Programme, the World Health Organization, the International Organization for Migration, the

International Committee of the Red Cross and all other relevant humanitarian assistance and development organizations further to enhance their collaboration;

12. Urges these organizations, especially through the Inter-Agency Standing Committee, to continue to focus on problems relating to protection, assistance and solutions for internally displaced persons;

13. Welcomes the efforts to establish a global information system on internally displaced persons, as advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee to continue to collaborate in these efforts;

14. Also welcomes the initiatives undertaken by regional organizations, such as the Organization of African Unity, the Organization of American States and the Organization for Security and Cooperation in Europe, to address the assistance, protection and development needs of internally displaced persons and encourages them to strengthen their activities and their cooperation with the Representative of the Secretary-General;

15. Further welcomes the attention paid by relevant special 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 make them available to the Representative of the Secretary-General;

16. Calls upon the High Commissioner for Human Rights to develop projects, in cooperation with Governments, relevant international organizations and the Representative of the Secretary-General, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation, and to include in her report to the Commission information on their implementation;

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

18. Requests the Representative of the Secretary-General to continue to report on his activities to the General Assembly and to the Commission on Human Rights;

19. Decides to continue its consideration of the question of internal displacement at its fifty-sixth session.

56th meeting
27 April 1999

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

1999/48. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, as well as subsequent resolutions of the Assembly on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Acknowledging that national or ethnic, religious and linguistic minorities contribute to the diversity of societies and that minority rights promote tolerance within societies, and recognizing that promoting a culture of tolerance through human rights education shall be advanced by all States,

Concerned at the growing frequency and severity of disputes and conflicts regarding minorities in many countries, and their often tragic consequences, and that persons belonging to minorities are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Also concerned at instances of victimization or marginalization of persons belonging to minorities in situations of political or economic instability,

Recalling its resolution 1995/24 of 3 March 1995 authorizing the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish an intersessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities, and Economic and Social Council decision 1998/246 of 30 July 1998 extending the mandate of the Working Group,

Taking note of Sub-Commission resolution 1998/24 of 26 August 1998,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

1. Takes note of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1999/113) and of the report of the Working Group on Minorities on its fourth session (E/CN.4/Sub.2/1998/18), in particular the conclusions and recommendations contained therein;

2. Reaffirms the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of the country;

4. Also urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

5. Recommends that the human rights treaty bodies, when considering reports submitted by States parties, give particular attention to the implementation of articles relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities;
6. Calls upon special representatives, special rapporteurs and working groups of the Commission to continue to give attention, within their respective mandates, to situations involving minorities;
7. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities, and to include in his report to its fifty-sixth session information on relevant projects and activities in this regard;
8. Calls upon the High Commissioner to continue to promote, within her mandate, the implementation of the Declaration and to engage in a dialogue with Governments concerned for that purpose;
9. Invites the High Commissioner for Human Rights to continue her efforts to improve the coordination and cooperation of United Nations programmes and agencies active in the field of the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and invites the United Nations programmes and agencies to provide relevant information to her on their activities and programmes in the field of minority protection;
10. Takes note of the recommendations of the expert seminar on the role of the media in protecting minorities, held in conjunction with the fourth session of the Working Group on Minorities (E/CN.4/Sub.2/1998/18, annex I);
11. Requests the Working Group, within its mandate, to contribute to, and participate in, the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;
12. Requests the Secretary-General to provide the Working Group, from within existing resources, with all the necessary services and facilities to fulfil its mandate;
13. Calls upon States, intergovernmental organizations, United Nations bodies and non-governmental organizations to participate actively in the work of the Working Group, including through written contributions;

14. Also calls upon States to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to minorities in the work of the Working Group on Minorities and invites the High Commissioner for Human Rights to seek voluntary contributions in this regard;

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

16. Decides to continue its consideration of this question at its fifty-sixth session under the same agenda item.

56th meeting

27 April 1999

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

1999/49. The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)

The Commission on Human Rights,

Recalling its resolution 1997/33 of 11 April 1997 and other relevant resolutions and decisions adopted by organizations of the United Nations system, as well as by other competent forums,

Welcoming the fact that many positive steps in implementing its previous resolutions have been taken, including the enactment of legislation in some countries to promote human rights in the context of HIV/AIDS and to prohibit discrimination against persons infected or presumed to be infected and members of vulnerable groups,

Encouraging the continuation of national, regional and international consultations in the field of HIV/AIDS and human rights,

