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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

2000/72. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

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 and the Vienna Declaration and Programme of Action, particularly on the question of the human rights to life, health and a sound environment for every individual,

Recalling its earlier resolutions on the subject and, in particular, its resolution 1999/23 of 26 April 1999, General Assembly resolution 46/126 of 17 December 1991 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989 and 45/13 of 7 November 1990,

Affirming that the illicit movement and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

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

Mindful of the call by the World Conference on Human Rights on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping,

Aware of the increasing rate of illicit movement and dumping by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes in developing countries that do not have the national capacity to deal with them in an environmentally sound manner, which constitutes a serious threat to the human rights to life, good health and a sound environment for everyone,

Aware also that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and health,

1. Expresses deep concern that the report of the Special Rapporteur (E/CN.4/2000/50 and Add.1) was not ready in time for consideration by the Commission;
2. Appreciates the efforts made by the Special Rapporteur in carrying out her mandate in the face of very limited financial resources, and expresses its appreciation to the Governments of Germany and the Netherlands for the cooperation extended to the Special Rapporteur during her visits to those countries;
3. Categorically condemns the dumping of toxic and dangerous products and wastes in developing countries, which adversely affects the human rights to life and health of individuals in those countries;
4. Reaffirms that illicit traffic and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life, health and a sound environment for every individual;
5. Once again urges all Governments to take legislative and other appropriate measures with a view to preventing illegal international trafficking in toxic and hazardous products and wastes;
6. Invites the United Nations Environment Programme, the secretariat for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Commission on Sustainable Development, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization and regional organizations to continue to intensify their coordination and international cooperation and technical assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;
7. Welcomes the cooperation between the secretariat for the Basel Convention and:
 - (a) The International Criminal Police Organization, in the monitoring and prevention of cases of illegal trafficking through the exchange of information;
 - (b) The World Customs Organization, in the training of customs officers and the harmonization of classification systems for effective control at customs border posts;
8. Expresses its appreciation to the relevant United Nations agencies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, for the support extended to the Special Rapporteur, and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

9. Urges the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to continue to give appropriate support to the developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and good health of all;

10. Urges the Special Rapporteur to continue to undertake, in consultation with the relevant United Nations bodies and organizations, and secretariats of relevant international conventions, a global, multidisciplinary and comprehensive study of existing problems of and solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, in particular in developing countries, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena;

11. Reiterates its request to the Special Rapporteur to continue to consult all relevant United Nations bodies, organizations and secretariats, in particular the Chemicals Division of the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations and the secretariat for the Basel Convention, and to take duly into account the progress made in other forums and to identify loopholes;

12. Invites the Special Rapporteur, in accordance with her mandate, to include in her report to the Commission at its fifty-seventh session:

(a) Comprehensive information on persons killed, maimed or otherwise injured in developing countries through the illicit movement and dumping of toxic and dangerous products and wastes;

(b) The question of the impunity of the perpetrators of these heinous crimes, including racially motivated discriminatory practices, and to recommend measures to bring it to an end;

(c) The question of rehabilitation of and assistance to victims;

(d) The scope of national legislation in relation to transboundary movement and dumping of toxic and dangerous products and wastes;

13. Encourages the Special Rapporteur, in accordance with her mandate and with the support and assistance of the Office of the High Commissioner for Human Rights, to continue to

provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report, and to have their observations reflected in the report to the Commission;

14. Reiterates its call to the Secretary-General to continue to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and, in particular, to provide her with adequate financial and human resources, including administrative support;

15. Decides to continue consideration of the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights at its fifty-seventh session under the same agenda item.

66th meeting
26 April 2000

[Adopted by a roll-call vote of 37 votes to 16. See chap. X.]

2000/73. Composition of the staff of the Office of the United Nations
High Commissioner for Human Rights

The Commission on Human Rights,

Recalling that, in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission on Human Rights reaffirmed that the paramount consideration for employing staff at every level was the need for the highest standards of efficiency, competence and integrity and was convinced that this objective was compatible with the principle of equitable geographical distribution and took into account Article 101, paragraph 3, of the Charter of the United Nations,

Recalling also Part II, paragraphs 11 and 17, of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities, while recognizing the necessity for restructuring United Nations human rights machinery, in accordance with its real needs,

Taking into account the need to pay particular attention to the recruitment of personnel for the Office of the United Nations High Commissioner for Human Rights from developing countries, thus improving the present staff composition, based on a more equitable geographical distribution,

Noting with concern that the report of the United Nations High Commissioner for Human Rights submitted pursuant to resolution 1999/70 of 28 April 1999 (E/CN.4/2000/104) concerning the geographical composition and the functions of the Office staff clearly reflects that one region is unequivocally over-represented in the staff composition (see annex to the present resolution),

Expressing its concern again over the under-representation of the developing countries on the staff of the Office of the High Commissioner, particularly bearing in mind the criteria of equitable geographical distribution,

1. Takes note of the report of the High Commissioner on the composition of the staff of the Office of the High Commissioner for Human Rights (E/CN.4/2000/104);

2. Reiterates its support of the statement of the High Commissioner to the Third Committee at the fifty-second session of the General Assembly, in which she expressed her willingness to ensure a good geographical balance and a sense of bringing together North and South in a joint commitment to human rights, in the process of filling key senior positions in the Office;

3. Reaffirms that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for recruiting the staff of the Organization, mindful of the criteria of equitable geographical distribution;

4. Considers that it is necessary, in the process of restructuring the Office of the High Commissioner for Human Rights, to take urgent, concrete and immediate action to change the currently prevailing geographical distribution of staff of the Office in favour of a more equitable distribution of posts, in accordance with Article 101 of the Charter, particularly by recruiting personnel from developing countries, including to key posts, and in this regard, invites the High Commissioner for Human Rights to consider the establishment of a task force within her Office with the mandate to work in cooperation with relevant components of the United Nations Secretariat in the recruitment and training of qualified personnel from developing countries for the staff of the Office;

5. Requests the Secretary-General to take the necessary measures to ensure that particular attention is paid to recruiting personnel from developing countries for the existing

vacancies and for additional posts in the Office of the High Commissioner to ensure an equitable geographical distribution, giving particular priority in this regard to recruitment for high-level and Professional posts and to the recruitment of women;

6. Requests once again the Secretary-General, in signing agreements with countries as a result of which Junior Professional Officers are provided to the Office of the High Commissioner, to urge those countries to ensure the allocation of additional financial resources to guarantee that personnel from developing countries are able to work as Junior Professional Officers, with a view to conforming with the principle of equitable geographical distribution; furthermore, a permanent mechanism must be established, by virtue of which every Junior Professional Officer from a donor country who joins the Office will be matched by another Junior Professional Officer from a developing country;

7. Emphasizes the importance of openly advertising all posts, including ad hoc appointments for field operations, including the dissemination of detailed job descriptions among all States prior to the filling of those posts;

8. Requests the High Commissioner to ensure that Junior Professional Officers are not given sensitive political assignments where their impartiality may be questioned;

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

10. Stresses that the staff of the Office of the High Commissioner need to maintain their neutrality and fully respect the independence of the work of all mechanisms of the Commission and the treaty bodies, while providing support to their functioning;

11. Requests the High Commissioner to submit a comprehensive report on the implementation of the present resolution to the Commission at its fifty-seventh session, which should include:

(a) The composition of the staff of the Office, organized by the five United Nations regional groups established by the General Assembly (African States, Asian States, Latin America and Caribbean States, Western Europe and Other States and Eastern Europe States) and reflecting, inter alia, grade, nationality and gender, including with regard to non-regular staff;

(b) Measures adopted to improve the current situation and their results;

(c) Recommendations to improve the current situation;

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

Annex

STAFF OF THE OFFICE OF THE HIGH COMMISSIONER

(Geographical distribution)

Regional groups	Posts subject to geographical distribution	Posts not subject to geographical distribution	Total
Africa	11	25	36
Asia	15	1	16
Latin America and Caribbean States	8	8	16
Eastern Europe States	5	1	6
Western Europe and Other States	34	59	93
Others	2	2	4
Total	75	96	171

66th meeting

26 April 2000

[Adopted by a roll-call vote of 35 votes to 17,
with 1 abstention. See chap. XVIII.]

