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

Draft report of the Commission

Rapporteur: Ms. Marie GERVAIS-VIDRICAIRE

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\* Documents E/CN.4/2000/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.4/2000/L.11 and addenda.

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A. Resolutions

2000/29. Hostage-taking

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, freedom from torture or degrading treatment, freedom of movement and protection from arbitrary detention,

Taking into account the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which also recognizes that everyone has the right to life, liberty and security of person and that the taking of hostages is an offence of grave concern to the international community, as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly in its resolution 3166 (XXVIII) of 14 December 1973,

Bearing in mind the relevant Security Council resolutions from 1999/29 condemning all cases of hostage-taking,

Recalling its previous resolutions on the subject, in particular its resolution 1992/23 of 28 February 1992, in which it condemned the taking of any person as a hostage,

Concerned that, despite the efforts of the international community, acts of hostage-taking in different forms and manifestations, inter alia those committed by terrorists and armed groups, continue to take place and even have increased in many regions of the world,

Appealing for the humanitarian action of humanitarian organizations, in particular of the International Committee of the Red Cross and its delegates, to be respected, in accordance with the Geneva Conventions of 12 August 1949 and the Additional Protocols of 1977 thereto,

Recognizing that hostage-taking calls for resolute, firm and concerted efforts on the part of the international community in order, in strict conformity with international human rights standards, to bring such abhorrent practices to an end,

1. Reaffirms that hostage-taking, wherever and by whomever committed, is an illegal act aimed at the destruction of human rights and is, under any circumstances, unjustifiable;
2. Condemns all acts of hostage-taking, anywhere in the world;
3. Demands that all hostages be released immediately and without any preconditions;

4. Calls upon States to take all necessary measures, in accordance with relevant provisions of international law and international human rights standards, to prevent, combat and punish acts of hostage-taking, including by strengthening international cooperation in this field;

5. Urges all thematic special rapporteurs and working groups to continue to address, as appropriate, the consequences of hostage-taking in their forthcoming reports to the Commission;

6. Decides to remain seized of this matter.

60th meeting

20 April 2000

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

2000/30. Human rights and terrorism

The Commission on Human Rights,

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

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, as well as the Declaration on Measures to Eliminate International Terrorism, adopted by the General Assembly at its forty-ninth session,

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,

Recalling further General Assembly resolutions 48/122 of 20 December 1993, 49/185 of 23 December 1994, 50/186 of 22 December 1995, 52/133 of 12 December 1997 and 54/164 of 17 December 1999, as well as its own resolution 1999/27 of 26 April 1999,

Recalling also General Assembly resolution 54/110 of 9 December 1999 in which the Assembly decided that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 should continue to elaborate a draft international convention for the suppression of acts of nuclear terrorism with a view to completing the instrument, should address means of further developing a comprehensive legal framework of conventions dealing with international terrorism, including considering the elaboration of a comprehensive convention on international terrorism, and should address the question of

convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Noting General Assembly resolution 54/109 of 9 December 1999, in which the Assembly adopted the International Convention for the Suppression of the Financing of Terrorism,

Noting also resolution 1999/26 of 26 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights,

Regretting that the negative impact of terrorism, in all its dimensions, on human rights continues to remain alarming, despite national and international efforts to combat it,

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

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

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

Bearing in mind further that terrorism in many cases poses a severe challenge to democracy, civil society and the rule of law,

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

Alarmed in particular at the possibility that terrorist groups may exploit new technologies to facilitate acts of terrorism which may cause massive damage, including huge loss of human life,

Noting with great concern that many terrorist groups are connected with other criminal organizations engaged in the illegal traffic in arms and illicit drug trafficking at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, taking of hostages, robbery, money laundering and rape,

Emphasizing the need to intensify the fight against terrorism at the national level, to enhance effective international cooperation in combating terrorism in conformity with international law and to strengthen the role of the United Nations in this respect,

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

Recognizing the need to improve international cooperation on criminal matters and national measures so as to address impunity, which can contribute to the continued occurrence of terrorism,

Emphasizing the importance of Member States taking appropriate steps to deny safe haven to those who plan, finance or commit terrorist acts by ensuring their apprehension and prosecution or extradition,

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

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

1. Reiterates unequivocal condemnation of all acts, methods and practices of terrorism, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed, as acts aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and the rule of law and having adverse consequences for the economic and social development of the State;
2. Condemns the violations of the right to live free from fear and of the right to life, liberty and security;
3. Expresses its solidarity with the victims of terrorism;
4. Condemns incitement of ethnic hatred, violence and terrorism;
5. Urges States to fulfil their obligations under the Charter of the United Nations and other provisions of international law, in strict conformity with international law, including human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed;
6. Urges the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of eradicating it;

7. Calls upon States, in particular within their respective national frameworks and in conformity with their international commitments in the field of human rights, to enhance their cooperation with a view to bringing terrorists to justice;

8. Also calls upon States to take appropriate measures, in conformity with the relevant provisions of national and international law, including international human rights standards, before granting refugee status, for the purpose of ensuring that an asylum-seeker has not participated in terrorist acts, including assassinations;

9. Urges all relevant human rights mechanisms and procedures, as appropriate, to address the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

10. Requests the Secretary-General to continue to collect information, including a compilation of studies and publications, on the implications of terrorism, as well as the effects of the fight against terrorism, on the full enjoyment of human rights from all relevant sources, including Governments, specialized agencies, intergovernmental organizations, non-governmental organizations and academic institutions and to make it available to the concerned special rapporteurs, including the Special Rapporteur on human rights and terrorism of the Sub-Commission on the Promotion and Protection of Human Rights, and working groups of the Commission on Human Rights for their consideration;

11. Endorses the Sub-Commission's request to the Secretary-General to give the Special Rapporteur all the assistance necessary, in order to hold consultations with the competent services and bodies of the United Nations system to complement her essential research and to collect all the needed and up-to-date information and data for the preparation of her progress report;

12. Requests the Special Rapporteur to give attention in her next report on human rights and terrorism to the questions raised in the present resolution;

13. Decides to remain seized of the matter at its fifty-seventh session.

60th meeting  
20 April 2000

[Adopted by 27 votes to 13, with 12 abstentions. See chap. XI.]

2000/31. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Mindful of General Assembly resolutions on the subject of extrajudicial, summary or arbitrary executions, of which the latest is resolution 53/147 of 9 December 1998 in which the Assembly requested the Special Rapporteur to submit to it at its fifty-fifth session an interim report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and her recommendations for more effective action to combat that phenomenon,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the Safeguards guaranteeing protection of the rights of those facing the death penalty, annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions, in all parts of the world,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions in those countries,

Acknowledging the historic significance of the adoption of the Rome Statute of the International Criminal Court (A/CONF.183/9),

Welcoming the fact that a large number of States have already signed the Rome Statute,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,



1. Strongly condemns once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;
2. Demands that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;
3. Notes that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;
4. Reiterates the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;
5. Takes note of the report of the Special Rapporteur (E/CN.4/2000/3 and Add.1-3), including the attention given therein to, and the recommendations on, various aspects and situations of violations of the right to life by extrajudicial, summary or arbitrary executions;
6. Notes with concern the large number of cases in various parts of the world of killings committed in the name of passion or in the name of honour, persons killed because of their sexual orientation and persons killed for reasons related to their peaceful activities as human rights defenders or as journalists, reported by the Special Rapporteur and calls upon Governments concerned to investigate such killings promptly and thoroughly, to bring those responsible to justice and to ensure that such killings are neither condoned nor sanctioned by government officials or personnel;
7. Calls upon the Governments of all States in which the death penalty has not been abolished to comply with their obligations as reflected in relevant provisions of international human rights instruments, including in particular articles 6 and 14 of the International Covenant on Civil and Political Rights and keeping in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;
8. Urges Governments to undertake all necessary and possible measures to prevent loss of life during situations of public demonstrations, internal and communal violence, disturbances, tension and public emergency or armed conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular with regard to restrictions on the use of force and firearms in the discharge of their functions;

9. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977 in relation to the treatment of prisoners in armed conflicts, as well as to other pertinent international instruments;

10. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to report to the Special Rapporteur on the actions taken on those recommendations and requests other Governments, including those mentioned in the report of the Special Rapporteur, to cooperate in a similar way;

11. Commends the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions and encourages the Special Rapporteur to continue, within the framework of her mandate, to collect information from all concerned and to seek the views and comments of Governments in order to be able to respond effectively to reliable information that comes before the Special Rapporteur and to follow up on communications and country visits;

12. Requests the Special Rapporteur, in carrying out her mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit her findings on an annual basis, together with conclusions and recommendations, to the Commission, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(b) To respond effectively to information which comes before her, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(c) To enhance further her dialogue with Governments, as well as to follow up recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

- (e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in defence of human rights and fundamental freedoms;
  - (f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;
  - (g) To apply a gender perspective in her work;
13. Urges the Special Rapporteur to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to her or where early action might prevent further deterioration;
14. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights and encourages the Special Rapporteur to continue efforts in this regard;
15. Strongly urges all Governments:
- (a) To cooperate with and assist the Special Rapporteur so that her mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she so requests, in keeping with the usual terms of reference for missions by Special Rapporteurs of the Commission on Human Rights;
  - (b) To respond to the communications transmitted to them by the Special Rapporteur;
16. Expresses its concern that a number of Governments mentioned in the report of the Special Rapporteur have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;
17. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of United Nations peacekeeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

18. Requests the Secretary-General to provide the Special Rapporteur with an adequate and stable level of human, financial and material resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

19. Also requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

20. Further requests the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with the High Commissioner's mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

21. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of priority at its fifty-seventh session under the same agenda item.