Noting with concern that in 1998 virtually every country in the world had new cases of HIV infection and that, according to estimates by the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Health Organization, in 1998 the number of people living with HIV increased to 33.4 million, the number of people newly infected with HIV was 5.8 million and the number of people who died from AIDS was 2.5 million,

Noting with particular concern that, according to estimates by UNAIDS and the World Health Organization, more than ninety-five per cent of all people infected with HIV live in the developing world, which has also experienced ninety-five per cent of all deaths to date from AIDS, that this is largely due to the absence of access - in conditions of poverty,

underdevelopment, conflict and other problems - to appropriate measures for prevention, treatment and care, and that implementation of effective strategies for prevention, treatment and care is critically needed,

Noting the devastating economic impact of HIV/AIDS, including increased mortality and morbidity among the working-age population, losses in family income, greater numbers of orphans and higher health and social costs,

Emphasizing, in view of the increasing challenges presented by HIV/AIDS, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, to reduce vulnerability to HIV/AIDS and to prevent HIV/AIDS-related discrimination and stigma,

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

Also concerned that, in many countries, many people infected and affected by HIV, as well as those presumed to be infected, continue to be discriminated against in law, policy and practice,

Welcoming the significant role of UNAIDS in cooperation with relevant bodies of the United Nations system, in particular the Office of the United Nations High Commissioner of Human Rights, and of national and international non-governmental organizations, in particular organizations of people living with HIV/AIDS, in promoting and protecting human rights in the context of HIV/AIDS, including fighting discrimination against people living with HIV/AIDS, and in the full range of prevention, treatment and care activities,

Reiterating that discrimination on the basis of HIV or AIDS 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,

Welcoming the report of the Secretary-General on the protection of human rights in the context of the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) (E/CN.4/1999/76), which provides an overview of the opinions of Governments, specialized agencies and international and non-governmental organizations on the International Guidelines on HIV/AIDS and

Human Rights, their dissemination and implementation, and which addresses the issue of technical cooperation for the promotion and protection of human rights in the context of HIV/AIDS,

1. Invites States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to continue to take all necessary steps to ensure the respect, protection and fulfilment of HIV-related human rights as contained in the International Guidelines on HIV/AIDS and Human Rights and to contribute to international cooperation in the context of HIV/AIDS-related human rights, inter alia through the sharing of knowledge, experience and achievements concerning HIV-related issues;

2. Invites States to strengthen national mechanisms for protecting HIV/AIDS-related human rights and to take all necessary measures to eliminate stigmatization of and discrimination against those infected and affected by HIV/AIDS, especially for women, children and vulnerable groups, so that infected persons who reveal their HIV status, those presumed to be infected and other affected persons are protected from violence, stigmatization and other negative consequences;

3. Invites States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to assist developing countries, in particular the least developed countries and those in Africa, in their efforts to prevent the spread of the epidemic and alleviate and control the detrimental impact of HIV/AIDS on the human rights of their populations;

4. Urges States to ensure that their laws, policies and practices respect human rights in the context of HIV/AIDS, prohibit HIV/AIDS-related discrimination, promote effective programmes for the prevention of HIV/AIDS, including through education and awareness-raising campaigns and improved access to high-quality goods and services for preventing transmission of the virus, and promote effective programmes for the care and support of persons infected and affected by HIV, including through improved and equitable access to safe and effective medication for the treatment of HIV infection and HIV/AIDS-related illnesses;

5. Requests States to establish coordinated, participatory, transparent and accountable national policies and programmes for HIV/AIDS

response and to translate national policies to district level and local action, involving in all phases of development and implementation non-governmental and community-based organizations and people living with HIV/AIDS;

6. Also requests States to develop and support services, including legal aid where appropriate, to educate people infected and affected by HIV/AIDS about their rights and to assist them in realizing their rights;

7. Further requests States to take all the necessary steps, including appropriate education, training and media programmes, to combat discrimination, prejudice and stigma, and to ensure the full enjoyment of civil, political, economic, social and cultural rights by people infected and affected by HIV/AIDS;

8. Requests States, in consultation with the relevant national professional bodies, to ensure that codes of professional conduct, responsibility and practice respect human rights and dignity in the context of HIV/AIDS, including access to care for people infected and affected by HIV/AIDS;

9. Also requests States to develop and support appropriate mechanisms to monitor and enforce HIV/AIDS-related human rights;