2000/74. Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling its resolution 1999/69 of 28 April 1999,

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

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of

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

Recognizing that regional cooperation can play an important role in promoting universal respect for, and observance of, human rights and fundamental freedoms,

Recognizing also the valuable contribution that independent national institutions, intergovernmental organizations and non-governmental organizations can make in the field of human rights in the Asian and Pacific region,

Welcoming the convening of the Eighth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held in Beijing from 1 to 3 March 2000,

1. Welcomes the report of the Secretary-General (E/CN.4/2000/102) and the progress achieved in the implementation of Commission resolution 1999/69;
2. Also welcomes all the respective conclusions of the interactive discussions held during the four regional inter-sessional workshops held in Bangkok, Manila, Tokyo and Sana'a respectively on national plans of action, independent national institutions, human rights education, and the effective realization of economic, social and cultural rights and the right to development for strengthening national capacities and for the promotion and protection of human rights;
3. Endorses the conclusions of the eighth workshop on the next steps to be taken to facilitate the process of regional cooperation in the Asian and Pacific region;
4. Reaffirms that developing and strengthening national capacities for the promotion and protection of human rights in accordance with national conditions provides the strongest foundation for effective and enduring regional cooperation in the field of human rights in the Asian and Pacific region, and notes the discussions at the relevant workshop of the region on national human rights plans of action and capacity-building;
5. Recognizes the importance of an inclusive, step-by-step, practical and building-block approach towards enhancing regional cooperation for the promotion and protection of human rights in accordance with the pace and priorities to be set by the Governments of the Asian and Pacific region by consensus;

6. Notes the discussion at the relevant workshop in the region on, inter alia, all obstacles to the effective realization of economic, social and cultural rights and the right to development and the need for international cooperation to support efforts of countries to overcome them;

7. Also notes the discussions at the relevant workshops in the region on the positive role human rights education can play in enhancing respect for and contributing to the promotion and protection of human rights, fundamental freedoms and sustainable development;

8. Welcomes the in-depth discussions held during the eighth workshop reviewing developments in the Asian and Pacific region over the past year in the four priority areas identified at the Tehran workshop, which adopted the Framework for Regional Technical Cooperation;

9. Notes that the eighth workshop summed up experience, looked to the future and endorsed the next steps and activities for cooperation on human rights in the region;

10. Also notes that views were exchanged at the eighth workshop on the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

11. Commends the contribution of the Government of China, as the host of the eighth workshop, to the promotion and protection of human rights in the Asian and Pacific region;

12. Welcomes the establishment of independent national institutions in countries of the Asian and Pacific region and their important contribution to the process of regional cooperation, inter alia, through the work of the Asia-Pacific Forum of National Human Rights Institutions, and notes the discussions at the relevant workshop in the region in this regard;

13. Notes the contribution of independent national institutions, intergovernmental organizations and representatives of non-governmental organizations to the eighth workshop;

14. Welcomes the useful work done by the Office of the High Commissioner in allocating funding for developing and implementing the project proposals made at the seventh workshop in the four areas identified under the regional framework;

15. Encourages all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations, under the programme of advisory services and technical cooperation in the field of human rights, to further strengthen national human rights capacities, and in this regard calls upon the High Commissioner to continue to give adequate attention to the programme;

16. Requests the Secretary-General to submit to the Commission at its fifty-seventh session a report containing the conclusions of the Ninth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region and information on the progress achieved in the implementation of the present resolution;

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

66th meeting
26 April 2000

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

2000/75. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The Commission on Human Rights,

Taking note of General Assembly resolution 53/138 of 9 December 1998 and recalling its own resolution 1998/27 of 17 April 1998, as well as other relevant resolutions,

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Reiterating its concern about the large number of overdue reports under the United Nations human rights instruments, the increasing backlog of reports on the implementation by States parties and delays in consideration of reports by treaty bodies, as well as the lack of adequate resources, which impedes the effective functioning of the treaty bodies, including in regard to their ability to work in the applicable working languages,

Recalling that the effectiveness of the treaty bodies in encouraging the realization by States parties of their obligations under the United Nations human rights instruments requires constructive dialogue aimed at assisting States parties in identifying solutions to human rights problems and should be based on the reporting process supplemented by information from all relevant sources, which should be shared with all interested parties,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations system,

1. Takes note with appreciation of the report of the 10th meeting of the persons chairing the human rights treaty bodies (A/53/432), held at Geneva from 14 to 18 September 1998, and the holding of the 11th meeting at Geneva from 31 May to 4 June 1999, and takes note of the conclusions and recommendations of those meetings;

2. Encourages each treaty body to continue to give careful consideration to the relevant conclusions and recommendations contained in the reports of the meetings of the chairpersons of the human rights treaty bodies and, in this context, encourages enhanced cooperation and coordination between the human rights treaty bodies;

3. Takes note with interest of the report of the Secretary-General on implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (E/CN.4/2000/106);

4. Welcomes the submission of comments by Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons on the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system (E/CN.4/1997/74) and the Secretary-General's report thereon (E/CN.4/2000/98);

5. Notes with appreciation the continuing attention given by the human rights treaty bodies, the chairpersons of those bodies, Governments, United Nations bodies and specialized agencies, the United Nations High Commissioner for Human Rights, non-governmental organizations and interested persons to the question of enhancing the long-term effectiveness of the United Nations human rights treaty system, including the final report of the independent expert and other contributions;

6. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body, while making the most efficient use of existing resources, in order to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(b) Calls upon the Secretary-General to seek in the next biennium the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(c) Welcomes the plans of action prepared by the United Nations High Commissioner for Human Rights to enhance the resources available to all the human rights treaty bodies and thereby strengthen the implementation of these human rights treaties and encourages all Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons to consider contributing to the appeal for extrabudgetary resources for the treaty bodies made by the United Nations High Commissioner for Human Rights until the regular budget funding meets their needs;

7. Takes note of the measures taken by each of the human rights treaty bodies to improve their functioning, as reflected in their respective annual reports, and encourages continuing efforts by the human rights treaty bodies and the Secretary-General to help improve the meeting of reporting obligations by States parties and to reduce the backlog in the consideration of reports by treaty bodies;

8. Welcomes the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and encourages the Secretary-General, the treaty bodies and the next meeting of the chairpersons of the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties, including through an ongoing examination of proposals for reports focused on a limited range of issues, the harmonization of the general guidelines regarding the form and content of reports, the possibility of consolidating overdue reports, the timing of consideration of reports and the methods of work of the treaty bodies;

9. Urges States parties to contribute, individually and collectively, such as through meetings of States parties, to identifying practical proposals and ideas for improving the functioning of the treaty bodies;

10. Also urges States parties to make every effort to meet their reporting obligations under United Nations human rights instruments;

11. Reiterates that a priority of the programme of advisory services and technical assistance of the Office of the United Nations High Commissioner for Human Rights should be to provide assistance to States parties, upon their request and, if possible, in coordination with other United Nations bodies, Governments and other interested parties in order to:

(a) Assist those States in the process of ratifying United Nations human rights instruments;

(b) Assist States with the implementation of their obligations under such instruments, including the preparation of their initial reports;

12. Welcomes the publication of the revised Manual on Human Rights Reporting, and requests the United Nations High Commissioner for Human Rights, in accordance with Economic and Social Council decision 1998/252 of 30 July 1998, to take the necessary measures to ensure the translation into all the official United Nations languages of the revised Manual as soon as possible;

13. Also welcomes the availability of documentation regarding the treaty bodies on the Website of the Office of the High Commissioner for Human Rights and urges the Secretary-General to ensure that United Nations practices concerning access to treaty information are consistent with Commission resolutions 1999/60 of 28 April 1998 on public information activities and 1999/64 of 28 April 1998 on human rights education;

14. Invites States parties that have not yet submitted their initial reports under United Nations human rights instruments to avail themselves, where necessary, of technical assistance for this purpose;

15. Encourages the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties, and encourages States parties to consider carefully the concluding observations of the treaty bodies in identifying their needs for technical assistance;

16. Urges each State party whose report has been examined by a human rights treaty body to translate, publish and make available in its territory the full text of the concluding observations of the treaty body on its report and to provide adequate follow-up to those observations;

17. Welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies and encourages the specialized

agencies and other United Nations bodies, the Commission on Human Rights, including its special procedures, the Sub-Commission on the Promotion and Protection of Human Rights, the Office of the High Commissioner for Human Rights and the chairpersons of the human rights treaty bodies to continue to explore specific measures to intensify this cooperation among themselves and improve communication and information flow to improve further the quality of their work, including by avoiding unnecessary duplication;

18. Recognizes the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

19. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution and gender balance of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights, and encourages States parties, individually and through meetings of States parties, to consider how to give better effect to these principles;

20. Welcomes the continuing emphasis by the chairpersons of the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate and, in this regard, takes note of the report of the Gender Integration Workshop (E/CN.4/2000/118) and the report of the Division for the Advancement of Women on trends regarding the integration of a gender perspective into the work of the United Nations human rights bodies (HRI/MC/1998/6);

21. Also welcomes the contribution of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted under their respective treaties;

22. Encourages the chairpersons of the human rights treaty bodies to pursue at their future meetings the reform process aimed at improving the effective implementation of international instruments on human rights;

23. Requests the Secretary-General to report to the Commission at its fifty-eighth session on measures taken to implement the present resolution and obstacles to its implementation, and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

24. Decides to consider this question on a priority basis at its fifty-eighth session under the agenda item entitled “Effective functioning of bodies established pursuant to United Nations human rights instruments”.

66th meeting
26 April 2000

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

2000/76. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling the relevant resolutions of the General Assembly and its own resolutions concerning national institutions for the promotion and protection of human rights, notably Assembly resolutions 48/134 of 20 December 1993 and 52/128 of 12 December 1997 and Commission resolutions 1992/54 of 3 March 1992, 1998/55 of 17 April 1998 and 1999/72 of 28 April 1999,

Welcoming the rapidly growing interest worldwide in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

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

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

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), in which was reaffirmed the

important and constructive role played by national human rights institutions and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Taking note of the Programme of Action (A/CONF.157/NI/6) adopted by national institutions meeting in Vienna, from 14 to 16 June 1993 during the World Conference on Human Rights, in which it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Recalling also the Platform for Action adopted by the Fourth World Conference on Women (A/CONF.177/20, chap. I, annex II), in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the meeting of the Coordinating Committee created by national institutions, held in Geneva in March 1999 in association with the fifty-fifth session of the Commission,

Welcoming also the strengthening of regional cooperation among national human rights institutions, including through the fourth Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions, held in Manila in August 1999, the third meeting of European National Institutions, held in Strasbourg in March 2000, the first Regional Meeting of National Institutions for the Protection and Promotion of Human Rights in the Americas, held in Tegucigalpa in September 1999, and the fifth international workshop of National Human Rights Institutions, held in Rabat, Morocco in April 2000,