60th meeting  
20 April 2000

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

#### 2000/32. Human rights and forensic science

The Commission on Human Rights,

Recalling its resolutions 1993/33 of 5 March 1993, 1994/31 of 4 March 1994, 1996/31 of 19 April 1996 and 1998/36 of 17 April 1998,

Recalling also the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989,

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights on human rights and forensic science (E/CN.4/2000/57), submitted pursuant to Commission resolution 1998/36,

Recognizing that forensic science is an important tool in detecting evidence of torture and other cruel, inhuman or degrading treatment or punishment and extrajudicial, summary or arbitrary executions,

Noting that the practice of forensic science includes examinations of both dead and living persons, and also includes identification procedures,

Noting also that, in many of the countries concerned, sufficient expertise is not available in forensic science and related fields to investigate human rights violations effectively,

Noting further the need of Governments, intergovernmental organizations and non-governmental organizations for forensic scientific expertise in investigating deaths and clarifying disappearances,

Aware that several special rapporteurs have used or referred to the need for the assistance of experts in various forensic disciplines in the context of the implementation of their mandates,

1. Welcomes the increased use of forensic science investigations in situations where grave violations of human rights and international humanitarian law have occurred, and encourages further coordination concerning, inter alia, the planning and realization of such investigations among Governments, intergovernmental organizations and non-governmental organizations;

2. Notes the progress made by the Office of the High Commissioner in the use of forensic experts, including the revised Cooperation Service Agreement regulating the use of forensic experts provided either by a Member State or by a non-governmental organization;

3. Recommends that the Secretary-General, with a view to promoting quality and consistency, establish procedures to evaluate the use of forensic expertise and the results of those efforts;

4. Again invites the Office of the High Commissioner and the Crime Prevention and Criminal Justice Division of the Secretariat to consider revising the *Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions*, in which standard procedures for adequate post-mortem examinations (autopsies or partial autopsies) are described;

5. Recommends that the Office of the High Commissioner encourage forensic experts to coordinate further and produce additional manuals concerned with examinations of living persons, and welcomes the initiative by the Office of the High Commissioner to publish the “Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” in its Professional Training Series;

6. Requests the Office of the High Commissioner to consult with Governments, relevant United Nations bodies and professional organizations of forensic and related experts as

mentioned in the reports of the Secretary-General and the Office of the High Commissioner, of which the latest is contained in document E/CN.4/2000/57 of 15 December 1999, with a view to updating the list of experts with biographical data, including professional qualifications, current employment, contact address, gender (the nomination of female experts is encouraged), indications of availability, and the kind of assistance they could provide;

7. Recommends that the Office of the High Commissioner encourage, as appropriate, the dissemination and use of the manuals referred to in the present resolution and the setting up of courses aimed at providing training in forensic activities relating to victims of human rights violations, particularly in countries without sufficient expertise in forensic science and related fields, for example through the training of local teams;

8. Requests the Office of the High Commissioner to report to the Commission at its fifty-eighth session on progress made in this matter;

9. Requests the Secretary-General to provide appropriate resources, from within existing overall United Nations resources, to fund the activities of the Office of the High Commissioner in implementing the present resolution;

10. Decides to consider this question at its fifty-eighth session under the same agenda item.

60th meeting

20 April 2000

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

2000/33. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

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

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

Recalling further article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant provisions,

Reaffirming the call of the World Conference on Human Rights upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

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

Deeply concerned at the increase in violence and discrimination against religious minorities, including restrictive legislation and arbitrary application of legislation and other measures,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound, and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

1. Welcomes the report of the Special Rapporteur on religious intolerance (E/CN.4/2000/65);
2. Condemns all forms of intolerance and of discrimination based on religion or belief;
3. Encourages the efforts made by the United Nations High Commissioner for Human Rights to coordinate in the field of human rights the activities of relevant United Nations organs, bodies, and mechanisms dealing with all forms of intolerance and of discrimination based on religion or belief;
4. Urges States:
  - (a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without discrimination, inter alia by the provision of effective remedies in cases where the right to freedom of religion or belief, including the freedom to change one's religion or belief, is violated;

(b) To ensure, in particular, that no one within their jurisdiction is deprived of the right to life or the right to liberty and security of person because of religion or belief, or is subjected to torture or arbitrary arrest or detention on that account;

(c) In conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities, and also to devote particular attention to practices which violate the human rights of women and discriminate against women;

(d) To recognize the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

(e) To exert utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected;

(f) To ensure that all public officials, including members of law enforcement bodies, in the course of their official duties respect different religions and beliefs and do not discriminate on the grounds of religion or belief;

(g) To promote and encourage, through education and other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

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

6. Encourages the continuing efforts of the Special Rapporteur to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

7. Stresses the need for the Special Rapporteur to apply a gender perspective, inter alia through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

8. Notes that the Special Rapporteur has undertaken a study on religious discrimination and racism and looks forward to its presentation at the first session, to be held in May 2000, of the Preparatory Committee for the World Conference against Racism, Racial



Discrimination, Xenophobia and Related Intolerance and encourages the Special Rapporteur to contribute further to the preparations for the World Conference, to be held in 2001, by forwarding to the High Commissioner his recommendations on religious intolerance which have a bearing on the World Conference;

9. Calls upon all Governments to cooperate fully with the Special Rapporteur on religious intolerance, to respond favourably to requests from the Special Rapporteur to visit their countries and to give serious consideration to inviting the Special Rapporteur to visit so as to enable him to fulfil his mandate even more effectively;

10. Welcomes the work of the Special Rapporteur and reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of Governments concerned in the elaboration of his report, as well as to continue to carry out his work with discretion, objectivity and independence;

11. Decides to change the title of the Special Rapporteur from Special Rapporteur on religious intolerance to Special Rapporteur on freedom of religion or belief and that this change will be implemented at the next extension of the Special Rapporteur's mandate;

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

13. Welcomes the initiatives of Governments to collaborate with the Special Rapporteur, including the convening of an international consultative conference on school education in relation to freedom of religion and belief, to be held in Madrid in November 2001;

14. Welcomes and encourages the continuing efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration, to foster freedom of religion and in highlighting cases of religious intolerance, discrimination and persecution;

15. Recommends that the United Nations and other actors, in their efforts to promote freedom of religion and belief, ensure the widest possible dissemination of the text of the Declaration, in as many different languages as possible, by United Nations information centres, as well as by other interested bodies;

16. Requests the Secretary-General to ensure that the Special Rapporteur receives the necessary assistance to enable him fully to discharge his mandate;

17. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session;

18. Decides to consider the question of the elimination of all forms of religious intolerance at its fifty-seventh session under the same agenda item.

60th meeting  
20 April 2000

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

2000/34. Conscientious objection to military service

The Commission on Human Rights,

Bearing in mind that it is recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that everyone has the right to life, liberty and security of person, as well as the right to freedom of thought, conscience and religion and the right not to be discriminated against,

Recalling its previous resolutions on the subject, most recently resolution 1998/77 of 22 April 1998, in which it recognized the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in article 18 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights and General Comment No. 22 of the Human Rights Committee, adopted at its forty-eighth session in 1993,

Having considered the report of the Secretary-General (E/CN.4/2000/55),

1. Calls upon States to review their current laws and practices in relation to conscientious objection to military service in the light of Commission on Human Rights resolution 1998/77;

2. Requests the Office of the United Nations High Commissioner for Human Rights to prepare a compilation and analysis of best practices in relation to the recognition of the right of everyone to have conscientious objections to military service, as a legitimate exercise of the right to freedom of thought, conscience and religion, and the provision of alternative forms of service, based on the provisions of resolution 1998/77, and to seek such information from Governments, the specialized agencies and relevant intergovernmental and non-governmental

organizations, and to submit a report containing this information to the Commission at its fifty-eighth session under the agenda sub-item entitled “The question of conscientious objection to military service”.

60th meeting  
20 April 2000

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

2000/35. Draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its resolution 1992/43 of 3 March 1992, in which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica at the forty-seventh session of the Commission (E/CN.4/1991/66), and decided to consider the question at its forty-ninth session,

Recalling also the subsequent resolutions on the subject and in particular decision 1999/237 of 27 July 1999 of the Economic and Social Council, in which the Council authorized the working group to meet in order to continue its work,

Recalling further that the World Conference on Human Rights firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,

1. Takes note of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/2000/58);

2. Requests the working group, in order to continue its work, to meet prior to the fifty-seventh session of the Commission for a period of two weeks, with a view to completing expeditiously a final and substantive text, and to report to the Commission at its fifty-seventh session;

3. Requests the Secretary-General to transmit the report of the working group to all Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and intergovernmental and non-governmental organizations , and to invite them to submit their comments to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies and relevant intergovernmental and non-governmental organizations , as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate if needed in the activities of the working group;

5. Further requests the Secretary-General to extend all necessary facilities to the working group for its meeting prior to the fifty-seventh session of the Commission;

6. Encourages the Chairman-Rapporteur of the working group to conduct informal inter-sessional consultations with all interested parties in order to facilitate the completion of a consolidated text;

7. Decides to examine the report of the working group at its fifty-seventh session under the same sub-item;

8. 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 2000/35 of 20 April 2000:

(a) Authorizes the open-ended working group of the Commission on Human Rights to meet for a period of two weeks, prior to the fifty-seventh session of the Commission, in order to continue or conclude the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) Encourages the Chairman-Rapporteur of the working group to conduct informal inter-sessional consultations with all interested parties in order to facilitate the completion of a consolidated text.”