10. Invites the human rights treaty bodies, when considering reports submitted by States parties, to give particular attention to HIV/AIDS-related rights and invites States to include appropriate HIV/AIDS-related information in the reports they submit to the relevant treaty bodies;

11. Requests all special representatives, special rapporteurs and working groups of the Commission, inter alia the special rapporteurs on education, freedom of opinion and expression, violence against women and the sale of children, child prostitution and child pornography, to integrate the protection of HIV-related human rights within their respective mandates;

12. Requests the Secretary-General to invite the United Nations organs and programmes, as well as the specialized agencies and Member States, to integrate HIV-related human rights into their policies, programmes and activities, including those involving regional intergovernmental human rights and other bodies, and to involve non-governmental and community-based organizations in all phases of development and implementation, to help ensure a system-wide approach, stressing the coordinating and catalytic role of UNAIDS;

13. Requests the Secretary-General to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to promote and implement, where applicable, the International Guidelines on HIV/AIDS and Human Rights and the present resolution, and to submit, in consultation with interested parties, a progress report for consideration at its fifty-seventh session.

56th meeting

27 April 1999

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

1999/50. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and Part II, paragraph 28, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming its resolution 1995/32 of 3 March 1995, in which it established an open-ended inter-sessional working group with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People,

Reaffirming in particular that the invitation contained in that resolution was addressed to organizations of indigenous people seeking authorization to participate in the working group,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

Recalling General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission,

Welcoming the progress made in the process of drafting a declaration on the rights of indigenous people, and emphasizing the importance and special nature of such a draft declaration as an instrument specifically for promoting the rights of indigenous people,

Recalling the need for the working group to consider all aspects of the draft declaration, including its scope of application,

1. Takes note of the report of the working group (E/CN.4/1999/82) and welcomes the continuation and positive nature of the deliberations of the working group, particularly the measures taken to ensure effective input by organizations of indigenous people;

2. Expresses its appreciation for the work of the Economic and Social Council in considering applications from organizations of indigenous people to participate in the working group under the procedures set out in the annex to Commission resolution 1995/32;

3. Welcomes the decisions of the Economic and Social Council approving the participation of organizations of indigenous people in the work of the working group, and urges the Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission resolution 1995/32;

4. Recommends that the working group meet for 10 working days prior to the fifty-sixth session of the Commission, the cost of the meeting to be met from within existing resources;

5. Encourages organizations of indigenous people which are not already registered to participate in the working group and which wish to do so to apply for authorization in accordance with the procedures set out in the annex to Commission resolution 1995/32;

6. Requests the working group to submit a progress report for consideration by the Commission at its fifty-sixth session under the agenda item entitled "Indigenous issues";

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

"The Economic and Social Council,

"Taking note of Commission on Human Rights resolution 1999/... of .. April 1999,

"1. Authorizes the open-ended inter-sessional working group of the Commission on Human Rights established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of 10 working days prior to the fifty-sixth session of the Commission, the costs of the meeting to be met from within existing resources;

"2. Requests the Secretary-General to extend all necessary facilities, from within existing United Nations resources, to the working group for its meetings."

56th meeting
27 April 1999

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

1999/51. Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

The Commission on Human Rights,

Recalling its previous resolutions on the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People, in particular resolution 1997/32 of 11 April 1997,

Recalling also Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

Affirming its recognition of the value and diversity of the cultures and forms of social organization of indigenous people, and that the development of

indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world,

Recalling that the goal of the International Decade of the World's Indigenous People is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

Mindful of the decision by the General Assembly in its resolution 49/214 to observe the International Day of the World's Indigenous People on 9 August every year,

I.

Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

1. Takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its fiftieth session (E/CN.4/1999/4-E/CN.4/Sub.2/1998/45) and of the report of the Working Group on its sixteenth session (E/CN.4/Sub.2/1998/16);

2. Urges the Working Group to continue its comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people, and welcomes its proposal to highlight specific themes of the International Decade of the World's Indigenous People at its future sessions, noting that at its seventeenth session the Working Group will focus on the theme of "Indigenous peoples and their relationship to land";

3. Invites the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their

respective mandates, of all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of indigenous people;

4. Recommends that the Economic and Social Council authorize the Working Group to meet for five working days prior to the fifty-first session of the Sub-Commission;

5. Invites the Working Group to continue its consideration of ways in which the expertise of indigenous people can contribute to the work of the Working Group, and encourages initiatives by Governments, organizations of indigenous people and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group;

6. Requests the Secretary-General:

(a) To provide adequate resources and assistance to the Working Group in the discharge of its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

(b) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

7. Appeals to all Governments, organizations and individuals in a position to do so to consider contributing to the United Nations Voluntary Fund for Indigenous Populations;

II.