Welcoming further the strengthening of regional cooperation between national human rights institutions and other regional human rights forums, including the first round table between the Council of Europe and national institutions in Strasbourg in March 2000 and the adoption of a resolution by the African Commission on Human and Peoples' Rights on the granting of observer status to national human rights institutions in Africa,

Noting the importance of participation by national institutions in relevant United Nations meetings dealing with human rights, and that a number of national institutions have for some time taken a constructive part in such meetings,

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

2. Encourages Member States to establish or, where they already exist, to strengthen such institutions, as outlined in the Vienna Declaration and Programme of Action;

3. Welcomes the support for the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms, as outlined in article 14, paragraph 3, of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms adopted by the General Assembly in its resolution 53/144 of 9 December 1998;

4. Recognizes the important and constructive role that individuals, groups and organs of society can play, in cooperation with national institutions, for the better promotion and protection of human rights and in this context welcomes the convening by the Asia-Pacific Forum of National Human Rights Institutions, in cooperation with the Office of the High Commissioner for Human Rights, of a workshop on cooperation between non-governmental organizations and national human rights institutions in Sri Lanka in July 1999;

5. Welcomes the decisions announced recently by a growing number of States to establish, or to consider establishing, national institutions for the promotion and protection of human rights, including the trend towards the establishment of such institutions in developed countries;

6. Endorses the view of the Committee on Economic, Social and Cultural Rights expressed in its General Comment No. 10 (1998) (E/1999/22-E/C.12/1998/26, annex V) that national human rights institutions have a potentially crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights;

7. Calls upon States, in this context, to ensure that all human rights are appropriately reflected in the mandates of national human rights institutions when they are established;

8. Affirms the important role of national human rights institutions in combating racial and related forms of discrimination and in the protection and promotion of the human rights of women and the rights of the child, and in this context:

(a) Encourages the appropriate participation of national institutions in preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at the national, regional and global levels;

(b) Stresses the desirability of appropriate participation by national institutions, in cooperation with other mechanisms for the promotion and protection of human rights, in the five-year review of the implementation of the Plan of Action adopted at the Fourth World Conference on Women in Beijing in 1995;

(c) Welcomes the involvement of national institutions in activities associated with the tenth anniversary year of the Convention on the Rights of the Child;

9. Reaffirms the role of national institutions, where they exist, as appropriate agencies, inter alia, for the dissemination of human rights materials and other public information activities during the United Nations Decade for Human Rights Education (1995-2004);

10. Commends the High Commissioner for Human Rights for the priority accorded to the establishment and strengthening of national human rights institutions, including through technical cooperation, and calls upon her Office to continue to strengthen its coordinating role in this field;

11. Welcomes the consolidation and strengthening of the work of the Office of the High Commissioner in the area of national human rights institutions, and calls for the appropriate allocation of resources necessary for this work;

12. Expresses its appreciation to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions;

13. Takes note with satisfaction of the efforts of those States that, through internal legislative mechanisms, have provided their national institutions with more autonomy and independence, and encourages other Governments to follow suit;

14. Welcomes the important work of the Coordinating Committee of national institutions, in close cooperation with the Office of the High Commissioner, in assessing conformity with the Principles annexed to General Assembly resolution 48/134 and in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

15. Requests the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee during the sessions of the Commission, under the auspices of, and in cooperation with, the Office of the High Commissioner;

16. Also requests the Secretary-General to continue to provide, from within existing resources and from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for international and regional meetings of national institutions;

17. Welcomes the practice of national institutions which conform with the Principles relating to the status of national institutions for the promotion and protection of human rights of participating in an appropriate manner in their own right in meetings of the Commission on Human Rights and its subsidiary bodies;

18. Also welcomes the decisions to hold the sixth international workshop on national institutions, the fifth Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions, the third Conference of African National Institutions for the Promotion and Protection of Human Rights and the second Regional Meeting of National Institutions for the Protection and Promotion of Human Rights in the Americas within the next year, and encourages national institutions to organize similar events with non-governmental organizations in their own regions;

19. Invites Governments and intergovernmental organizations to contribute to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for the purpose of financing, where necessary, attendance by representatives of national institutions;

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

21. Decides to continue its consideration of this question at its fifty-seventh session.

66th meeting
26 April 2000

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

2000/77. The protection of United Nations personnel

The Commission on Human Rights,

Guided by the relevant provisions on protection contained in the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, the Convention on the Safety of United Nations and Associated Personnel, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977 and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or Have Indiscriminate Effects of 10 October 1980 and its Protocols,

Guided also by the International Bill of Human Rights,

Recalling the fiftieth anniversary, on 12 August 1999, of the Geneva Conventions of 12 August 1949, on the occasion of which the United Nations reaffirmed the need to promote and ensure respect for the principles and rules of international humanitarian law,

Recalling its resolution 1998/37 of 17 April 1998,

Welcoming General Assembly resolution 54/192 of 17 December 1999 on the safety and security of humanitarian personnel and protection of United Nations personnel,

Taking note of Security Council resolution 1265 (1999) of 17 September 1999, and reaffirming the statements by its President of 11 February 2000 on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones (S/PRST/2000/4), of 8 July 1999 on the maintenance of peace and security and post-conflict peace-building (S/PRST/1999/21), of 29 September 1998 and 19 June 1997 on protection for humanitarian assistance to refugees and others in conflict situations (S/PRST/1998/30 and S/PRST/1997/34) and of 12 March 1997 on the security of United Nations operations (S/PRST/1997/13),

Taking note of the report of the Secretary-General on the protection of civilians in armed conflict (A/54/619) as well as his report on the strengthening of the coordination of emergency humanitarian assistance of the United Nations, and the addendum thereto on the safety and security of humanitarian personnel and protection of United Nations personnel (A/54/154 and Add.1),

Noting with satisfaction the entry into force on 15 January 1999 of the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994,

Concerned, however, that only one State in which humanitarian or peacekeeping missions are taking place under the auspices of the United Nations has adhered to the Convention on the Safety of United Nations and Associated Personnel,

Welcoming the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations as a war crime in the Rome Statute of the International Criminal Court, adopted on 17 July 1998, and noting the role that the Court could play in bringing to justice those responsible for serious violations of human rights and international humanitarian law, as a measure of preventing impunity,

Concerned by the increasingly difficult context in which United Nations operations and missions as well as humanitarian assistance take place in some areas, in particular the continued erosion, in many cases, of respect for international human rights and humanitarian law,

Strongly condemning the acts of murder and various forms of physical violence, abduction, hostage-taking, kidnapping, harassment, illegal arrest and detention, acts of destruction and looting of property, shooting at vehicles and aircraft, mine-laying, looting of assets, physical and psychological threats and other hostile acts against United Nations and associated personnel and other personnel acting under the authority of United Nations operations, as well as personnel of international humanitarian organizations,

Expressing concern that the occurrence of attacks and threats against United Nations and associated personnel and other personnel is a factor that increasingly affects and restricts the ability of the Organization to provide assistance and protection to civilians in fulfilment of its mandate under the Charter of the United Nations,

Recognizing the urgency of improving the security of United Nations and associated personnel and the fundamental requirement that appropriate modalities for the safety and security of United Nations and associated personnel should be incorporated into all new and ongoing United Nations and field operations,

Emphasizing the need to give further consideration to the safety and security of locally recruited United Nations and associated personnel and other personnel, who account for the majority of casualties,

Recalling that the primary responsibility under international law for the security and protection of United Nations and associated personnel lies with the Government hosting a United Nations operation conducted under the Charter of the United Nations or its agreements with the relevant organizations,

1. Welcomes the report of the Secretary-General on the security of United Nations personnel (E/CN.4/2000/99);
2. Takes into account the note by the secretariat (E/CN.4/2000/100), stating that the comprehensive and in-depth study on the safety and security problems faced by the United Nations and associated personnel, requested by the Commission in 1997 and in 1998, will be prepared on an inter-agency basis and will be submitted in due course;
3. Calls upon all organizations of the United Nations system to report systematically any incident involving the safety and security of staff to the United Nations Security Coordinator so that a comprehensive record may be maintained;
4. Calls upon all States to consider promptly signing and acceding to or ratifying the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994, in particular those receiving United Nations operations on their territories;
5. Also calls upon all States to consider signing, acceding to and ratifying the Rome Statute of the International Criminal Court;
6. Urges all States to take the necessary measures to ensure the full and effective implementation of the relevant principles and rules of international humanitarian law, as well as relevant provisions of human rights law related to the safety and security of United Nations and associated personnel;
7. Calls upon all States and others concerned:
 - (a) To respect and ensure respect for the rights of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to take the necessary measures to ensure the safety and security of those personnel as well as the inviolability of United Nations premises which are essential to the continuation and successful implementation of United Nations operations;
 - (b) To provide adequate and prompt information concerning the arrest or detention of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(c) To grant the representatives of the competent international organization immediate access to such personnel;

(d) To allow independent medical teams to investigate the health of detained United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to afford them the necessary medical assistance;

(e) To allow representatives of the competent international organization to attend hearings involving United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, provided that such attendance is consistent with domestic law;

(f) To ensure the prompt release of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions and applicable international humanitarian law;

(g) To adopt appropriate domestic legislation and judicial and administrative measures to ensure that the perpetrators of unlawful acts against United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are held accountable for their actions;

8. Encourages all States to contribute to the Trust Fund for Security of personnel of the United Nations system;

9. Requests the Secretary-General:

(a) To take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and, when those human rights, privileges and immunities are violated, to ensure that such personnel are restored to their organization, and, where appropriate, to seek redress and compensation for the damage caused to them;

(b) To take the necessary measures to implement the recommendations contained in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19), including the recommendations contained in paragraphs 45 and 47 of that report;