60th meeting  
20 April 2000

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

2000/36. Question of arbitrary detention

The Commission on Human Rights,

Reaffirming articles 3, 9, 10 and 29, as well as other relevant provisions, of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Bearing in mind that, in accordance with Commission resolution 1991/42 of 5 March 1991, the task of the Working Group on Arbitrary Detention is to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned,

Reaffirming its resolution 1999/37 of 26 April 1999,

1. Takes note:

(a) Of the report of the Working Group on Arbitrary Detention (E/CN.4/2000/4 and Add.1 and 2);

(b) Of the work of the Working Group on Arbitrary Detention and underlines the positive initiatives it has taken to strengthen cooperation and dialogue with States and the establishment of cooperation with all those concerned by the cases submitted to it for consideration, in accordance with its mandate;

(c) Of the importance that the Working Group attaches to coordination with other mechanisms of the Commission, with other competent United Nations bodies and with treaty bodies, as well as to the strengthening of the role of the United Nations High Commissioner for Human Rights in such coordination and encourages the Working Group to take all necessary measures to avoid duplication with those mechanisms, in particular regarding the treatment of the communications it receives and field visits;

2. Also takes note of the adoption by the Working Group of its Deliberation No. 5, which is contained in annex II to document E/CN.4/2000/4 and relates to the situation of immigrants and asylum-seekers and guarantees concerning persons held in custody, with a view to ensuring better prevention;

3. Requests the Governments concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;
4. Encourages the Governments concerned:
  - (a) To implement the recommendations of the Working Group concerning persons mentioned in its report who have been detained for a number of years;
  - (b) To take appropriate measures in order to ensure that their legislation in these fields is in conformity with the relevant international standards and the relevant international legal instruments applicable to the States concerned;
  - (c) Not to extend states of emergency beyond what is strictly required by the situation, in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, or to limit their effects;
5. Encourages all Governments to invite the Working Group to visit their countries so that it may carry out its mandate even more effectively;
6. Requests the Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its possible final conclusions;
7. Expresses its profound thanks to the Governments which have extended their cooperation to the Working Group and responded to its requests for information and invites all Governments concerned to demonstrate the same spirit of cooperation;
8. Takes note with satisfaction of the fact that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases which have not yet been resolved;
9. Notes with concern the comments by the Working Group on the excesses of military justice that may be found to exist in some cases;
10. Also notes with concern the comments by the Working Group on the situation of human rights defenders;

11. Requests the Secretary-General:
  - (a) To extend his assistance to Governments expressing the wish to receive it, as well as to special rapporteurs and working groups, with a view to ensuring the promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;
  - (b) To ensure that the Working Group receives all necessary assistance, particularly with regard to the staffing and resources needed to continue to discharge its mandate, especially in respect of field missions;
12. Decides to renew, for a three-year period, the mandate of the Working Group, composed of five independent experts entrusted with the task of investigating cases of deprivation of liberty imposed arbitrarily, provided that no final decision has been taken in such cases by domestic courts in conformity with domestic law, with the relevant international standards set forth in the Universal Declaration of Human Rights and with the relevant international instruments accepted by the States concerned;
13. Requests the Working Group to submit to it, at its fifty-seventh session, a report on its activities and on the implementation of the present resolution and to include any suggestions and recommendations which would enable it to carry out its task in the best possible way and to continue its consultations to that end in the framework of its terms of reference;
14. Decides to continue its consideration of this question at its fifty-seventh session under the relevant agenda item;
15. 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 2000/36 of 20 April 2000, endorses the Commission’s decision to renew, for a three-year period, the mandate of the Working Group, composed of five independent experts entrusted with the task of investigating cases of deprivation of liberty imposed arbitrarily, provided that no final decision has been taken in such cases by domestic

courts in conformity with domestic law, with the relevant international standards set forth in the Universal Declaration of Human Rights and with the relevant international instruments accepted by the States concerned.”

60th meeting  
20 April 2000

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

2000/37. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, its resolution 1995/75 of 8 March 1995 on cooperation with representatives of United Nations human rights organs, and its resolution 1999/38 of 26 April 1999,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States, and Assembly resolutions 51/94 of 12 December 1996 and 53/150 of 9 December 1998,

Deeply concerned in particular, by the increase in enforced or involuntary disappearances in various regions of the world and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Emphasizing that impunity is simultaneously one of the underlying causes of enforced disappearances and one of the major obstacles to the elucidation of cases thereof and that there is a need for effective measures to combat the problem of impunity,

Welcoming the fact that acts of enforced disappearance, as defined in the Rome Statute of the International Criminal Court, come within the jurisdiction of the Court as crimes against humanity,

1. Takes note of the report submitted by the Working Group on Enforced or Involuntary Disappearances pursuant to Commission resolution 1999/38 (E/CN.4/2000/64 and 64/Corr.1 and Add.1);



2. Stresses the importance of the work of the Working Group and encourages it, in the execution of its mandate:

(a) To continue to promote communication between families of disappeared persons and the Governments concerned with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

(b) To continue to observe, in its humanitarian task, United Nations standards and practices regarding the handling of communications and the consideration of government replies;

(c) To continue to consider the question of impunity in the light of the relevant provisions of the Declaration on the Protection of All Persons from Enforced Disappearance and of the final reports submitted by the Special Rapporteur appointed by the Sub-Commission on the Promotion and Protection of Human Rights;

(d) To continue to pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned in searching for and identifying these children;

(e) To pay particular attention to cases transmitted to it that refer to ill-treatment, serious threatening or intimidation of witnesses of enforced or involuntary disappearances or relatives of disappeared persons;

(f) To pay particular attention to cases of disappearance of persons working for the promotion and protection of human rights and fundamental freedoms, wherever they occur, and to make appropriate recommendations for preventing such disappearances and improving the protection of such persons;

(g) To continue to apply a gender perspective in its reporting process, including in information collection and the formulation of recommendations;

(h) To provide appropriate assistance in the implementation by States of the Declaration and of the existing international rules;

(i) To continue its deliberations on its working methods and to include these aspects in its report to the Commission at its fifty-seventh session;

(j) To formulate comments on the draft International Convention on the Protection of All Persons from Enforced Disappearance (E/CN.4/Sub.2/1998/19, annex) transmitted by the Sub-Commission in its resolution 1998/25 of 26 August 1998;

3. Deplores the fact that some Governments have never provided substantive replies concerning the cases of enforced disappearances in their countries or acted on the recommendations concerning them made in the reports of the Working Group;

4. Urges the Governments concerned:

(a) To cooperate with the Working Group and help it to carry out its mandate effectively, in particular by inviting it freely to visit their countries;

(b) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(c) To take steps to protect witnesses of enforced or involuntary disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

(d) That have long had many unresolved cases of disappearances, to continue their efforts to shed light on the fate of the individuals concerned and to set appropriate settlement machinery in train with the families of those individuals;

(e) To make provision in their legal systems for machinery for victims of enforced or involuntary disappearances or their families to seek fair and adequate reparation;

5. Reminds Governments:

(a) That all acts of enforced or involuntary disappearance are crimes punishable by appropriate penalties which should take due account of their extreme seriousness under penal law;

(b) Of the need to ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

(c) That, if such belief is borne out, all the perpetrators of enforced or involuntary disappearances must be prosecuted;

(d) That impunity is simultaneously one of the underlying causes of enforced disappearances and one of the major obstacles to the elucidation of cases thereof;

6. Expresses:

(a) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information and to the Governments that have invited the

Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations and invites them to inform the Working Group of any action they take on those recommendations;

(b) Its commendation of the efforts by Governments which investigate, or develop appropriate mechanisms to investigate, any cases of enforced disappearance which are brought to their attention and encourages all the Governments concerned to expand their efforts in this area;

7. Invites States to take legislative, administrative, legal and other steps, including when a state of emergency has been declared, to take action at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance, and to provide the Working Group with concrete information on the measures taken and the obstacles encountered in preventing enforced, involuntary or arbitrary disappearances and in giving effect to the principles set forth in the Declaration on the Protection of All Persons from Enforced Disappearance;

8. Takes note of the assistance provided to the Working Group by non-governmental organizations and their activities in support of the implementation of the Declaration and invites those organizations to continue their cooperation;

9. Requests the Secretary-General to ensure the wide dissemination of the draft International Convention on the Protection of All Persons from Enforced Disappearance (E/CN.4/Sub.2/1998/19, annex) transmitted by the Sub-Commission in its resolution 1998/25 of 26 August 1998, asking States, international organizations and non-governmental organizations to submit their views and comments, as a matter of high priority, on the draft International Convention, on the follow-up thereto, and, in particular, on whether an intersessional working group should be set up to consider the draft International Convention;

10. Requests the Working Group to report on its activities to the Commission at its fifty-seventh session;

11. Requests the Secretary-General:

(a) To ensure that the Working Group receives all the assistance and resources it requires to perform its function, including, inter alia, support for the principles of the Declaration on the Protection of All Persons from Enforced Disappearance, to carry out and follow up missions and to hold sessions in countries that would be prepared to receive it;

(b) To provide the resources needed to update the database on cases of enforced disappearance;

(c) To keep the Working Group and the Commission regularly informed of the steps he takes for the wide dissemination and promotion of the Declaration;

12. Decides to consider this matter at its fifty-seventh session under the same agenda item.

60th meeting  
20 April 2000

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

2000/38. The right to freedom of opinion and expression

The Commission on Human Rights,

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

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

Noting that the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of choice, as set out in article 19 of the International Covenant on Civil and Political Rights, gives meaning to the right to participate effectively in a free society,

Recalling the Johannesburg Principles on National Security, Freedom of Expression and Access to Information adopted by a group of experts meeting in South Africa on 1 October 1995 (E/CN.4/1996/39, annex),

Noting the Principles on Freedom of Information Legislation (The Public's Right to Know) (E/CN.4/2000/63, annex),

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

Noting that restrictions on the exercise of the right to freedom of opinion and expression could indicate a deterioration in the protection, respect for and enjoyment of other human rights and freedoms,

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

Deeply concerned at numerous reports of detention, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information,