International Decade of the World's Indigenous People

8. Takes note of the report of the United Nations High Commissioner for Human Rights on the implementation of the programme of activities for the International Decade of the World's Indigenous People (E/CN.4/1999/81);

9. Invites the Working Group on Indigenous Populations to continue its review of activities undertaken during the International Decade of the World's Indigenous People, and encourages Governments and intergovernmental and non-governmental organizations to provide information on the implementation of the goals of the Decade, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

10. Welcomes the affirmation by the General Assembly that a major objective of the Decade is the adoption of a declaration on the rights of indigenous people and its recognition that among the important objectives of the Decade is the consideration of the establishment of a permanent forum for indigenous people in the United Nations system;

11. Welcomes the invitation from the Government of Costa Rica to host a workshop for research and higher education institutions focusing on indigenous issues in education, taking into account the United Nations Decade for Human Rights Education and the priority given to education and language at the sixteenth session of the Working Group on Indigenous Populations, and recognizing the importance of strengthening the capacity of indigenous people to develop their own solutions to their problems, as recommended by the Commission on Human Rights in its resolution 1998/13;

12. Requests the High Commissioner for Human Rights, in her capacity as coordinator of the Decade, to submit an updated annual report reviewing activities within the United Nations system under the programme of activities for the Decade to the Commission on Human Rights at its fifty-sixth session under the agenda item entitled "Indigenous issues", in accordance with the request by the General Assembly to the Secretary-General;

13. Also requests the High Commissioner for Human Rights, in her capacity as coordinator of the Decade:

(a) To submit to the General Assembly at its fifty-fourth session, in accordance with General Assembly resolution 50/157, a mid-term report reviewing the implementation of the programme of activities for the Decade, including identification of obstacles to the achievement of the goals of the Decade and recommendations for solutions to overcome those obstacles, and to submit a preliminary report on this matter to the Economic and Social Council at its 1999 substantive session;

(b) To take into account the views of Member States, specialized agencies, organizations of indigenous people and other interested bodies in the preparation of such a report;

14. Invites the Working Group on Indigenous Populations to submit its views on the activities of the Decade to the High Commissioner for Human Rights;

15. Emphasizes the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

16. Encourages Governments to support the Decade by contributing to the Voluntary Fund for the International Decade of the World's Indigenous People;

17. Also encourages Governments, as appropriate, recognizing the importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with indigenous people, by:

(a) Preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(b) Seeking means of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;

(c) Identifying resources for activities designed to implement the goals of the Decade;

18. Appeals to intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people;

19. Encourages Governments to consider contributing, as appropriate, in support of the achievement of the goals of the Decade, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean;

20. Requests the High Commissioner for Human Rights to ensure that the indigenous people's unit in the Office of the High Commissioner for Human Rights is adequately staffed and resourced to enable the effective implementation of the activities of the Decade;

21. Recommends that the High Commissioner for Human Rights, when developing programmes within the framework of the International Decade of the World's Indigenous People and the United Nations Decade for Human Rights Education, give due regard to the development of human rights training for indigenous people;

22. Encourages the High Commissioner for Human Rights to cooperate with the Department of Public Information in preparing and disseminating information on the International Decade of the World's Indigenous People, taking due care to portray accurately the information regarding indigenous people;

23. Invites the United Nations financial and development institutions, operational programmes and specialized agencies, in accordance with the existing procedure of their governing bodies:

(a) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of these people in developing countries, including through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(b) To launch special projects, through appropriate channels and in collaboration with indigenous people, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(c) To designate focal points or other mechanisms for coordination with the High Commissioner for Human Rights of activities relating to the Decade;

24. Decides to consider the International Decade of the World's Indigenous People at its fifty-sixth session under the agenda item entitled "Indigenous issues".