(c) To take concrete steps, within his mandate, to improve the safeguards for the security and safety of locally recruited United Nations and associated personnel and other personnel, who account for the majority of casualties, and to consider ways and means of strengthening their protection when carrying out activities in fulfilment of the mandate of a United Nations operation;

(d) To ensure the inclusion in headquarters and other mission agreements of the applicable principles and rules on protection contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel;

(e) To take the necessary measures in order to ensure that security matters are an integral part of the planning for existing and newly mandated United Nations operations and that such precautions extend to all United Nations and associated personnel and, as appropriate, to other personnel;

(f) To take concrete steps to improve safeguards for the security of United Nations and associated personnel, including strengthening the Office of the United Nations Security Coordinator to enable it to perform its responsibilities as overall security manager of the United Nations system;

(g) To ensure that field missions are adequately staffed with security professionals and provided with essential equipment;

(h) To take the necessary measures to ensure that United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation or mission are properly informed about the conditions under which they are called to operate and the standards they are required to meet, including those contained in relevant domestic and international law, and that adequate training is provided in security, human rights and humanitarian law so as to enhance their security and effectiveness in accomplishing their functions;

10. Recalls the request to the Secretary-General to complete the review of security in peacekeeping and other operations and to compile examples of best practices, obstacles encountered and lessons learned and to elaborate further specific and practical measures to increase the safety and security of personnel involved, and requests him to inform the Commission of the results in this respect at its fifty-eighth session;

11. Requests the Secretary-General to submit a report to the Commission at its fifty-eighth session on the situation of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on new cases that have been successfully settled as they relate to the principles set out in the International Covenants on Human Rights and on the implementation of the measures referred to in present resolution.

67th meeting
26 April 2000

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

2000/78. Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,

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

Recalling its resolution 1999/77 of 28 April 1999 and General Assembly resolution 54/187 of 17 December 1999,

Having in mind the report of the Secretary-General on the situation of democracy and human rights in Haiti (A/54/625), and the report of the Secretary-General to the Security Council on the United Nations Civilian Police Mission in Haiti (S/2000/150), and considering the statement by the President of the Security Council of 15 March 2000 (S/PRST/2000/8),

Welcoming Economic and Social Council resolution 1999/11 of 27 July 1999 in which the Council, inter alia, emphasized the need to establish the necessary mechanisms to develop, on a priority basis, a long-term strategy and programme of support for Haiti,

Recognizing the interdependence and the mutual reinforcement between democracy, development and respect for human rights and fundamental freedoms, and the commitment of the international community to supporting, strengthening and promoting this principle,

Underlining its appreciation for the important contribution of the United Nations Civilian Police Mission in Haiti and the International Civilian Mission in Haiti,

Expressing its gratitude to all the countries that took part in the work of the United Nations Civilian Police Mission in Haiti and the International Civilian Mission in Haiti,

Recognizing the major contribution that the Truth and Justice Commission is called upon to continue to play in strengthening the process of democratization and establishing a climate of freedom and tolerance conducive to respect for human rights in the country,

Noting the establishment of an International Civilian Support Mission in Haiti with the mandate to promote and protect human rights, to reinforce the institutional effectiveness of the police and judiciary, and to coordinate the international community's dialogue with political and social actors in Haiti,

Inviting the Organization of American States to pursue, as appropriate, its cooperation with the United Nations in Haiti,

Recalling the statements by the Haitian authorities to the effect that the Government of that country remains committed to upholding human rights, and encourages further improvement,

Underlining the importance of a functioning parliament to the development of democratic government, the rule of law and the advancement of political, social and economic human rights to the benefit of all Haitians,

Expressing concern over recent acts of violence that negatively affect the political evolution and the stability of the country, and at the security problems faced by Haitian society, some of which are due to the difficult social and economic conditions of that society, and which both account for and result from the limitations of the judicial and police systems, as indicated in the reports of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti,

Regretting the continuous unfortunate delays in the electoral process, in spite of the expressed commitment of the Government, since March 1999, to have as its principal goals the holding of early, free and fair elections,

Welcoming the visit to the country of the Special Rapporteur on violence against women and taking note of her report,

Taking note of the announcement by the Provisional Electoral Council that the first round of elections will take place on 21 May and the second round on 25 June 2000, confirmed by

presidential decree, and urging the Government, in coordination with the Provisional Electoral Council, to provide full financial, security and logistical support to ensure free, fair, transparent and prompt elections,

1. Expresses its gratitude to the Secretary-General, his Special Representative for Haiti and the independent expert of the Commission on Human Rights on the situation of human rights in Haiti for their continuing efforts in favour of the consolidation of democratic institutions in Haiti and respect for human rights;

2. Commends the United Nations Civilian Police Mission in Haiti for its successful training and mentoring assistance to the Haitian National Police, as well as the efforts of the joint United Nations/Organization of American States International Civilian Mission in Haiti in monitoring human rights and promoting democratic reforms and assisting the Haitian authorities in the area of institution-building;

3. Takes notes with interest of the report on the situation of human rights in Haiti submitted to the General Assembly by the independent expert of the Commission on Human Rights on the situation of human rights in Haiti (A/54/366) and encourages active follow-up of the recommendations contained therein;

4. Calls upon Haiti to ratify the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocols to the International Covenant on Civil and Political Rights;

5. Insists on the importance, for combating impunity and for the realization of a genuine and effective process of transition and national reconciliation, of the investigations undertaken by the National Commission for Truth and Justice, and once again strongly urges the Government of Haiti to institute legal proceedings against perpetrators of human rights violations identified by the National Commission and to create effective facilities for providing support to the victims, in particular women, children and members of their families, and in this specific context reiterates the recommendations contained in the report of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti;

6. Requests all interested Governments to make available to the Government of Haiti information and documentation to enable it to prosecute the perpetrators of human rights violations in order to facilitate the reconciliation process;

7. Reiterates its concern over the lack of a functioning parliament and over the lack of fully independent local government;
8. Regrets the continuing delay of the parliamentary elections foreseen initially for 19 March 2000;
9. Strongly urges the Government of Haiti to enable the people of Haiti to express their political will through scheduled elections in good conditions of security, as soon as possible, and in this connection urgently calls upon the Government of Haiti, in coordination with the Provisional Electoral Council, to hold free, fair and prompt elections, in order to ensure that the parliament and local government are put in place without delay;
10. Deplores the recent increase of acts of violence and urges the Haitian authorities and political leaders to cooperate with a view to putting an end to such violence;
11. Calls upon the Government of Haiti to properly investigate politically motivated crimes and prosecute perpetrators of such crimes in accordance with Haitian law, to take vigorous action to eliminate any continuing human rights violations, including illegal arrests and detentions and the detention by authorities of individuals in violation of court orders for their release, and to ensure due process including reasonable timeframes;
12. Calls upon the Government of Haiti to comply with its existing obligations under international human rights law by harmonizing all relevant provisions of Haitian national law with international standards and by continuing to comply with its reporting obligations to treaty-monitoring bodies, in particular the Committee on the Elimination of Discrimination against Women;
13. Calls upon the Government of Haiti, in cooperation with the International Civilian Support Mission in Haiti, to continue structural reforms in the police and judicial system and the improvement of the prison sector, as a way to reinforce the promotion and protection of human rights;
14. Recalls with appreciation, and urges implementation of, the initiative of the Government of Haiti, in collaboration with the international community and women's groups, to adopt measures to promote the human rights of women and to fight against the violence of which they are victims, through the training of judicial staff and the dissemination of information on women's rights at all levels of the educational system;
15. Stresses the importance of the Haitian National Police maintaining professional and apolitical behaviour and in this connection reiterates the need for the

Haitian National Police to continue receiving technical training to enable it to perform its functions efficiently, within a framework of respect for human rights;

16. Welcomes the establishment of the International Civilian Support Mission in Haiti, and supports its activities, in particular in the human rights field and that of judicial and police system reform, encourages the Haitian authorities to cooperate fully with the representative of the Secretary-General in this regard and urgently appeals to all countries in a position to do so to make financial contributions to the Mission as soon as possible, in order to allow it to perform its work effectively;

17. Invites the international community, including the Bretton Woods institutions, to stand ready to continue their involvement in the reconstruction and development of Haiti, when conditions permit;

18. Encourages the Government of Haiti to promote the rights of children, in particular their right to education;

19. Invites the Secretary-General and the Government of Haiti to contribute to the strengthening of the Office for the Protection of Citizens, including through regional representation as appropriate, incorporating a gender perspective, through the establishment of a programme of technical cooperation, in close collaboration with the High Commissioner for Human Rights and the International Civilian Support Mission in Haiti, and encourages the international community to assist in this effort;

20. Requests the High Commissioner for Human Rights to provide all necessary human and financial resources for the effective fulfilment of the mandate of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti;

21. Invites the independent expert to report to the General Assembly at its fifty-fifth session and to the Commission on Human Rights at its fifty-seventh session on developments in the human rights situation in Haiti;

22. Decides to continue its consideration of this question at its fifty-seventh session under the agenda item entitled “Advisory services and technical cooperation in the field of human rights”.