Reaffirming the need to raise awareness about all aspects of the interrelationship between the use and availability of new media of communication, including modern telecommunications technology, and the right to freedom of expression and information, and of the efforts made in this regard in a number of international and regional forums, and mindful of provisions of relevant instruments,

Deeply concerned that for women there exists a gap between the right to freedom of opinion and expression, the right to information and the effective enjoyment of those rights, and that this gap contributes to inadequate action by Governments in the integration of the human rights of women into the mainstream of their human rights activities,

1. Reaffirms its commitment to the principles contained in the International Covenant on Civil and Political Rights;
2. Welcomes the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2000/63 and Add.1-4);
3. Expresses its continuing concern at the extensive occurrence of detention, long-term detention and extrajudicial killing, persecution and harassment, including through the abuse of legal provisions on criminal libel, of threats and acts of violence and of discrimination directed at persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, as well as at persons who seek to promote the rights affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and seek to educate others about them or who defend those rights and freedoms, including legal professionals and others who represent persons exercising those rights;

4. Also expresses its concern at the number of cases in which the violations referred to in paragraph 3 of the present resolution are facilitated and aggravated by several factors such as abuse of states of emergency, exercise of the powers specific to states of emergency without formal declaration and too vague a definition of offences against State security;

5. Further expresses its concern that high rates of illiteracy continue to exist in the world, and reaffirms that education is an integral component of the full and effective participation of persons in a free society, in particular for the full enjoyment of the right to freedom of opinion and expression, and that the eradication of illiteracy is very important to the achievement of these goals and to the development of the human person;

6. Mindful that the International Covenant on Civil and Political Rights states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions as set out in article 19 of the International Covenant on Civil and Political Rights, encourages States to review their procedures and legislation to ensure that any limitations on the right to freedom of expression are only such as are provided by law and are necessary for the respect of the rights and reputations of others, or for the protection of national security or of public order (ordre public) or of public health or morals;

7. Calls for further progress towards release of persons detained for exercising the rights and freedoms referred to in paragraph 3 of the present resolution, bearing in mind that each individual is entitled to the full enjoyment of all human rights and fundamental freedoms;

8. Urges Governments to implement effective measures to eliminate the atmosphere of fear which often prevents women who have been victims of violence, either in domestic or community settings or as a result of armed conflict, from communicating freely on their own behalf or through intermediaries;

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

10. Appeals to all States:

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

(b) To ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services, and in this context to pay particular attention to the situation of women;

(c) To cooperate fully with and assist the Special Rapporteur in the performance of his tasks and to provide all information necessary in order to permit him fully to carry out his mandate, including giving consideration to requests from the Special Rapporteur for in-country visits;

(d) To create and permit an enabling environment in which training and professional development of the media can be organized in order to promote and protect the freedom of opinion and expression and can be carried out without fear of legal, criminal or administrative sanction by the State;

11. Draws the attention of Governments to the Principles on Freedom of Information Legislation (The Public's Right to Know) appended to the Special Rapporteur's report (E/CN.4/2000/63, annex), and invites Governments to reflect upon them and to submit their comments to the Special Rapporteur;

12. Urges the Secretary-General to ensure that the practices of the United Nations system concerning access to information are consistent with Commission on Human Rights resolutions 1999/60 on public information and 1999/64 on human rights education, of 28 April 1999;

13. Invites the Special Rapporteur, within the framework of his mandate:

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

(b) In cooperation with the Special Rapporteur on violence against women, its causes and consequences, to continue to pay particular attention to the situation of women and the relationship between the effective promotion and protection of the right to freedom of opinion and expression and incidents of discrimination based on sex, creating obstacles for women with regard to their right to seek, receive and impart information, to consider how these obstacles impede the ability of women to make informed choices in areas of particular importance to them, as well as in areas related to the general decision-making processes in the societies in which they live and to consider joint reports with the Special Rapporteur on violence against women;

(c) With a view to promoting greater efficiency and effectiveness, as well as enhancing his access to the information necessary for him to fulfil his duties, to continue his efforts to cooperate with other special rapporteurs, special representatives, independent experts, working groups, other United Nations mechanisms and procedures in the field of human rights, specialized agencies, including the United Nations Educational, Scientific and Cultural Organization, and regional intergovernmental organizations and their mechanisms and further to develop and extend his network of relevant non-governmental organizations, particularly at the local level, with a view to ensuring that he has the full benefit of all pertinent information from such non-governmental organizations;

(d) To consider approaches taken to access to information with a view to sharing best practices;

(e) To continue to provide his views, when appropriate, on the advantages and challenges of new information technologies, including the Internet, for the exercise of the right to freedom of opinion and expression, including the right to seek, receive and impart information and the relevance of a wide diversity of sources;



(f) To continue to seek the views and comments of the Governments and others concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;

(g) To contribute effectively to the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance by transmitting to the High Commissioner his recommendations on freedom of opinion and expression which have a bearing on the Conference;

14. Expresses once again its concern at the inadequate resources, both human and material, provided to the Special Rapporteur, and accordingly reiterates its request to the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil his mandate effectively, in particular by placing adequate human and material resources at his disposal;

15. Requests the Special Rapporteur to submit to the Commission at its fifty-seventh session a report covering activities relating to his mandate and decides to continue its consideration of this question at that session.

60th meeting  
20 April 2000

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

2000/39. Human rights in the administration of justice, in particular juvenile justice

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocols, and in particular article 6 of the latter Covenant,

Bearing in mind the relevant principles embodied in the Convention on the Rights of the Child, and in particular its articles 3, 37, 39 and 40, as well as the relevant provisions of 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 and the Convention on the Elimination of All Forms of Discrimination against Women,

Calling attention to the numerous international standards in the field of the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice,

Aware of the need for special vigilance with regard to the specific situation of children and juveniles as well as women in detention and their special needs while deprived of their liberty, in particular their vulnerability to various forms of abuse, injustice and humiliation,

Reaffirming that the best interest of the child must be a primary consideration in all decisions concerning deprivation of liberty, and in particular that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and the need to ensure that, if they are arrested, detained or imprisoned, children shall be separated from adults, to the greatest extent feasible, unless it is considered in the child's best interest not to do so,

Deeply concerned at the severity and brutality with which children and juveniles are used as instruments in criminal activities,

Underlining the need to increase further the cooperation in the field of the administration of justice between the Commission on Human Rights, the Commission on Crime Prevention and Criminal Justice and other relevant bodies,

Welcoming the important activities of the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention and the United Nations Development Programme in the field of juvenile justice,

Recalling the Guidelines for Action on Children in the Criminal Justice System, annexed to Economic and Social Council resolution 1997/30 of 21 July 1997 on administration of juvenile justice, and the establishment of a coordination panel on technical advice and assistance in juvenile justice in order to facilitate the coordination of activities in this field undertaken by relevant entities of the United Nations system as well as non-governmental organizations, professional groups and academic societies involved in the provision of technical advice and assistance,

Welcoming the second meeting of the coordination panel on technical advice and assistance in juvenile justice on 20 and 21 March 2000, hosted by the United Nations Children's Fund,

Recalling its resolutions 1998/39 of 17 April 1998 and 1999/80 of 28 April 1999, Economic and Social Council resolution 1999/28 of 28 July 1999 on administration of juvenile justice and General Assembly resolution 54/163 of 17 December 1999 on human rights in the administration of justice, as well as the recommendation of the Committee on the Rights of the Child on administration of juvenile justice adopted at its twenty-second session,

1. Takes note of the report of the Secretary-General (E/CN.4/2000/54);
2. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;
3. Reiterates its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;
4. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights;
5. Invites Governments to provide training, including genders-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers, immigration and police officers, and other professionals concerned, including personnel employed in international field presences;
6. Stresses the special need for national capacity-building in the field of the administration of justice, in particular to establish and maintain stable societies and the rule of law in post-conflict situations, through reform of the judiciary, the police and the penal system, as well as juvenile justice reform;
7. Encourages States to make use of technical assistance offered by the United Nations programmes of advisory services and technical assistance in the field of the administration of justice;
8. Invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;
9. Calls upon the High Commissioner for Human Rights to reinforce, within her mandate, her activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations;

10. Calls upon the Secretary-General and the High Commissioner for Human Rights to strengthen system-wide coordination in the field of the administration of justice, in particular between the United Nations programmes in the fields of human rights, crime prevention and criminal justice, and development;

11. Recognizes that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her dignity and needs, in accordance with the relevant principles and provisions embodied in the Convention on the Rights of the Child and other relevant standards on human rights in the administration of justice;

12. Takes note of the concern of the Committee on the Rights of the Child that in all regions of the world and in relation to all legal systems the provisions of the Convention on the Rights of the Child relating to the administration of juvenile justice are in many instances not reflected in national legislation or practice;

13. Recognizes the necessity of ensuring the effective implementation of relevant international standards relating to juvenile justice, in particular the Convention on the Rights of the Child, and invites States to improve the status of information on the situation of juvenile justice to this end;

14. Underlines that raising awareness of the specific situation of children and juveniles in the administration of justice and providing training thereon are crucial in strengthening the implementation of international standards in this field and, in this regard, welcomes the finalization and dissemination of a training manual on juvenile justice, entitled "The child criminal justice manual";

15. Welcomes the fact that the administration of juvenile justice is receiving consistent and systematic attention from the Committee on the Rights of the Child and that the Committee provides concrete recommendations concerning the improvement of national juvenile justice systems, in particular through action by the Secretariat and other relevant United Nations entities, including the provision of advisory services and technical assistance;

16. Takes note with satisfaction of the activities of the coordination panel on technical advice and assistance in juvenile justice and calls on the partners involved to continue to cooperate, share information and pool their capacities and interests in order to increase coordination and the effectiveness of programme design and implementation at Headquarters and in the field;

17. Welcomes the elaboration by the coordination panel of an information kit on technical cooperation in the area of juvenile justice to assist in the identification and coordination of assistance programmes in this field;

18. Also welcomes the increased attention paid to the issue of juvenile justice by the High Commissioner for Human Rights and encourages further activities, within her mandate, in this regard;

19. Calls upon special rapporteurs, special representatives and working groups of the Commission on Human Rights to continue to give special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory service and technical assistance measures;

20. Requests the Secretary-General to submit a report to the Commission at its fifty-eighth session on practical measures for the implementation of the international standards in the field of human rights in the administration of justice, in particular regarding rebuilding and strengthening structures and capacities for the administration of justice in post-conflict situations, and in juvenile justice, as well as the role of technical assistance of the United Nations system in this regard;

21. Also requests the Secretary-General to make available to the Commission at its fifty-eighth session his reports on the administration of juvenile justice, as well as on the activities of the coordination panel on technical advice and assistance in juvenile justice, submitted to the Commission on Crime Prevention and Criminal Justice;

22. Decides to consider this question at its fifty-eighth session under the agenda sub-item entitled "Independence of the judiciary, administration of justice, impunity".