56th meeting
27 April 1999

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

1999/52. A permanent forum for indigenous people
in the United Nations system

The Commission on Human Rights,

Recalling the recommendations pertaining to indigenous people included in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), in particular the recommendation that the establishment of a permanent forum for indigenous people in the United Nations system should be considered in the framework of the International Decade of the World's Indigenous People,

Noting the holding of two United Nations workshops on the subject matter, in Copenhagen in June 1995 and in Santiago in June/July 1997, as well as a series of indigenous peoples' conferences on a permanent forum in 1997, 1998 and 1999,

Recognizing the growing interest and concern for indigenous issues in organizations and departments of the United Nations system, as documented in the report of the Secretary-General on the review of the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people (A/51/493), and noting the need to ensure coordination and regular exchange of information among the concerned and interested parties - Governments, the United Nations and indigenous people - on an ongoing basis,

Bearing in mind its resolutions 1994/28 of 4 March 1994, 1995/30 of 3 March 1995, 1996/41 of 19 April 1996, 1997/30 of 11 April 1997 and 1998/20 of 9 April 1998, as well as General Assembly resolutions 49/214 of 23 December 1994, 50/157 of 21 December 1995, 51/78 of 12 December 1996, 52/108 of 12 December 1997 and 53/129 and 53/130 of 9 December 1998,

1. Notes that the General Assembly, in its resolution 53/129, reaffirmed among the objectives of the International Decade of the World's Indigenous People the consideration of the establishment of a permanent forum for indigenous people in the United Nations system, and urged Governments to participate actively in the open-ended inter-sessional ad hoc working group established by the Commission on Human Rights in resolution 1998/20;

2. Welcomes the report of the ad hoc working group (E/CN.4/1999/83) which met for five working days in Geneva from 15 to 19 February 1999 to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people within the United Nations system;

3. Takes note of the constructive debate and dialogue which took place during the session of the ad hoc working group, indicating a trend towards possible consensus with regard to the various aspects of the subject matter;

4. Decides to re-establish the open-ended inter-sessional ad hoc working group established in accordance with resolution 1998/20 to meet for eight working days prior to the fifty-sixth session of the Commission on Human Rights, and requests the working group to submit, with a view to completing its task, one or more concrete proposals on the establishment of a permanent forum for consideration by the Commission at that session;

5. Invites the Chairman-Rapporteur of the open-ended ad hoc working group to submit a working paper to Member States and other participants in the ad hoc working group containing suggestions and possible alternatives on all aspects of this matter, based on the result of the debate of the previous session and further informal consultations, in preparation for the next session of the ad hoc working group;

6. Urges Governments, United Nations organizations and bodies, specialized agencies, organizations representing indigenous people and the Working Group on Indigenous Populations to consider this issue further and to express their views in preparation for the next meeting, and requests the Secretary-General to transmit the report of the ad hoc working group to Governments, United Nations organizations and bodies, specialized agencies, organizations representing indigenous people and the Working Group on Indigenous Populations and to invite their comments in time for circulation prior to the next session of the ad hoc working group;

7. Requests the ad hoc working group to take into account in its work any comments received from Governments, United Nations organizations and bodies, specialized agencies, organizations representing indigenous people and the Working Group on Indigenous Populations, as well as such ideas as the High Commissioner for Human Rights, in her role as Coordinator for the Decade, may wish to present to the ad hoc working group;

8. Decides to continue its consideration of this matter at its fifty-sixth session under the same agenda item.

56th meeting
27 April 1999

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

1999/53. Forum on economic, social and cultural rights:
the Social Forum

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/14 of 20 August 1998,

Bearing in mind its fundamental role in the defence of human rights and its specific mandate in the prevention of situations relating to the full enjoyment of those rights,

Decides that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should further review, in the light of the ongoing discussions by the Commission on its working methods, the establishment of a forum on economic, social and cultural rights, to be called the Social Forum, to meet during its annual sessions with the following objectives:

(a) To exchange information on the enjoyment of economic, social and cultural rights and its relationship to the process of globalization;

(b) To follow up on the relationship between income distribution, the feminization of poverty and human rights at both the international and national levels;

(c) To follow up on situations of poverty and destitution in the world;

(d) To analyse and discuss possible guidelines on violations of economic, social and cultural rights;

(e) To propose legal standards and initiatives, guidelines and other recommendations to be considered by the Commission on Human Rights, the open-ended working group on the right to development established by the Commission at its fifty-fourth session, the Committee on Economic, Social and Cultural Rights, the specialized agencies and other entities of the United Nations system.