67th meeting

26 April 2000

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

2000/79. Situation of human rights in Cambodia

The Commission on Human Rights,

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

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

Recalling also its resolution 1999/76 of 28 April 1999, General Assembly resolution 54/171 of 17 December 1999 and previous relevant resolutions,

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

Desiring that the international community continue to respond positively to assist efforts to investigate the tragic history of Cambodia, including responsibility for past international crimes, such as acts of genocide and crimes against humanity,

Bearing in mind the request in June 1997 by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, the letter dated 15 March 1999 from the Secretary-General to the President of the General Assembly and the President of the Security Council (A/53/850-S/1999/231) and the report of the Group of Experts appointed by the Secretary-General annexed thereto, and the ongoing discussions between the Government of Cambodia and the United Nations Secretariat on standards and procedures for bringing to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights in the years 1975-1979,

Recognizing the legitimate concern of the Government and people of Cambodia in the pursuit of internationally accepted principles of justice and of national reconciliation,

Recognizing also that accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia,

1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations

High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the High Commissioner and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. Welcomes the report of the Secretary-General (E/CN.4/2000/108) concerning the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights and also welcomes the agreement by the Government of Cambodia to extend the memorandum of understanding for the office of the High Commissioner at Phnom Penh until March 2002, enabling the Office to continue its operations and to maintain its technical cooperation programmes, and encourages the Government to continue to cooperate with the Office;

3. Also welcomes the report of the Special Representative of the Secretary-General for human rights in Cambodia (E/CN.4/2000/109) and notes in particular his concerns about the problem of impunity and the need to promote and protect the independence of the judiciary and to establish the rule of law;

4. Notes with concern the continued problems related to the rule of law and the functioning of the judiciary, including interference by the executive with the independence of the judiciary, inter alia, rearrests, and welcomes recent statements by the Government committing itself to judicial reform, the work currently being done to prepare the laws and codes which are essential components of the basic legal framework, meetings of the Supreme Council of Magistracy and the Government's decision to set up a commission on judicial reform;

5. Urges the Government of Cambodia to continue to take the necessary measures to develop an independent, impartial and effective judicial system, including through the early adoption of the draft statute on magistrates, a penal code and a code on criminal procedures, and the reform of the administration of justice, and appeals to the international community to assist the Government to this end;

6. Commends the initial efforts by the Government of Cambodia with regard to the review and the stated commitment to the downsizing of the police and the military, urges the Government of Cambodia to take further measures to carry out effective reform aimed towards professional and impartial police and military forces, and invites the international community to assist the Government to this end;

7. Also commends the vital and valuable role played by non-governmental organizations in Cambodia, inter alia, in the development of civil society, and encourages the Government of Cambodia to continue to work with non-governmental organizations in efforts to strengthen and uphold human rights in Cambodia;

8. Notes with interest the activities undertaken by the governmental Cambodian Human Rights Committee, the National Assembly Commission on Human Rights and Reception of Complaints and the Senate Commission on Human Rights and Reception of Complaints, and welcomes preliminary efforts to establish an independent national human rights commission which should be based on international standards, such as the Principles relating to the status of national institutions for the promotion and protection of human rights (“Paris principles”), and requests the Office of the High Commissioner to provide advice and technical assistance in these efforts;

9. Expresses grave concern about continued violations of human rights, including torture, extrajudicial killings, excessive pre-trial detention, violation of labour rights, illegal confiscation of land and forced relocation, as well as the apparent lack of protection from mob killings as detailed in the reports of the Special Representative, and notes some progress made by the Government of Cambodia in addressing these issues;

10. Expresses serious concern about the continued prevalence of impunity in Cambodia, commends the initial commitment and efforts of the Government of Cambodia to tackle this question, such as amending article 51 of the 1994 Law on Civil Servants, and calls upon the Government to take further measures, as a matter of critical priority, to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated violations of human rights;

11. Welcomes the investigations into some cases of politically motivated violence, while remaining concerned at the continued reports of politically motivated violence and intimidation, and urges the Government of Cambodia to undertake further investigations in line with its stated commitments;

12. Reaffirms that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, welcomes the final collapse of the Khmer Rouge, which has paved the way for the investigation and prosecution of its leaders, and takes note with interest of the steps taken by the Government of Cambodia to bring to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights;

13. Appeals strongly to the Government of Cambodia to ensure that those most responsible for the most serious violations of human rights are brought to account in accordance with international standards of justice, fairness and due process of law, takes note with interest of the progress of the recent talks between the Government of Cambodia and the United Nations Secretariat aimed at guaranteeing such standards and procedures, encourages the Government to continue to cooperate with the United Nations with a view to reaching an early agreement, and welcomes the efforts of the Secretariat and the international community in assisting the Government to this end;

14. Reaffirms the importance of the upcoming communal elections being conducted in a free and fair manner, and urges the Government of Cambodia to prepare for the communal elections accordingly;

15. Welcomes the adoption of a five-year action plan by the Government of Cambodia, in particular by the Ministry of Women's Affairs and Veterans, as well as other measures taken by the Government to improve the status of women, and urges the Government to continue to take appropriate measures to eliminate discrimination against women, including in the political and public life of the country, to combat violence against women in all its forms, including grave violations of the rights of women perpetrated by law enforcement and armed forces personnel, and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women, including by seeking technical assistance;

16. Commends the initiatives of and the progress made by the Government of Cambodia towards ensuring adequate health conditions, calls upon the Government to continue to take further measures to achieve this goal, with emphasis on ensuring adequate health conditions for women and children and minority groups and on the problem of the human immunodeficiency virus/acquired immunodeficiency syndrome, and encourages the international community to continue to support the Government to this end;

17. Also commends the continued efforts of the Government of Cambodia, together with non-governmental organizations and the local authorities, to improve the quality of and access to education, and calls for further measures to be taken in order to ensure the right of Cambodian children to education, especially at the primary level, in accordance with the Convention on the Rights of the Child, and requests the international community to provide assistance for the achievement of this goal;

18. Welcomes the Five-Year National Plan against Child Sexual Exploitation in Cambodia, and encourages the Government of Cambodia to ensure the necessary law enforcement and other measures in support of the Plan in order to tackle the problem of child prostitution and trafficking in Cambodia;

19. Notes with serious concern the problem of child labour, calls upon the Government of Cambodia to ensure adequate health and safety conditions for children and to outlaw, in particular, the worst forms of child labour, invites the International Labour Organization to continue to extend the necessary assistance in this regard and encourages the Government of Cambodia to consider ratifying Convention No. 182 of the International Labour Organization;

20. Also notes with serious concern the prison conditions in Cambodia, notes with interest some improvements in the prison system and the recent adoption of the Proclamation on Administration of Prisons and Prison Procedures, commends the continued international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take the further measures necessary to improve prison conditions, especially with regard to providing the minimum standard of food and health care and meeting the special needs of women and children;

21. Urges an end to racial violence against and vilification of ethnic minorities, including the ethnic Vietnamese, and also urges the Government of Cambodia to take all steps to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination, including through seeking technical assistance;

22. Commends the successful completion of the voluntary repatriation of Cambodian refugees from Thailand undertaken by the Government of Cambodia, the Government of Thailand and the Office of the United Nations High Commissioner for Refugees;

23. Welcomes the actions taken by the Government of Cambodia to combat illicit logging which has seriously threatened full enjoyment of economic, social and cultural rights by many Cambodians, including indigenous people, expects these efforts by the Government of Cambodia to continue, and welcomes the progress made recently on the drafting of the new land law;

24. Also welcomes the submission of the initial reports of Cambodia under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the

Child, asks the Government of Cambodia to follow up the recommendations made by the Human Rights Committee regarding the report submitted under the International Covenant on Civil and Political Rights, calls upon the Government to meet its reporting obligations under all other international human rights instruments, and requests the Office of the High Commissioner in Cambodia to continue to provide assistance in this regard;

25. Expresses grave concern at the devastating consequences and destabilizing effects of the use of anti-personnel landmines on Cambodian society, welcomes the ratification by Cambodia of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction in July 1999, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines and for victim-assistance and mine-awareness programmes, and commends donor countries for their contributions and assistance to mine action;

26. Expresses concern about the large number of small arms in society and commends the efforts by the Government of Cambodia to control the spread of weapons;

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

28. Requests the Secretary-General to report to the Commission at its fifty-seventh session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

29. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-seventh session under the agenda item entitled "Advisory services and technical cooperation in the field of human rights".

67th meeting

26 April 2000

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

2000/80. Advisory services and technical cooperation
in the field of human rights

The Commission on Human Rights,

Recalling:

(a) That one of the principal purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms,

(b) General Assembly resolution 92 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as Commission resolutions 1998/57 of 17 April 1998 and 1999/73 of 28 April 1999,

Recalling also that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), inter alia:

(a) Calls upon the Office of the United Nations High Commissioner for Human Rights to assume a larger role in the promotion of human rights through cooperation with Member States and by an enhanced programme of advisory services in the field of human rights,

(b) Recommends increased coordination in support of human rights and fundamental freedoms within the United Nations system, and urges all United Nations organs, bodies and the specialized agencies whose activities deal with human rights to cooperate to this end in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication,

(c) Recommends that a comprehensive programme be established within the United Nations in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the promotion and protection of human rights, democracy and the rule of law,

Mindful that the mandate of the High Commissioner for Human Rights includes responsibilities, inter alia, for:

(a) Provision of advisory services and technical and financial assistance at the request of States,

(b) Enhancing international cooperation for the promotion and protection of all human rights,

(c) Coordination of human rights promotion and protection activities throughout the United Nations system,

(d) Coordination of relevant United Nations education and public information programmes in the field of human rights,

Reaffirming that developing and strengthening national capacities and institutions for the promotion of human rights is an important area for international cooperation,

Acknowledging the importance of further strengthening the provision of advisory services and technical cooperation by the Office of the High Commissioner for Human Rights,

1. Notes with appreciation the report of the High Commissioner for Human Rights on advisory services and technical cooperation in the field of human rights (E/CN.4/2000/105) as well as the launching of the High Commissioner's first annual appeal;