60th meeting  
20 April 2000

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

2000/40. The incompatibility between democracy and racism

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling the commitment reached in the Vienna Declaration and Programme of Action concerning the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Recalling the responsibility of Governments to ensure such equality as is established in the relevant international and regional human rights instruments, inter alia, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming that acts of racial violence and discrimination do not constitute legitimate expressions of opinion, but rather are offences,

Alarmed by the rise of racism and xenophobia in political circles, in the sphere of public opinion, and in society at large,

Recognizing the fundamental role of education in the promotion of tolerance and respect for others and in the construction of pluralistic societies,

Convinced that political platforms based on racism, xenophobia or doctrines of racial superiority and related discrimination must be condemned as incompatible with democracy and transparent and accountable governance, and that racial discrimination condoned by governmental policies violates human rights and may endanger friendly relations among peoples, cooperation among nations, and international peace and security,

1. Urges States to reinforce their commitment to promote tolerance and to fight against racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy and transparent and accountable governance;

2. Invites the mechanisms of the Commission on Human Rights and the treaty bodies, in particular the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, to continue to pay particular attention to violations of human rights stemming from the rise of racism and xenophobia in political circles and society at large, especially as regards their incompatibility with democracy;

3. Invites the United Nations High Commissioner for Human Rights to report to the Commission at its fifty-seventh session on the implementation of the present resolution;

4. Decides to continue consideration of the matter at its fifty-seventh session under the same agenda item.

60th meeting  
20 April 2000

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

2000/41. The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant human rights instruments and the Vienna Declaration and Programme of Action,

Reaffirming that pursuant to internationally proclaimed human rights principles, victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

Reiterating the importance of addressing the question of restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms in a systematic and thorough way at the national and international levels,

Recalling its resolution 1996/35 of 19 April 1996, in which it regarded the basic principles and guidelines on the right to redress of victims of grave violations of human rights and international humanitarian law, proposed by the former Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Theo van Boven, as a useful basis for giving priority attention to the question of restitution, compensation and rehabilitation,

Recalling also its resolution 1999/33 of 26 April 1999,

Taking note of the report of the independent expert, Mr. Cherif Bassiouni, appointed by the Commission (E/CN.4/2000/62),

Expressing its satisfaction at the submission of comments by governments, intergovernmental organizations and non-governmental organizations on the draft revised principles and guidelines circulated by the independent expert,

Noting with satisfaction the positive experience of countries that have established policies and adopted legislation on restitution, compensation and rehabilitation for victims of grave violations of human rights,

1. Calls upon the international community to give due attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights;
2. Requests the Secretary-General to circulate to all Member States the text of the “Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law”, annexed to the final report of the independent expert and to request that they send their comments thereon to the Office of the United Nations High Commissioner for Human Rights;
3. Requests the High Commissioner for Human Rights to hold a consultative meeting in Geneva for all interested Governments, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, using available resources, with a view to finalizing the principles and guidelines on the basis of the comments submitted;
4. Also requests the High Commissioner for Human Rights to transmit to the Commission at its fifty-seventh session the final outcome of the consultative meeting for its consideration;
5. Decides to continue its consideration of this matter at its fifty-seventh session under the sub-item entitled “Independence of the judiciary, administration of justice, impunity”.

60th meeting  
20 April 2000

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

2000/42. Independence and impartiality of the judiciary, jurors  
and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action, in particular Part I, paragraph 27, and Part II, paragraphs 88, 90 and 95, thereof,



Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolution 1994/41 of 4 March 1994, in which it requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, and its resolution 1997/23 of 11 April 1997, in which it decided to extend the mandate of the Special Rapporteur for a further period of three years,

Recalling also its resolution 1995/36 of 3 March 1995, in which it endorsed the decision of the Special Rapporteur to use, beginning in 1995, the short title “Special Rapporteur on the independence of judges and lawyers”,

Recalling further General Assembly resolution 40/32 of 29 November 1985, in which the Assembly endorsed the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and Assembly resolution 40/146 of 13 December 1985,

Recalling General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Recalling also the recommendations adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders regarding, among other things, the invitation addressed to Member States to ensure the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of penal justice and police affairs, taking into account the Basic Principles on the Independence of the Judiciary,

Recalling further the Statement of Principles on the Independence of the Judiciary, adopted in Beijing in August 1995 by the Sixth Conference of Chief Justices of Asia and the Pacific, and the Cairo Declaration, adopted in November 1995 by the Third Conference of Francophone Ministers of Justice,

Acknowledging the importance for the Special Rapporteur of being able to cooperate closely, in the framework of his mandate, with the Office of the United Nations High

Commissioner for Human Rights in the field of advisory services and technical cooperation, which could contribute to guaranteeing the independence of judges and lawyers,

Recognizing the importance of the role of non-governmental organizations, bar associations and professional associations of judges in the defence of the principles of the independence of lawyers and judges,

Noting with concern the increasingly frequent attacks on their independence suffered by judges, lawyers and court officers, and aware of the close link between the weakening of safeguards for judges, lawyers and court officers and the frequency and gravity of violations of human rights,

1. Takes note of the report of the Special Rapporteur on the independence of judges and lawyers on the activities relating to his mandate (E/CN.4/2000/61 and Add.1);

2. Also takes note of the cooperative working methods that the Special Rapporteur has adopted to draw up his report and implement his mandate, as described in Commission resolution 1994/41;

3. Welcomes the numerous exchanges the Special Rapporteur has had with several intergovernmental and international organizations and United Nations bodies, and encourages him to continue along this path;

4. Notes with appreciation the determination of the Special Rapporteur to achieve as wide a dissemination as possible of information about existing standards relating to the independence and impartiality of the judiciary and the independence of the legal profession in conjunction with the publications and promotional activities of the Office of the High Commissioner for Human Rights;

5. Invites the High Commissioner to continue to provide technical assistance to train judges and lawyers and to associate the Special Rapporteur in the elaboration of a manual on the training of judges and lawyers in the field of human rights;

6. Urges all Governments to assist the Special Rapporteur in the discharge of his mandate and to transmit to him all the information requested;

7. Encourages Governments that face difficulties in guaranteeing the independence of judges and lawyers, or that are determined to take measures to implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance by inviting him to their country if the Government concerned deems it necessary;

8. Decides to extend the mandate of the Special Rapporteur for a further period of three years, requests him to submit a report on the activities relating to his mandate to the Commission at its fifty-seventh session and decides to consider this question at that session;

9. Requests the Secretary-General, within the limits of the United Nations regular budget, to provide the Special Rapporteur with any assistance needed for the discharge of his mandate;

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 2000/42 of 20 April 2000, endorses the Commission’s decision to extend the mandate of the Special Rapporteur on the independence of judges and lawyers for a further period of three years and its request to the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-seventh session. The Council also endorses the Commission’s request to the Secretary-General to provide the Special Rapporteur, within the limits of the United Nations regular budget, with any assistance needed for the discharge of his mandate.”

60th meeting  
20 April 2000

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

2000/43. Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Reaffirming that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment, that such actions constitute a criminal attempt to destroy a fellow human being physically and mentally, which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

Recalling that freedom from torture and cruel, inhuman or degrading treatment or punishment is a non-derogable right and that the prohibition of torture is explicitly affirmed in article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being

Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as in the relevant provisions of other international human rights instruments such as the Convention on the Rights of the Child, the Vienna Declaration and Programme of Action, the Declaration on the Elimination of All Forms of Violence against Women, the four Geneva Conventions of 1949 for the protection of war victims, and in the Rome Statute of the International Criminal Court,

Recalling also the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Appalled at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling all relevant resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in particular General Assembly resolution 51/86 of 12 December 1996 and Commission resolution 1999/32 of 26 April 1999 and General Assembly resolution 54/156 of 17 December 1999,

Mindful of the proclamation by the General Assembly, in its resolution 52/149 of 12 December 1997, of 26 June as United Nations International Day in Support of Victims of Torture,

Commending the persistent efforts by non-governmental organizations to combat torture and to alleviate the suffering of victims of torture,

1. Calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;
2. Urges all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action, in particular Part II, section B.5, relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law;
3. Reminds Governments that corporal punishment, including of children, can amount to cruel, inhuman or degrading punishment or even to torture;
4. Condemns all forms of torture, including through intimidation, as described in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

5. Draws the attention of Governments to the Principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment annexed to the present resolution, requests the Office of the High Commissioner for Human Rights to disseminate them widely, encourages Governments to reflect upon the Principles as a useful tool in efforts to combat torture and requests the Special Rapporteur, in the normal course of his work, to solicit views from Governments and non-governmental organizations thereon;