56th meeting
27 April 1999

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

1999/54. Strengthening of the Office of the United Nations High Commissioner for Human Rights

The Commission on Human Rights,

Recalling all relevant resolutions of the General Assembly and the Centre for Human Rights, in particular Assembly resolution 48/141 and its own resolutions 1997/76 and 1998/83,

Underscoring the importance of the Office of the United Nations High Commissioner for Human Rights for all States,

Reaffirming the universal support for the creation of the post of High Commissioner for Human Rights and affirming, in order to promote and protect human rights, the need for continuing support by all States for the Office of the United Nations High Commissioner for Human Rights,

Reaffirming also 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,

Recalling that the mandate of the High Commissioner for Human Rights includes promotion and protection of the effective enjoyment by all of all civil, cultural, economic, political and social rights,

Recalling also that the mandate of the High Commissioner for Human Rights confers on her a central role in the realization of the Right to Development,

Recalling further that the Vienna Declaration and Programme of Action recognized the necessity for an adaptation and strengthening of United Nations human rights machinery in accordance with current and future needs in the promotion and protection of human rights,

Recognizing the need for further and continued support and consideration of the programmes and activities of the Office of the United Nations High Commissioner for Human Rights,

1. Welcomes the report of the United Nations High Commissioner for Human Rights (E/CN.4/1999/9);

2. Supports fully the Secretary-General and the High Commissioner in their efforts to strengthen the human rights activities of the United Nations;

3. Reaffirms the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and requests the High Commissioner to continue to ensure that the fulfilment of her mandate and the activities of her Office are guided by these principles;

4. Encourages the High Commissioner, within her mandate as set out in General Assembly resolution 48/141 of 20 December 1993, to continue to play an active role in promoting and protecting all human rights, including in the prevention of human rights violations throughout the world;

5. Reiterates the need to ensure that all necessary 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 the Office of the United Nations High Commissioner for Human Rights to carry out its mandates efficiently, effectively and expeditiously;

6. Welcomes the increased voluntary contributions to the Office of the United Nations High Commissioner for Human Rights, in particular those from developing countries;

7. Reaffirms that the tasks of the High Commissioner include the promotion and protection of the realization of the right to development and that the Office of the United Nations High Commissioner for Human Rights should provide adequate resources and staff for its follow-up;

8. Calls upon the High Commissioner to continue to emphasize the promotion and protection of economic, social and cultural rights in the activities of her Office and in that regard encourages the High Commissioner to continue to strengthen her relationship with the appropriate bodies, funds and specialized organizations of the United Nations;

9. Recommends that the Economic and Social Council and the General Assembly provide the Office of the United Nations High Commissioner for Human Rights with ways and means commensurate to its increasing tasks, as well as more resources for special rapporteurs;

10. Invites all Governments considering voluntary contributions to the Office of the United Nations High Commissioner for Human Rights to consider providing unearmarked contributions to the extent possible with a view to treating all human rights in a fair and equal manner;

11. Calls upon the High Commissioner to continue to provide to States, through informal briefings as well as in her report to the Commission on Human Rights, information on voluntary contributions, including their share in the overall budget of the human rights programme and their allocation;

12. Declares that advisory services and technical cooperation provided at the request of Governments with a view to developing national capacities in the field of human rights constitute one of the most efficient and effective means of promoting and protecting all human rights and democracy;

13. Emphasizes the need for an increase in the allocation of resources from within the United Nations regular budget for advisory services and technical cooperation in the field of human rights;

14. Notes with interest the increase in the number of human rights field presences throughout the world and encourages the High Commissioner to consider their further improvement in cooperation with other relevant components of the United Nations system;

15. Welcomes the open-ended informal briefings provided by the Office of the United Nations High Commissioner for Human Rights and takes note with appreciation of these opportunities to discuss openly all aspects of the work of the Office while reiterating the need to analyse the effectiveness of field presences, and requests the High Commissioner to submit a separate report containing a comprehensive assessment of field presences to the Commission on Human Rights at its fifty-sixth session;

16. Invites the High Commissioner to continue to provide information on cooperation with other United Nations bodies and with Governments and invites her to make available information concerning agreements with States and other United Nations bodies and their implementation, in an open and transparent manner, as appropriate;

17. Calls upon the Office of the United Nations High Commissioner for Human Rights to seek ways and means by which voluntary funds can be used to provide support to all mechanisms of the Commission;

18. Invites the High Commissioner to submit information pursuant to the present resolution in her annual report to the Commission;

19. Decides to consider the implementation of the present resolution at its fifty-sixth session under the relevant agenda item.