2. Declares that advisory services and technical cooperation, when requested by Governments for the purpose of developing and strengthening national capacities in the field of human rights, constitute one of the most efficient and effective means of promoting and protecting all human rights, democracy and the rule of law;

3. Welcomes, therefore, the increasing number of requests for advisory services and technical cooperation in the field of human rights as an expression of the growing commitment of States to promote and protect human rights and fundamental freedoms, and encourages all States to consider making use of advisory services and technical cooperation in order to achieve the full enjoyment of all human rights;

4. Calls for a substantial increase in available financial resources, including from voluntary contributions, for advisory services and technical cooperation, which should be managed in a more efficient and coordinated way;

5. Expresses its appreciation for the contributions made to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, welcomes in particular the increasing contributions made by developing countries and invites more Governments and non-governmental organizations to consider contributing;

6. Invites all Governments considering making voluntary contributions to the Office of the High Commissioner to consider providing unearmarked contributions to the extent possible;

7. Encourages efforts to integrate in a comprehensive manner into technical cooperation programmes economic, social and cultural rights, as well as a clear gender perspective;

8. Reaffirms that United Nations field activities in the area of human rights should, when requested, be complemented by advisory services and technical cooperation projects aimed at producing lasting results through the enhancement of national capacities and the promotion of national institutions;

9. Stresses that, when assisting States in promoting and protecting all human rights and strengthening the rule of law and democracy, priority should be given to technical cooperation programmes designed to address their specific requirements;

10. Affirms that, in order to secure the sustainability of advisory services and technical cooperation projects, these should incorporate qualified national human rights expertise to the extent possible, and further develop and strengthen such expertise;

11. Encourages the Office of the High Commissioner for Human Rights to continue its current practice of making the best use of available human rights expertise relevant to, and, as appropriate, from, the regions where technical cooperation activities are undertaken;

12. Recognizes the usefulness of advisory services and technical cooperation for all countries, and calls upon the Office of the High Commissioner for Human Rights to continue to develop its potential for the promotion and protection of all human rights through advisory services and technical cooperation projects and to accord these activities the highest priority;

13. Notes the interdependence between social and economic development, poverty eradication and the promotion and realization of all human rights, and in this regard welcomes the lead role of the High Commissioner in inter-agency coordination in the field of human rights;

14. Encourages Governments, relevant United Nations treaty bodies, special rapporteurs and representatives, as well as working groups, to consult each other in order to elaborate proposals for specific projects to be realized under the programme of advisory services and technical cooperation in the field of human rights with a view to contributing to practical and tangible change in the human rights situation;

15. Requests the Secretary-General:

(a) To continue, in accordance with Part II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the Voluntary Fund, to ensure efficient management of the Voluntary Fund, strict and transparent

project-management rules and periodic evaluations of the programme and projects and to arrange for the holding of information meetings open to all Member States and organizations directly involved in the programme of advisory services and technical cooperation;

(b) To continue to provide the necessary administrative assistance for the Board of Trustees, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on Human Rights on technical cooperation in the field of human rights;

(c) To submit a further analytical report to the Commission at its fifty-eighth session on the progress and concrete achievements made, as well as obstacles encountered in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

16. Decides to continue consideration of this subject at its fifty-eighth session.

67th meeting

26 April 2000

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

2000/81. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other relevant human rights instruments,

Recalling its resolution 1999/75 of 28 April 1999,

Recalling also Security Council resolution 1265 (1999) of 17 December 1999 on the protection of civilians in armed conflict, the report of the Secretary-General (S/1998/883) on protection for humanitarian assistance to refugees and others in conflict situations and General Assembly resolution 54/192 of 17 December 1999 entitled "Safety and security of humanitarian personnel and protection of United Nations personnel",

Recalling further Security Council resolution 751 (1992) of 24 April 1992 on the situation in Somalia,

Noting with concern that the persisting lack of a central authority in Somalia has exacerbated the grave situation of human rights in the country,

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

Expressing satisfaction that, despite all difficulties, the people of the northern regions of Somalia continue to enjoy relative peace and stability, as well as the provision of basic services,

Considering, as stated by the independent expert, that the people of Somalia should not be abandoned by the international community and that human rights should be placed on the agenda of talks regarding the future of Somalia,

1. Welcomes:

(a) The report of the independent expert on the situation of human rights in Somalia (E/CN.4/2000/110) and the conclusions and recommendations contained therein;

(b) The efforts made by the United Nations, the Organization of African Unity, the League of Arab States, the European Union, the Organisation of the Islamic Conference, the Movement of Non-Aligned Countries, the countries of the Intergovernmental Authority on Development and the Intergovernmental Authority Partners' Forum in favour of peace, and in particular the recent initiative of the President of Djibouti, aimed at restoring peace, stability and reconstruction of the State in Somalia;

(c) The establishment of local administrations in areas where peace and stability have been achieved, as well as the role of civil society in this process;

(d) The appointment in October 1999 by the United Nations High Commissioner for Human Rights of a human rights officer for Somalia in the framework of the office of the United Nations Resident Humanitarian Coordinator for Somalia, based in Nairobi, and expresses the hope that he will be able to give meaningful assistance to the Somali people through the fulfilment of his mandate to monitor the human rights situation in Somalia, mainstream and integrate a human rights perspective into the work of all the United Nations agencies regarding Somalia, provide technical assistance in the field of human rights, support human rights non-governmental organizations, raise awareness in the area of the administration of justice and assist the independent expert in fulfilling her mandate;

(e) The integration by a number of United Nations agencies of human rights issues in their programmes, as reported by the independent expert;

2. Takes note of local efforts in Hargeisa to gather information on allegations concerning war crimes and crimes against humanity and of the need for appropriate investigations throughout Somalia in order to bring perpetrators to justice;

3. Notes with appreciation the important role of mediation and reconciliation that is and can be played by Somali clan elders, other local leaders and members of civil society at the grass-roots level, and urges all parties involved to renew their efforts;

4. Expresses deep concern at reported cases of rape, arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence, in particular against women and children, and at the absence of an effective judicial system, essential to ensure the right to a fair trial in accordance with international standards;

5. Condemns:

(a) The widespread violations and abuses of human rights and humanitarian law, in particular against minorities, women and children, as well as the forced displacement of civilians;

(b) All violations of international humanitarian law, including forced recruitment of children by the militias and acts of violence such as hostage-taking, abduction and murder, particularly of humanitarian relief workers;

6. Strongly urges all parties in Somalia:

(a) To respect human rights and international humanitarian law pertaining to internal armed conflicts;

(b) To support, as recommended by the independent expert, the re-establishment of the rule of law throughout the country, in particular by applying internationally accepted criminal justice standards;

(c) To protect United Nations personnel, humanitarian relief workers and representatives of non-governmental organizations and of the international media, and guarantee all persons involved in humanitarian action freedom of movement throughout the country and safe and unhindered access to civilians in need of protection and humanitarian assistance;

7. Calls upon:

(a) All parties to the conflict in Somalia to respond positively to peace initiatives;

(b) Subregional, regional and international organizations and concerned countries to continue and intensify the coordinated efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

(c) Individual donor countries, international organizations and non-governmental organizations further to incorporate human rights principles and objectives in the humanitarian and development work they carry out in Somalia and to cooperate with the independent expert;

(d) The international community to provide continuing and increased assistance in response to the United Nations appeals for relief, rehabilitation and reconstruction efforts in all regions of Somalia, including those aimed at the strengthening of civil society, encouraging governance and the re-establishment of the rule of law, and to support the activities of the Office of the High Commissioner for Human Rights concerning Somalia;

(e) All States having information about violations of the provisions of Security Council resolution 733 (1992) of 23 January 1992 concerning a mandatory arms embargo against Somalia, to provide this information to the Committee of the Security Council created pursuant to resolution 751 (1992) of 24 April 1992, with a view to supporting the work of the Committee;

8. Commends the work carried out by the independent expert, particularly in assessing the means necessary to establish a programme of advisory services and technical assistance through, inter alia, the contribution of agencies and programmes of the United Nations in the field, as well as of the non-governmental sector;

9. Invites governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

10. Requests the High Commissioner for Human Rights to provide for the translation of the present resolution, accompanied by an appropriate background explanatory note, into the local language and for its wide dissemination within the country through the human rights officer for Somalia based in Nairobi;

11. Decides:

(a) To extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and requests the independent expert to report to the Commission on Human Rights at its fifty-seventh session;

(b) To request the Secretary-General to continue to provide the independent expert with all necessary assistance in carrying out her mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner for the implementation of advisory services and technical assistance;

(c) To continue consideration of the question at its fifty-seventh session under the same agenda item.