6. Stresses in particular that all allegations of torture or other cruel, inhuman or degrading treatment or punishment be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have taken place, and that national legal systems should ensure that the victims of such acts obtain redress and are awarded fair and adequate compensation and receive appropriate socio-medical rehabilitation;

7. Reminds all States that prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person;

8. Calls upon all Governments, the United Nations High Commissioner for Human Rights and United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate on 26 June the United Nations International Day in Support of Victims of Torture, this year with particular emphasis on reparation for torture victims;

9. Takes note with appreciation of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/2000/59) and the ratifications and accessions to the Convention since the fifty-fifth session of the Commission;

10. Urges all States to become parties to the Convention against Torture as a matter of priority;

11. Encourages States parties to consider limiting the extent of any reservations they lodge to the Convention against Torture, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the Convention;

12. Also encourages States parties to review regularly any reservations made in respect of the provisions of the Convention against Torture with a view to withdrawing them;

13. Invites all States ratifying or acceding to the Convention against Torture and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to avoid making, or consider the possibility of withdrawing, reservations to article 20;

14. Urges States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention against Torture as soon as possible;

15. Also urges all States parties to comply strictly with their obligations in accordance with article 19 of the Convention against Torture, including their reporting obligations, and, in particular, those States parties whose reports are long overdue to submit their reports forthwith, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee;

16. Stresses that under article 4 of the Convention against Torture acts of torture must be made an offence under domestic criminal law and that acts of torture during armed conflict are considered a grave breach of the Geneva Conventions of 1949, with the perpetrators liable to prosecution and punishment;

17. Emphasizes the obligation of States parties under article 10 of the Convention against Torture to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, and calls upon the United Nations High Commissioner for Human Rights, in conformity with her mandate established in General Assembly resolution 48/141 of 20 December 1993, to provide, at the request of Governments, advisory services in this regard, as well as technical assistance in the development, production and distribution of appropriate teaching material for this purpose;

18. Stresses in this context that States must not punish personnel referred to in the preceding paragraph for not obeying orders to commit acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

19. Welcomes the report of the Committee against Torture on its twenty-first and twenty-second sessions (A/54/44);
20. Also welcomes the work of the Committee against Torture and its practice of formulating concluding observations after the consideration of reports, as well as its practice of carrying out inquiries into cases where there are indications of the systematic practice of torture within the jurisdiction of States parties;
21. Urges States parties to take fully into account, in implementing the provisions of the Convention against Torture, the conclusions and recommendations made by the Committee against Torture at the end of its consideration of their reports;
22. Requests the Secretary-General to continue to submit to the Commission an annual report on the status of the Convention against Torture;
23. Commends the Special Rapporteur for his work as reflected in his report (E/CN.4/2000/9 and Add.1-5);
24. Notes the recommendations of the Special Rapporteur contained in his report, as well as the recommendations made in previous years, and encourages him to continue to include amongst his recommendations proposals on the prevention and investigation of torture, taking into account information received on training manuals and activities aimed at facilitating the practice of torture;
25. Approves the methods of work employed by the Special Rapporteur as set out in a previous report (E/CN.4/1997/4, annex), in particular with regard to urgent appeals, encourages him to continue to respond effectively to credible and reliable information that comes before him and invites him to continue to seek the views and comments of all concerned, including Governments, in the elaboration of his report;
26. Invites the Special Rapporteur to continue to consider questions concerning torture and other cruel, inhuman or degrading treatment or punishment directed against women and conditions conducive to such torture, to make appropriate recommendations concerning the prevention and redress of gender-specific forms of torture, including rape or any other form of sexual violence, and to exchange views with the Special Rapporteur on violence against women with a view to enhancing further their mutual cooperation;

27. Also invites the Special Rapporteur to continue to consider questions relating to the torture of children and conditions conducive to such torture and other cruel, inhuman or degrading treatment or punishment and to make appropriate recommendations concerning the prevention of such torture;

28. Calls upon all Governments to cooperate with and assist the Special Rapporteur on the question of torture in the performance of his task, to supply all necessary information requested by him and to react appropriately and expeditiously to his urgent appeals;

29. Urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

30. Calls upon all Governments to give serious consideration to the Special Rapporteur's requests to visit their countries and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to his recommendations, so as to enable him to fulfil his mandate even more effectively;

31. Requests the Special Rapporteur to continue to consider inclusion of information in his report on the follow-up by Governments to his recommendations, visits and communications, including both improvements and problems encountered;

32. Considers it desirable that the Special Rapporteur continue to exchange views with the relevant human rights mechanisms and bodies, especially the Committee against Torture and the Office of the United Nations High Commissioner for Human Rights, in particular with a view to enhancing further their effectiveness and mutual cooperation, while avoiding unnecessary duplication with other special procedures, and that he should pursue cooperation with relevant United Nations programmes, notably that on crime prevention and criminal justice;

33. Invites the Special Rapporteur to present an interim report to the General Assembly at its fifty-fifth session on the overall trends and developments with regard to his mandate and a full report to the Commission at its fifty-seventh session, including all replies sent by Governments that are received in any of the official languages of the United Nations;

34. Takes note of the reports of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/54/177 and E/CN.4/2000/60 and Add.1);

35. Expresses its appreciation to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for the work it has accomplished and to those Governments, organizations and individuals that have contributed to the Fund, and encourages them to continue to do so;



36. Appeals to all Governments, organizations and individuals to contribute annually to the Fund and preferably by 1 March before the annual meeting of the Board, if possible with a substantial increase in the contributions in order to take into consideration the ever-increasing requests for assistance;

37. Stresses in particular the increasing need for assistance to rehabilitation services for victims of torture and to small projects of humanitarian assistance to victims of torture;

38. Requests the Secretary-General to continue to include the Fund, on an annual basis, among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

39. Renews its request to the Secretary-General to transmit to all Governments the appeals of the Commission for contributions to the Fund;

40. Calls upon the Board of Trustees of the Fund to report to the Commission at its fifty-seventh session and to present an updated assessment of the global need for international funding of rehabilitation services for victims of torture and of lessons learned from the activities of the Fund;

41. Requests the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis;

42. Urges States parties whose arrears pre-date the provision made by the Secretary-General for funding the Committee against Torture from the regular budget to fulfil their obligations forthwith;

43. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing, as well as the necessary technical facilities for the United Nations bodies and mechanisms dealing with torture, in order to ensure their effective performance;

44. Decides to continue to consider these questions at its fifty-seventh session, as a matter of priority.

#### Annex

##### Principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment

1. The purposes of effective investigation and documentation of torture and other cruel, inhuman or degrading treatment (hereafter torture or other ill-treatment) include the following:

- (i) Clarification of the facts and establishment and acknowledgement of individual and State responsibility for victims and their families;
- (ii) Identification of measures needed to prevent recurrence;
- (iii) Facilitating prosecution and/or, as appropriate, disciplinary sanctions for those indicated by the investigation as being responsible, and demonstrating the need for full reparation and redress from the State, including fair and adequate financial compensation and provision of the means for medical care and rehabilitation.

2. States shall ensure that complaints and reports of torture or ill-treatment shall be promptly and effectively investigated. Even in the absence of an express complaint, an investigation should be undertaken if there are other indications that torture or ill-treatment might have occurred. The investigators, who shall be independent of the suspected perpetrators and the agency they serve, shall be competent and impartial. They shall have access to, or be empowered to commission investigations by impartial medical or other experts. The methods used to carry out such investigations shall meet the highest professional standards, and the findings shall be made public.

3(a) The investigative authority shall have the power and obligation to obtain all the information necessary to the inquiry.<sup>1</sup> The persons conducting the investigation shall have at their disposal all the necessary budgetary and technical resources for effective investigation. They shall also have the authority to oblige all those acting in an official capacity allegedly involved in torture or ill-treatment to appear and testify. The same shall apply to any witness. To this end, the investigative authority shall be entitled to issue summonses to witnesses, including any officials allegedly involved, and to demand the production of evidence.

3(b) Alleged victims of torture or ill-treatment, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation that may arise pursuant to the investigation. Those potentially implicated in torture or ill-treatment shall be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as those conducting the investigation.

4. Alleged victims of torture or ill-treatment and their legal representatives shall be informed of, and have access to any hearing as well as to all information relevant to the investigation, and shall be entitled to present other evidence.

5(a) In cases in which the established investigative procedures are inadequate because of insufficient expertise or suspected bias, or because of the apparent existence of a pattern of abuse, or for other substantial reasons, States shall ensure that investigations are undertaken through an independent commission of inquiry or similar procedure. Members of such a commission shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any suspected perpetrators and the institutions or agencies they may serve. The commission shall have the authority to obtain all information necessary to the inquiry and shall conduct the inquiry as provided for under these Principles.<sup>1</sup>

5(b) A written report, made within a reasonable time, shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. On completion, this report shall be made public. It shall also describe in detail specific events that were found to have occurred, the evidence upon which such findings were based, and list the names of witnesses who testified with the exception of those whose identities have been withheld for their own protection. The State shall, within a reasonable period of time, reply to the report of the investigation and, as appropriate, indicate steps to be taken in response.

6(a) Medical experts involved in the investigation of torture or ill-treatment should behave at all times in conformity with the highest ethical standards and in particular shall obtain informed consent before any examination is undertaken. The examination must conform to established standards of medical practice. In particular, examinations shall be conducted in private under the control of the medical expert and outside the presence of security agents and other government officials.