56th meeting
27 April 1999

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

1999/55. Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right of self-determination,

Guided by the provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), and in particular Part 1, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also its previous resolutions in this regard, the latest of which is its resolution 1998/4 of 27 March 1998,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a jus cogens in international law,

1. Reaffirms the continuing and unqualified Palestinian right to self-determination, including the option of a State, and looks forward to the early fulfilment of this right;

2. Requests the Secretary-General to transmit the present resolution to the Government of Israel and all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fifty-sixth session, all information pertaining to the implementation of the present resolution by the Government of Israel;

3. Decides to include in the provisional agenda of its fifty-sixth session the item entitled "The right of peoples to self-determination and its

application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that item, as a matter of high priority.

56th meeting
27 April 1999

[Adopted by a roll-call vote of 44 votes to 1,
with 8 abstentions. See chap. V.]

1999/56. Situation of human rights in the Democratic
Republic of the Congo

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, as well as to the African Charter on Human and People's Rights,

Noting General Assembly resolution 53/160 of 9 December 1998 and recalling resolution 1998/61 of 21 April 1998 previous resolutions of the General Assembly and the Commission on the subject, as well as Security Council resolution 1234/1999 of 9 April 1999,

Concerned at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo, including acts of and incitement to ethnic hatred and violence by all parties to the conflict,

Taking into account the regional dimension of the human rights issues and stressing the importance of technical cooperation with a view to strengthening regional cooperation for the promotion and protection of human rights,

1. Welcomes:

(a) The report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/1999/31) and of the update he provided in his oral presentation to the Commission on Human Rights;

(b) The recent visit of the Special Rapporteur to the Democratic Republic of the Congo at the invitation of the Government and the cooperation of the Government of the Democratic Republic of the Congo in this regard;

(c) The activities of the Human Rights Field Office in the Democratic Republic of the Congo;

(d) Commitments of the Government of the Democratic Republic of the Congo to a process of democratization, leading, through the creation of democratic institutions and the holding of elections, to the creation of a State based on the rule of law and respect for human rights;

(e) The intention of the Government of the Democratic Republic of the Congo to hold an all-inclusive national debate as a precursor to elections, and encourages further progress in this respect;

(f) The recognition by the authorities that massacres were committed against refugees and internally displaced persons in 1996 and 1997;

(g) The appointment of the Minister for Human Rights within the Government of the Democratic Republic of the Congo, and expresses the hope that this appointment will contribute to an improvement of the human rights situation;

(h) The release of a number of prisoners whose arrest was irregular or politically motivated, and certain improvements in the penitentiary system;

(i) The decision of the Government of the Democratic Republic of the Congo to establish a national commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997 and the mandate of that commission to cooperate with the United Nations in this regard;

(j) The announcement by the Government of its intention to ratify Additional Protocol II to the Geneva Conventions of 12 August 1949, and international human rights treaties;

(k) The setting up of human rights education programmes for members of the military and the police, and the beginning of distribution of the Universal Declaration of Human Rights in national languages;

2. Expresses its concern

(a) At the adverse impact of the continuing conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo;

(b) At the preoccupying situation of human rights in the Democratic Republic of the Congo, particularly in the eastern parts of the country, and the continuing violations of human rights and international humanitarian law committed throughout the territory of the Democratic Republic of the Congo, often with impunity, in particular:

- (i) The perpetration of massacres in the course of the conflicts, including more recently, in 1998, those in Kasika, Makobola, Kamituga, Kavumu, Kilungutwe, Kasanga, Kazima, Mboko, Kabare, Mwenga and Libenge;
- (ii) At the occurrence of cases of summary or arbitrary executions, disappearances, torture, beatings, arbitrary arrest and detention without trial, including of journalists, opposition politicians and human rights defenders;
- (iii) At reports of sexual violence against women and children and the forcible recruitment and use of children as soldiers and combatants;
- (iv) At the trial of civilians and the imposition of the death penalty by the Military Court;
- (v) At the situation of human rights defenders;

(c) At the large numbers of refugees and displaced persons in the Democratic Republic of the Congo who disappeared between 1994 and 1997, as well as in 1998, and at serious allegations of killings and other human rights abuses in this connection;

(d) At the proliferation and the illicit distribution, circulation and trafficking of arms in the region and their negative impact on human rights;

3. Affirms that all persons who commit or authorize violations of human rights or international humanitarian law are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible to justice;

4. Recognizes that promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the necessary environment for cooperation among States in the region;