67th meeting

26 April 2000

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

2000/82. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and the resolutions and decisions adopted by the United Nations in connection with the problem of the foreign debt of the developing countries, particularly Commission resolution 1999/22 of 23 April 1999,

Bearing in mind that the absolute amounts attained by the foreign debt and debt service of the developing nations indicate the persistent seriousness of this situation, that the latest episodes of financial crisis in Asia and other regions have caused this situation to deteriorate further and that the foreign debt burden is becoming increasingly unbearable for a considerable number of developing countries,

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

Stressing that the economic globalization process creates new challenges, risks and uncertainties for the implementation and consolidation of development strategies,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Acknowledging that, in spite of the fact that debt reduction schemes have helped to reduce debt, many highly indebted poor countries are still left with the bulk of their debt,

Considering that the measures for alleviating the debt problem, of both official and private origin, have not achieved an effective, equitable, development-oriented and durable solution to the outstanding debt and debt service of a large number of developing countries, especially the poorest and heavily indebted countries,

Bearing in mind the relationship between the heavy foreign debt burden and the considerable increase in poverty which is apparent at the world level and is especially large in Africa,

Recognizing that foreign debt constitutes one of the main obstacles preventing the developing countries from fully enjoying their right to development,

1. Takes note of the joint report submitted by the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights and the independent expert on structural adjustment policies, to the Commission on Human Rights at its fifty-sixth session (E/CN.4/2000/51);

2. Stresses that structural adjustment policies have serious implications for the ability of the developing countries to abide by the Declaration on the Right to Development and to formulate national development policies that aim to improve the economic, social and cultural rights of their citizens;

3. Also stresses the importance of continuing to implement immediate, effective and durable actions for alleviating the burdens of debt and debt service of the developing countries with debt problems, in the framework of the realization of economic, social and cultural rights;

4. Affirms that the permanent solution to the foreign debt problem lies in the establishment of a just and equitable international economic order which guarantees the developing countries, inter alia, better market conditions and commodity prices, stabilization of exchange rates and interest rates, easier access to financial and capital markets, adequate flows of new financial resources and easier access to the technology of the developed countries;

5. Stresses the need for the economic programmes arising from foreign debt to take account of the specific characteristics, conditions and needs of the debtor countries and the need to incorporate the social dimension of development;

6. Affirms that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies and economic reforms arising from the debt;

7. Emphasizes the important need for initiatives on foreign debt, in particular in the debt initiative for the heavily indebted poor countries and the decision of the Paris Club to go beyond the Naples terms, to be implemented completely and flexibly, and at the same time notes with concern the rigidity of the eligibility criteria approved by the international creditor community in the context of those initiatives, which is becoming a source of greater concern in the light of the latest symptoms of the international financial crisis;

8. Also emphasizes the need for new financial flows to debtor developing countries from all sources, in addition to debt relief measures that include debt cancellation, and urges creditor countries and the international financial institutions to increase concessional financial assistance on favourable terms, as a means of supporting the implementation of the economic reforms, combating poverty and achieving sustained economic growth and sustainable development;

9. Decides to appoint an independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, for a period of three years;

10. Requests the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, to present an analytical report to the Commission, on an annual basis, on the implementation of the present resolution, paying particular attention to:

(a) The effects of the foreign debt and the policies adopted to face them on the full enjoyment of all human rights, in particular, economic, social and cultural rights in developing countries;

(b) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

(c) New developments, actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to structural adjustment policies and human rights;

11. Also requests the independent expert to provide an advance copy of his annual report to the open-ended working group on structural adjustment programmes and economic, social and cultural rights in order to assist the group in the fulfilment of its mandate;

12. Decides to discontinue the mandates of:

(a) The Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights;

(b) The independent expert on structural adjustment policies;

13. Decides to appoint Mr. Fantu Cheru as independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, in order to take advantage of his expertise in this matter;

14. Requests the Secretary-General to provide the independent expert with all necessary assistance, in particular the staff and resources required to perform his functions;

15. Urges Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his mandate;

16. Calls upon Governments, international organizations and international financial institutions, as well as non-governmental organizations and the private sector, to take appropriate measures and action for the implementation of the commitments, agreements and decisions of the major United Nations conferences and summits organized since the beginning of the 1990s on developments related to the question of external debt;

17. Also calls upon Governments, international financial institutions and the private sector to consider the possibility of cancelling or reducing significantly the debt of the heavily indebted poor countries, giving priority to countries emerging from devastating civil wars or that have been devastated by natural disasters;

18. Urges States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS, so that more financial resources can be released and used for health care, research and treatment of the population in the affected countries;

19. Recognizes that there is a need for more transparency, participation by all States and consideration of the relevant resolutions of the Commission on Human Rights in the deliberations and activities of international and regional financial institutions;

20. Considers that, in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries within the United Nations system, based on the principle of shared interests and responsibilities;

21. Requests the Economic and Social Council to authorize the working group on structural adjustment programmes and economic, social and cultural rights to meet for two weeks well in advance of, and at least four weeks prior to, the fifty-seventh session of the Commission with the mandate to: (a) continue working on the elaboration of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and international financial institutions, and (b) report to the Commission at its fifty-seventh session;

22. Reiterates its request to the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, in particular of the least developed countries, and especially the social impact of the measures arising from the foreign debt;

23. Requests the High Commissioner for Human Rights to take urgent action to strengthen the responsiveness of her Office in the area of economic, social and cultural rights;

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

67th meeting

26 April 2000

[Adopted by a roll-call vote of 30 votes to 15,
with 7 abstentions. See chap. X.]

2000/83. Work of the Sub-Commission on the Promotion and
Protection of Human Rights

The Commission on Human Rights,

Recalling its resolution 1999/81 of 28 April 1999,

Taking note of:

(a) The note by the Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights on enhancing the effectiveness of the Sub-Commission (E/CN.4/Sub.2/1998/38),

(b) The note by the Chairperson of the Sub-Commission on the common position of the Sub-Commission on future tasks, length of sessions, working methods, composition and election of members (E/CN.4/Sub.2/1999/47),

(c) The report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112), in particular paragraphs 42 to 56,

(d) The statement made on 22 March 2000 by the Chairperson of the fifty-sixth session of the Commission under item 3 of its agenda,

1. Reaffirms:

(a) Its recognition of the valuable contribution made by the Sub-Commission to the human rights work of the United Nations over the past fifty-three years;

(b) The need for clarification and adjustment of the mandate of the Sub-Commission as outlined in the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights;

2. Decides to consider the issue of the work of the Sub-Commission again at its fifty-seventh session under the relevant agenda item;

3. Invites the Chairperson of the fifty-sixth session of the Commission on Human Rights to address the Sub-Commission at the opening meeting of its fifty-second session and to inform it about the debate that took place on this subject at the fifty-sixth session of the Commission under agenda items 16 and 20.

67th meeting
26 April 2000

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

2000/84. Defamation of religions

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 its resolution 1999/82 of 30 April 1999,

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

Recognizing that discrimination based on religion or belief constitutes an offence to human dignity and a violation of human rights,

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

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

Underlining the importance of creating conditions to foster greater harmony and tolerance within and among societies and conscious of the importance of education in ensuring tolerance of and respect for religion and belief,

Welcoming the designation by the General Assembly of the year 2001 as the United Nations Year of Dialogue among Civilizations,

Expressing its appreciation in this context of the joint efforts of the member States of the Organization of the Islamic Conference and the United Nations High Commissioner for Human Rights in organizing the seminar entitled "Enriching the Universality of Human Rights: Islamic Perspectives on the Universal Declaration of Human Rights" in Geneva on 9 and 10 November 1998,

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

1. Expresses deep concern at negative stereotyping of religions;
2. Also expresses deep concern that Islam is frequently and wrongly associated with human rights violations and with terrorism;

3. Expresses its concern at any role in which the print, audio-visual or electronic media or any other means is used to incite acts of violence, xenophobia or related intolerance and discrimination towards Islam and any other religion;
4. Urges all States, within their national legal framework, in conformity with international human rights instruments to take all appropriate measures to combat hatred, discrimination, intolerance, and acts of violence, intimidation and coercion motivated by religious intolerance, including attacks on religious places, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;
5. Invites Governments, intergovernmental and regional organizations to provide their views on the religious perspectives of combating racism to the Secretary-General of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and invites her to present these inputs to the World Conference through its preparatory process;
6. Calls upon the Special Rapporteur on religious intolerance and the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance to take into account the provisions of the present resolution when reporting to the Commission;
7. Remains seized of the matter.

67th meeting
26 April 2000

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

B. Decisions

2000/107. The Social Forum

The Commission on Human Rights taking note of resolution 1999/10 of 25 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the holding of a Social Forum during the fifty-second session of the Sub-Commission and recalling its resolution 1999/53 of 27 April 1999, decides that the Sub-Commission should further review during its fifty-second session, in the light of the developments in the work of the Sub-Commission, its proposal to hold a forum on economic, social and cultural rights.

[See chap. X.]

2000/108. Reservations to human rights treaties

At its 66th meeting, on 26 April 2000, the Commission on Human Rights, taking note of resolution 1999/27 of 26 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights and the working paper submitted by Ms. Françoise Hampson pursuant to Sub-Commission decision 1998/113 (E/CN.4/Sub.2/1999/28), decided, without a vote, to request the Sub-Commission to request Ms. Hampson to submit to the Sub-Commission at its fifty-second session revised terms of reference for her proposed study on reservations to human rights treaties further clarifying how this study would complement work already under-way on reservations to human rights treaties, in particular by the International Law Commission.

[See chap. XVII.]

2000/109. Enhancing the effectiveness of the mechanisms of the Commission on Human Rights

1. At its 67th meeting, on 26 April 2000, the Commission on Human Rights decided, without a vote, to approve and implement comprehensively and in its entirety the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112, annexed to the present decision) adopted by consensus by the Working Group on 11 February 2000.
2. Recalling the Chairperson's statement of 22 March 2000, the Commission emphasized the importance and relevance to the Commission's work of all aspects of the report, including the general approach outlined and the specific considerations set out in the individual chapters.
3. To facilitate the implementation of the report of the Working Group in its entirety, the Commission also decided to transmit to the Economic and Social Council the following specific draft resolution and draft decisions (also annexed) which require the approval of the Council.

[See chap. XX.]

ANNEX

Draft decision 1

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/109 of 26 April 2000, endorses the Commission's decision to merge the

mandates of the independent expert on structural adjustment and the Special Rapporteur on foreign debt, thus creating a post of independent expert on structural adjustment and foreign debt.