6(b) The medical expert should promptly prepare an accurate written report. This report should include at least the following:

- (i) Circumstances of the interview: name of the subject and name affiliation of those present at the examination; the exact time and date; the location, nature and address of the institution (including, where appropriate, the room) where the examination is being conducted (e.g. detention centre, clinic, house, etc.); the circumstances of the subject at the time of the examination (e.g. nature of any restraints on arrival or during the examination, presence of security forces

- during the examination, demeanour of those accompanying the prisoner, threatening statements to the examiner, etc.); and any other relevant factor;
- (ii) History: a detailed record of the subject's story as given during the interview, including alleged methods of torture or ill-treatment, the times when torture or ill-treatment is alleged to have occurred and all complaints of physical and psychological symptoms;
  - (iii) Physical and psychological examination: a record of all physical and psychological findings on clinical examination including appropriate diagnostic tests and, where possible, colour photographs of all injuries;
  - (iv) Opinion: an interpretation as to the probable relationship of the physical and psychological findings to possible torture or ill-treatment. A recommendation for any necessary medical and psychological treatment and/or further examination should be given;
  - (v) Authorship: the report should clearly identify those carrying out the examination and should be signed.

6(c) The report should be confidential and communicated to the subject or his or her nominated representative. The views of the subject and his or her representative about the examination process should be solicited and recorded in the report. It should also be provided in writing, where appropriate, to the authority responsible for investigating the allegation of torture or ill-treatment. It is the responsibility of the State to ensure that it is delivered securely to these persons. The report should not be made available to any other person, except with the consent of the subject or on the authorization of a court empowered to enforce such transfer.

Note

<sup>1</sup> Under certain circumstances, professional ethics may require information to be kept confidential. These requirements should be respected.

60th meeting  
20 April 2000

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

2000/44. Traffic in women and girls

The Commission on Human Rights,

Recalling all previous resolutions on the problem of the traffic in women and girls adopted by the General Assembly and the Commission on Human Rights, as well as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Reaffirming the provisions adopted by the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders pertaining to the traffic in women and children,

Stressing once again the urgent need to eliminate all forms of sexual violence and trafficking, including for prostitution, which are violations of the human rights of women and girls and are incompatible with the dignity and worth of the human person, through the adoption of effective measures nationally, regionally and internationally,

Taking note of the work being done by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, in particular its elaboration of a protocol to prevent, suppress and punish trafficking in persons, especially women and children,

Welcoming the consensus reached on the draft optional protocol to the Convention on the Rights of Child on the sale of children, child prostitution and child pornography and the adoption of the ILO Convention on Worst Forms of Child Labor,

Welcoming bilateral and regional cooperation mechanisms and initiatives to address the problem of trafficking in women and girls,

Recognizing that global efforts, including international cooperation and technical assistance programmes, to eradicate trafficking in persons, particularly women and children, demand strong political commitment by and the active cooperation of all Governments of countries of origin, transit and destination,

Stressing the need for a global approach to eradicate trafficking in women and children and the importance, in this regard, of systematic data collection and comprehensive studies, including on the modus operandi of trafficking syndicates,

Acknowledging the work done by intergovernmental and non-governmental organizations in compiling information on the scale and complexity of the problem of trafficking, in providing shelter for trafficked women and children, and in effecting their voluntary repatriation to their countries of origin,

Recognizing the need to address the impact of globalization on the problem of trafficking in women and girls,

Seriously concerned at the increasing number of women and girl children from developing countries and from some economies in transition who are being trafficked to developed countries, as well as within and between regions and States, and acknowledging that the problem of trafficking also includes the victimizing of boys,

Gravely concerned at the increasing activities of transnational criminal organizations and others that profit from international trafficking in women and children without regard to dangerous and inhumane conditions and in flagrant violation of domestic laws and international standards,

Deeply concerned about the unabated use of new information technologies, including the Internet, for purposes of prostitution, child pornography, paedophilia, trafficking in women as brides and sex tourism,

1. Takes note with appreciation of the report of the Secretary-General (E/CN.4/2000/66) on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls;

2. Welcomes the report of the Special Rapporteur on violence against women, its causes and consequences on trafficking in women, women's migration and violence against women (E/CN.4/2000/68);

3. Also welcomes the steps taken by human rights treaty bodies, the Special Rapporteurs and subsidiary bodies of the Commission on Human Rights, the Office of the High Commissioner for Human Rights, other United Nations bodies and international organizations to address within their mandates the problem of trafficking in women and girls, and encourages them to continue doing so and to share their knowledge and best practices as widely as possible;

4. Urges Governments to take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour, so as to eliminate

trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures;

5. Invites Governments to take steps to ensure for victims of trafficking the respect of all their human rights and fundamental freedoms, including taking steps to ensure all legislation related to combating trafficking is gender sensitive and provides protection for the human rights of women and girls and against violations committed against women and girls;

6. Calls upon Governments to criminalize trafficking in women and girls in all its forms, and to condemn and penalize all the offenders involved, including intermediaries, whether their offence was committed in their own or in a foreign country, while ensuring that the victims of those practices are not penalized;

7. Encourages Governments to conclude bilateral, subregional, regional and international agreements to address the problem of trafficking in women and girls;

8. Also encourages Governments to work for the early finalization of the draft convention against transnational organized crime, including the draft protocol to prevent, suppress and punish trafficking in persons, especially women and children, and to give the draft convention and the protocol a human rights perspective;

9. Further encourages Governments, in cooperation with non-governmental organizations, to undertake campaigns aimed at clarifying opportunities, limitations and rights in the event of migration so as to enable women to make informed decisions and to prevent them from becoming victims of trafficking;

10. Calls upon concerned Governments to allocate resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and health care and by taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims;

11. Notes with appreciation the efforts of participating Governments and intergovernmental and non-governmental organizations at the Asian Regional Initiative Against Trafficking in Women and Children meeting in Manila in March 2000 to develop a regional action plan against trafficking in persons, especially women and children, and encourages other regional initiatives in this regard;

12. Encourages Governments, intergovernmental and non-governmental organizations, the human rights treaty bodies, the special rapporteurs, especially the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on the human rights of migrants, and subsidiary bodies of the Commission on Human Rights to participate in and contribute to the work of the twenty-sixth session of the Working Group on Contemporary Forms of Slavery in 2001 that will focus on the issue of trafficking;

13. Requests the Secretary-General to provide the Commission, at its fifty-seventh session, with an update on the report on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls;

14. Decides to continue its consideration of this question at its fifty-seventh session under the appropriate agenda item.

61st meeting  
20 April 2000

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

2000/45. Elimination of violence against women

The Commission on Human Rights,

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

Recalling its resolutions 1994/45 of 4 March 1994, in which it decided to appoint a special rapporteur on violence against women, its causes and consequences, and 1997/44 of 11 April 1997, in which that mandate was renewed,

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



Stressing that the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the entry into force of its Optional Protocol will contribute to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements this process,

Welcoming the Beijing Declaration and Platform for Action of the Fourth World Conference on Women and follow-up action such as the agreed conclusions adopted by the Commission on the Status of Women on violence against women and on the other critical areas of concern identified in the Platform for Action,

Recalling that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated, and called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stressed the importance of working towards the elimination of violence against women in public and private life, and urged the eradication of all forms of discrimination against women,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, the girl child, women with disabilities, elderly women and women in situations of armed conflict, are especially targeted and vulnerable to violence,

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court (A/CONF.183/9), which affirms that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence constitute, in defined circumstances, a crime against humanity and a war crime, and reiterating that acts of sexual violence in situations of armed conflict can constitute serious violations or grave breaches of international humanitarian law,

1. Welcomes the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2000/68 and Add. 1-5), and encourages her in her future work;

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

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

3. Affirms that the term “violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, and including domestic violence, crimes committed in the name of honour, crimes committed in the name of passion, traditional practices harmful to women, including female genital mutilation, and forced marriages;

4. Affirms that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms;

5. Strongly condemns physical, sexual and psychological violence occurring in the family, which encompasses, but is not limited to, battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female infanticide, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

6. Encourages Governments and the United Nations system to ensure greater international cooperation in, and national attention to, acquiring data and developing indicators on the extent, nature and consequences of violence against women and girls, and on the impact and effectiveness of policies and programmes for combating this violence;

7. Welcomes the decision by the General Assembly to designate 25 November as the International Day for the Elimination of Violence against Women;

8. Also welcomes the establishment in March 1999 by the Office of the United Nations High Commissioner for Human Rights of a programme against trafficking in persons;

9. Encourages Governments to ensure that all international and national measures to eliminate trafficking, including the draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, promote and protect the human rights of victims;

10. Urges all Governments to mainstream a gender perspective, as appropriate, into national immigration and asylum policies, regulations and practices, in order to extend protection to those women whose claim for protection is based on gender-related persecution;

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

12. Welcomes the efforts of the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and consequences, in particular, where appropriate, by sending joint urgent appeals and communications with other special rapporteurs;

13. Invites the Special Rapporteur to continue to cooperate with other special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission on Human Rights, including, where appropriate, undertaking joint missions and writing joint reports;

14. Requests special rapporteurs responsible for various human rights questions, United Nations organs and bodies, specialized agencies and intergovernmental organizations, and encourages human rights treaty bodies, to give consideration to violence against women within their respective mandates and to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, and in particular to respond to her requests for information on violence against women, its causes and consequences;

15. Stresses the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent all forms of violence against women, and calls upon States:

(a) To apply international human rights norms and to ratify and implement fully international human rights instruments that relate to violence against women;

(b) To include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments sex-disaggregated data and, whenever possible,

information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women and the Beijing Platform for Action;

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

(d) To enact and, where necessary, reinforce or amend penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict, to ensure that they conform with relevant international human rights instruments and humanitarian law, and to take action to investigate and punish persons who perpetrate acts of violence against women;

(e) To consider undertaking comprehensive, objective and easily accessible information campaigns about violence against women;

(f) To establish and/or strengthen, at the national level, collaborative relationships with relevant non-governmental and community-based organizations, and with public and private sector institutions, aimed at the development and effective implementation of provisions and policies relating to violence against women, including in the area of support services to respond to the needs of women and girl survivors of violence and to assist them in their full recovery and reintegration into society;