5. Takes note with great concern of the report of the International Commission of Inquiry on the sale, supply and shipment of arms and related material in the Great Lakes region of Central Africa, and of the report of the Investigative Team of the Secretary-General charged with investigating serious violations of human rights and international humanitarian law in the Democratic Republic of the Congo (S/1998/581, annex);

6. Urges all parties to the continuing conflict in the Democratic Republic of the Congo:

(a) To work towards a rapid and peaceful settlement of the conflict and, in particular, to sign immediately a ceasefire agreement allowing the orderly withdrawal of all foreign forces and the re-establishment of the authority of the Government of the Democratic Republic of the Congo throughout its territory, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of all Congolese in an all-inclusive process of political dialogue with a view to achieving national reconciliation and the holding, at an early date, of democratic, free and fair elections;

(b) To protect human rights and to respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977 and the Convention on the Prevention and Punishment of the Crime of Genocide, in particular to respect the rights of women and children and immediately stop the use of children as soldiers, and to ensure the safety of all civilians;

7. Welcomes the appointment by the Secretary-General of his Special Envoy for the Democratic Republic of the Congo Peace Process;

8. Calls upon the Government of the Democratic Republic of the Congo:

(a) To comply with its obligations under international human rights instruments to which the Democratic Republic of the Congo is a party and to promote and protect human rights and fundamental freedoms;

(b) To fulfil its responsibility to protect the human rights of the population on its territory, as well as to take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and across the border;

(c) To fulfil its commitment to reform and restore the judicial system, and particularly to reform military justice in conformity with the provisions of the International Covenant on Civil and Political Rights;

(d) To implement fully its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and all-inclusive and that fully reflects the aspirations of the people of the country;

(e) To prepare for the holding of free and fair elections, drawing, where appropriate, on assistance from the international community, and to allow without delay the full restoration of political party activity to provide a meaningful choice for the people of the Democratic Republic of the Congo;

(f) To remove remaining administrative restrictions on the activities of political parties, in furtherance of its recent move to lift the ban on the activities of political parties;

(g) To remove the restrictions that still affect the work of non-governmental organizations;

(h) To ensure further full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass media, as well as freedom of association and assembly, throughout the territory of the Democratic Republic of the Congo;

(i) To work closely and strengthen further its cooperation with the Human Rights Field Office in the Democratic Republic of the Congo;

(j) To cooperate fully with the International Tribunal for Rwanda in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

(k) To promote human rights awareness, including by strengthening cooperation with civil society including human rights non-governmental organizations;

(1) To follow up on the interim report on the alleged massacres of a large number of refugees and displaced persons in the Democratic Republic of the Congo (formerly Zaire) between 1994 and 1997 submitted to the Secretary-General of the United Nations on 15 October 1998, to submit a further report as soon as possible to the Secretary-General on the progress of its investigations and to cooperate fully with the Secretary-General and the United Nations High Commissioner for Human Rights in addressing the allegations in question;

9. Decides

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year, to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session on the situation of human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building, and also to request the Special Rapporteur to continue to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out, immediately after the signing of a ceasefire agreement or as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo, including those in the province of South Kivu and other atrocities as referred to in the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/1999/31), with a view to bringing to justice those responsible, and to report to the General Assembly at its fifty-fourth session and to the Commission at its fifty-sixth session;

(c) To request the Secretary-General to give all necessary assistance to the Special Rapporteur and to the joint mission, to enable them to discharge their mandates fully;

(d) To request the High Commissioner for Human Rights to provide appropriate technical expertise to enable the joint mission to fulfil its mandate;

(e) To request the international community to support the Human Rights Field Office in the Democratic Republic of the Congo in order, in particular:

(i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy programmes, including supporting efforts by the Government of the Democratic Republic of the Congo towards strengthening the judicial system;

(ii) To strengthen its support for, and continue and expand cooperation with, human rights non-governmental organizations in the Democratic Republic of the Congo; and to facilitate the activities of the joint mission, including through funding;

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

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/56 of 27 April 1999, endorses the Commission's decisions

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year and requests him to report to the Commission at its fifty-sixth session on the situation of human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out, immediately after the signing of a ceasefire agreement or as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the

Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo, including those in the province of South Kivu and other atrocities as referred to in the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/1999/31), with a view to bringing to justice those responsible, and to report to the General Assembly at its fifty-fourth session and to the Commission at its fifty-sixth session;".

56th meeting
27 April 1999

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