Draft decision 2

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/109 of 26 April 2000, endorses the Commission's decision to establish a time-limit of two terms of three years for membership of special procedures working groups, as well as for Special Rapporteurs, whose position in relation to time-limits is covered by the Chairperson's statement of 29 April 1999. In the case of the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, as a transitional measure, turnover of membership in both groups shall be accomplished in incremental steps over a three-year period. In order to provide the appropriate continuity during this transitional period, two members shall be replaced in year one, two in year two, and one in year three.

Draft decision 3

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/109 of 26 April 2000, endorses the Commission's decision to reduce the duration of the annual meeting of the Working Group on Contemporary Forms of Slavery of the Sub-Commission to five working days from the present eight days.

Draft decision 4

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/109 of 26 April 2000, endorses the Commission's decision to request its Chairperson to convene a one-day informal meeting of the Commission in late September each year to facilitate exchange of information in advance of the General Assembly. Such a meeting shall be convened for the first time in September 2000.

Draft resolution

Procedure for dealing with communications concerning human rights

The Economic and Social Council,

Recalling its resolution 728 F (XXVIII) of 30 July 1959 concerning the handling of communications concerning human rights and its decision 79 (LVIII) of 6 May 1975 relating thereto,

Recalling also its resolution 1235 (XLII) of 6 June 1967 authorizing the Commission on Human Rights to examine information relevant to gross violations of human rights and

fundamental freedoms, its resolution 1503 (XLVIII) of 27 May 1970 establishing a procedure for dealing with communications relating to violations of human rights and fundamental freedoms and its resolution 1990/41 of 25 May 1990 concerning the establishment, composition and designation of the members of the Working Group on Situations,

Recalling further resolution 1 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (now the Sub-Commission for the Promotion and Protection of Human Rights) of 13 August 1971 concerning criteria for the admissibility of communications, as well as Sub-Commission resolution 2 (XXIV) of 16 August 1971 concerning the establishment, composition and designation of the members of the Working Group on Communications,

Recalling Commission on Human Rights decisions 3 (XXX) of 6 March 1974, 5 (XXXIV) of 3 March 1978 and 9 (XXXVI) of 7 March 1980, all aimed at facilitating government participation and cooperation under the procedure, and decision 3 (XXXIV) of 3 March 1978 inviting the Chairman-Rapporteur of the Working Group on Communications to be present during the deliberations of the Commission on that item,

Noting decision 109 of 26 April 2000 of the Commission on Human Rights, inter alia approving the recommendations of its inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights concerning the review of the procedure governed by Economic and Social Council resolution 1503 (XLVIII) and related resolutions and decisions (E/CN.4/2000/112, chapter three),

1. Endorses Commission decision 109 of 26 April 2000, insofar as it concerns the review of the procedure governed by Economic and Social Council resolution 1503 (XLVIII) and related resolutions and decisions;

2. Decides, accordingly, that the Working Group on Communications designated in conformity with paragraph 37 of the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112) shall henceforth meet annually for two weeks, immediately following the annual session of the Sub-Commission on the Promotion and Protection of Human Rights, to examine the communications received under Council resolution 728 F (XXVIII) that have been transmitted to the Governments concerned not later than 12 weeks prior to the meeting of the Working Group, and any government replies relating thereto, in conformity with the criteria for

the admissibility of communications contained in resolution 1 (XXXIV) of the Sub-Commission, with a view to bringing to the attention of the Working Group on Situations any particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms;

3. Requests the Secretary-General, with the approval of the Chairman-Rapporteur of the Working Group on Communications, to screen out manifestly ill-founded communications in the preparation of the monthly confidential summaries of communications (confidential lists of communications) communicated to the members of the Working Group, it being understood that communications screened out would not be transmitted to the Governments concerned for reply;

4. Calls upon the Secretary-General to inform the countries concerned, immediately after the conclusion of the meeting of the Working Group on Communications, of the actions taken in regard to them;

5. Entrusts to the Working Group on Situations designated in conformity with paragraph 40 of the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112), which shall meet annually for one week not less than one month prior to the annual session of the Commission, the role of examining the confidential report and recommendations of the Working Group on Communications and determining whether or not to refer a particular situation thus brought before it to the Commission on Human Rights, as well as of examining the particular situations kept under review by the Commission under the procedure, and, accordingly, to place before the Commission a confidential report identifying the main issues of concern, normally together with a draft resolution or draft decision recommending the action to be taken by the Commission in respect of the situations referred to it;

6. Requests the Secretary-General to make the confidential files available, at least one week in advance of the first closed meeting, to all members of the Commission on Human Rights;

7. Authorizes the Commission on Human Rights, as it deems appropriate, to consider the particular situations placed before it by the Working Group on Situations, as well as the situations kept under review, in two separate closed meetings, employing the following modalities:

(a) At the first closed meeting, each country concerned would be invited to make opening presentations; a discussion would then follow between members of the Commission and the Government concerned, based on the contents of confidential files and the report of the Working Group on Situations;

(b) In the interim between the first and second closed meetings, any member or members of the Commission could submit an alternative or an amendment to any texts forwarded by the Working Group on Situations; any such draft texts would be circulated confidentially by the secretariat, in accordance with the rules of procedure of the functional commissions of the Economic and Social Council, in advance of the second closed meeting;

(c) At the second closed meeting, members of the Commission would discuss and take action on the draft resolutions or decisions; a representative or representatives of the Governments concerned would have the right to be present during the adoption of the final decision/resolution taken in regard to the human rights situation in that country; as has been the established practice, the Chairperson of the Commission would subsequently announce in a public meeting which countries had been examined under the 1503 procedure, as well as the names of countries no longer being dealt with under the procedure; the 1503 dossiers would remain confidential, except where the Government concerned has indicated the wish that they become public;

(d) In accordance with the established practice, the action taken in respect of a particular situation should be one of the following options:

- (i) To discontinue consideration of the matter when further consideration or action is not warranted;
- (ii) To keep the situation under review in the light of any further information received from the Government concerned and any further information which may reach the Commission under the 1503 procedure;
- (iii) To keep the situation under review and to appoint an independent expert;
- (iv) To discontinue consideration of the matter under the confidential procedure governed by Council resolution 1503 (XLVIII) in order to take up consideration of the same matter under the public procedure governed by Council resolution 1235 (XLII);

8. Decides that the provisions of Council resolution 1503 (XLVIII) and related resolutions and decisions not affected by the present reorganization of work shall remain in force, including:

(a) Provisions relating to the duties and responsibilities of the Secretary-General, it being understood that in respect of the handling of communications and government replies relating thereto the duties and responsibilities are as follows:

- (i) The compilation, as before, of monthly confidential summaries of incoming communications concerning alleged violations of human rights; the identity of authors may be deleted upon request;
- (ii) The transmittal of a copy of each summarized communication, in the language received, to the Government concerned for reply, without divulging the identity of the author if he or she so requests;
- (iii) Acknowledging the receipt of communications to their authors;
- (iv) The reproduction and circulation to the members of the Commission, as before, of the replies received from Governments;

(b) Provisions aimed at facilitating government cooperation and participation in the procedure, including the provisions of Commission decision 3 (XXX) of 6 March 1974, now to be applied following the meetings of the Working Group on Communications;

9. Decides that all actions envisaged in the implementation of the present resolution by the Working Group on Communications, the Working Group on Situations and the Commission on Human Rights shall remain confidential until such time as the Commission may decide to make recommendations to the Economic and Social Council;

10. Decides that the procedure as amended may continue to be referred to as the 1503 procedure.

Draft decision 5

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/109 of 26 April 2000, endorses the Commission's decision that the annual session of the Sub-Commission on the Promotion and Protection of Human Rights shall, from this year, be of three weeks' duration.

Draft decision 6

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/109 of 26 April 2000, endorses the Commission's decision that chairpersons of

standard-setting working groups shall, if the working group considers it appropriate and in consultation with the Office of the High Commissioner for Human Rights, be provided with the necessary financial assistance to undertake informal consultations during the inter-sessional period with a view to advancing progress in respect of the working group's mandate.

2000/110. Transitional arrangements concerning the 1503 procedure

At its 67th meeting, on 26 April 2000, the Commission on Human Rights decided, pending adoption by the Economic and Social Council of draft resolution, entitled "Procedure for dealing with communications concerning human rights", that those communications and the replies thereto on which the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-first session had decided to defer action to its next session should be referred back to the Working Group on Communications and that those communications and replies should be examined by the Working Group on Communications at its next annual session, immediately following the fifty-second session of the Sub-Commission, with a view to determining whether or not they should be brought to the attention of the Working Group on Situations in accordance with paragraph 2 of draft resolution

[See chap. XX.]

2000/111. Dates of the fifty-seventh session of the Commission

At its 67th meeting, on 26 April 2000, the Commission on Human Rights, recalling Economic and Social Council decision 1994/297 of 29 July 1994 and bearing in mind Council decision 1995/296 of 25 July 1995, decided, without a vote, that the fifty-seventh session of the Commission should be scheduled to take place from 19 March to 27 April 2001.

[See chap. III.]

2000/112. Organization of the work of the fifty-seventh session of the Commission

At its 67th meeting, on 26 April 2000, the Commission on Human Rights, taking into account its heavy schedule of work, as well as the need to give adequate consideration to all the items on its agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's requests for additional meetings for its thirty-seventh to fifty-sixth sessions, decided, without a vote:

(a) To recommend to the Council that it authorize, if possible from within existing financial resources, 30 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-seventh session;

(b) To request the Chairperson of the fifty-seventh session of the Commission to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings that the Council might authorize would be utilized only if they proved to be absolutely necessary.

[See chap. III.]