(g) To create, improve or develop, as appropriate, and fund training programmes, taking into account, *inter alia*, sex-disaggregated data on the causes and effects of violence against women, for judicial, legal, medical, social, educational, police, correctional service, military, peacekeeping, humanitarian relief and immigration personnel, in order to avoid the abuse of power leading to violence against women and to sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be ensured;

(h) To sensitize all persons, men and women, to the causes and effects of violence against women and to highlight men's role in its prevention and elimination, to encourage and support men's initiatives to complement the efforts of women's organization in this regard, and to encourage behavioural change by perpetrators of violence against women;

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

by the Committee on the Elimination of Discrimination against Women at its eleventh session, and calls upon those States which are still not parties to the Convention to work actively towards ratification of or accession to it so that universal ratification can be achieved by the end of the year 2000, and encourages all Member States to consider signing, ratifying or acceding to the Optional Protocol to the Convention;

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

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

19. Decides to renew the mandate of the Special Rapporteur for a period of three years;

20. Requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women at its forty-fifth session, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

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

61st meeting  
20 April 2000

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

2000/46. Integrating the human rights of women throughout the United Nations system

The Commission on Human Rights,

Reaffirming that the equal rights of women and men are enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

Recalling all previous resolutions on this subject,

Recalling also that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity,

Emphasizing that all entities of the United Nations system, as well as the major United Nations conferences and summits, including in the process of implementation of their outcome, should further mainstream a gender perspective at all levels, bearing in mind the need for integrated and coordinated follow-up,

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

Welcoming the adoption without a vote by the General Assembly, in its resolution 54/4 of 6 October 1999, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which was opened for signature, ratification and accession on 10 December 1999, and the fact that a number of States have already signed the Optional Protocol,

Emphasizing the pivotal role of the Commission on the Status of Women in promoting equality between women and men, and welcoming its agreed conclusions on the human rights of women and on the other critical areas of concern of the Platform for Action,

Acknowledging the need to integrate further the human rights of women and a gender perspective into all aspects of the work of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights and all other subsidiary mechanisms,

Acknowledging, furthermore, the need for a comprehensive and integrated approach to the promotion and protection of the human rights of women, which includes the integration of the human rights of women into the mainstream of United Nations activities system-wide,

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

1. Welcomes the report of the Secretary-General (E/CN.4/2000/67);
2. Also welcomes the ministerial communiqué adopted by the Economic and Social Council at the high-level segment of its substantive session of 1999 on the theme "The role of employment and work in poverty eradication: the empowerment and advancement of women";
3. Emphasizes that the goal of mainstreaming a gender perspective is to achieve gender equality and that this includes ensuring that all United Nations activities integrate the human rights of women;
4. Invites the Economic and Social Council to give attention to the implementation of its agreed conclusions 1997/2 on mainstreaming the gender perspective and 1998/2 related to the coordinated follow-up to the Vienna Declaration and Programme of Action, in particular section IV on the equal status and human rights of women, including in its coordination segment of 2000 on the theme "Assessment of the progress made within the United Nations system, through the conference reviews, in the promotion of an integrated and coordinated implementation of and follow-up to major United Nations conferences and summits in the economic, social and related fields";
5. Encourages the continued commitment of the United Nations High Commissioner for Human Rights to integrating the human rights of women throughout the United Nations system and, in this regard, welcomes the finalization by the High Commissioner of the policy statement on gender and the human rights of women, and the cooperation on women's human rights between the High Commissioner and the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women;
6. Welcomes the continued cooperation between the Commission on the Status of Women and the Commission on Human Rights, including through joint bureau meetings and the participation of the Chair of the Commission on the Status of Women in the work of the Commission on Human Rights under the relevant agenda item, and encourages the continuation of this cooperation;
7. Also welcomes the cooperation and coordination between the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights aimed at mainstreaming women's human rights, and the report of the Secretary-General on the joint work plan for the year 2000 (E/CN.6/2000/8-E/CN.4/2000/118) and encourages the Secretary-General

to ensure its implementation, to continue to elaborate this plan, reflecting all aspects of work under way and the lessons learned, to identify obstacles/impediments and areas for further collaboration and to make it available to the Commission on Human Rights at its fifty-seventh session and to the Commission on the Status of Women at its forty-fifth session;

8. Draws attention to the need to develop practical strategies to implement the recommendations contained in the report of the expert group on the development of guidelines for the integration of a gender perspective into human rights activities and programmes (E/CN.4/1996/105, annex) and, in this regard, notes with interest the workshop on gender integration into the human rights system, organized jointly by the Office of the High Commissioner for Human Rights, the Division for the Advancement for Women and the United Nations Development Fund for Women and held from 26 to 28 May 1999;

9. Urges the relevant organs, bodies and agencies of the United Nations system, including all human rights bodies, the Office of the United Nations High Commissioner for Human Rights and the office of the United Nations High Commissioner for Refugees to bear in mind, in the recruitment of staff, including for peacekeeping operations and humanitarian and human rights missions, the need for expertise in women's and girls' enjoyment of human rights;

10. Emphasizes the need for further activities in the United Nations system to strengthen expertise concerning the equal status and human rights of women through, inter alia, the provision of training on the human rights of women and on gender mainstreaming, including through gender impact analysis, to all United Nations personnel and officials at Headquarters and in the field, especially in field operations;

11. Recognizes that gender mainstreaming will strongly benefit from the enhanced and full participation of women, including at the higher levels of decision-making in the United Nations system, and in this regard strongly encourages Member States to promote gender balance by, inter alia, regularly nominating more women candidates for election to the human rights treaty bodies and for appointment to United Nations bodies, the specialized agencies and other organs, and calls upon all relevant actors to implement General Assembly resolution 54/139 of 17 December 1999 on improvement of the status of women in the Secretariat;

12. Encourages United Nations bodies and agencies to increase cooperation with other organizations in developing activities to address, within their respective mandates,



violations of the human rights of women and to promote the full enjoyment of all human rights and fundamental freedoms by women, including by developing activities with other organizations;

13. Requests all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission for the Promotion and Protection of Human Rights regularly and systematically to take a gender perspective into account in the implementation of their mandates, and to include in their reports information on and qualitative analysis of human rights of women and girls, and encourages the strengthening of cooperation and coordination in this regard;

14. Recalls the paper prepared for the meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme held from 28 to 30 May 1996 (E/CN.4/1997/3, annex) and the description therein of gender-specific analysis and reporting as an examination of the effects of gender on the form which a human rights violation takes, the circumstances in which a particular violation occurs, the consequences for the victim and the availability and accessibility of remedies, and urges the implementation of the recommendations pertaining to working methods and reporting methodology, including sources of information and gender-specific analysis in conclusions and recommendations;

15. Takes note with appreciation of the request made by the Economic and Social Council in its agreed conclusions 1998/2 that the Commission make explicit the integration of a gender perspective when establishing or renewing human rights mandates;

16. Urges the use of gender-inclusive language in the formulation, interpretation and application of human rights instruments, as well as in reports, resolutions and/or decisions of the Commission, the Sub-Commission and the various human rights mechanisms, and requests the Office of the United Nations High Commissioner for Human Rights to utilize gender-inclusive language in the preparation of all of its communications, reports and publications, and to work with the United Nations conference services to ensure gender-inclusive language and interpretation in the proceedings of the Office.

17. Encourages the efforts of the treaty bodies to monitor more effectively the human rights of women in their activities, bearing in mind the workshop on gender integration, and reaffirms that it is the responsibility of all treaty bodies, in their work, to integrate a gender perspective, bearing in mind also the need:

(a) To develop gender-sensitive guidelines to be used in the review of States parties' reports;

(b) To develop, as a matter of priority, a common strategy towards mainstreaming the human rights of women into their work, so that each body, within its mandate, monitors the human rights of women;

(c) To incorporate a gender analysis and regularly exchange information in the development of general comments and recommendations, with a view to the preparation of general comments which reflect a gender perspective;

(d) To incorporate a gender perspective in concluding observations so that the concluding observations of each treaty body delineate the strengths and weaknesses of each State party insofar as enjoyment by women of the rights guaranteed by a particular treaty is concerned;

18. Encourages all entities charged with the promotion and protection of human rights, especially United Nations human rights bodies and mechanisms, to identify, collect and use sex-disaggregated data and gender-specific information in their activities and to apply gender analysis in monitoring and reporting;

19. Welcomes the submission of reports by specialized agencies, at the invitation of the Committee on the Elimination of Discrimination against Women, on the implementation of the Convention in areas falling within the scope of their activities and the contribution of non-governmental organizations to the work of the Committee;

20. Encourages all entities of the United Nations system to pay systematic, increased and sustained attention to the recommendations of the Committee, in order to ensure that its concluding observations and general recommendations are better utilized in their respective work;

21. Urges all States that have not yet ratified or acceded to the Convention on the Elimination of All Forms of Discrimination against Women to do so as soon as possible so that universal ratification of the Convention can be achieved by the end of the year 2000, and encourages all Member States to consider signing, ratifying or acceding to the Optional Protocol to the Convention so that it can enter into force as soon as possible;

22. Urges States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, to formulate any such reservations as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and

regularly to review them with a view to withdrawing them, and withdraw reservations that are contrary to the object and purpose of the Convention or which are otherwise incompatible with international treaty law;

23. Urges States that have ratified or acceded to the Convention to take action to implement the Convention fully, inter alia through national legislation, policies and practice, and to take account of the recommendations of the Committee on the Elimination of Discrimination against Women in this regard;

24. Requests the Secretary-General to report, at its fifty-seventh session, on the implementation of the present resolution;

25. Decides to integrate a gender perspective into all agenda items of the Commission;

26. Decides to continue its consideration of the question at its fifty-seventh session.

61st meeting

20 April 2000

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

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