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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-second session
Agenda item 13 (c)

CONCLUDING ITEMS

ADOPTION OF THE REPORT ON THE FIFTY-SECOND SESSION

Draft report of the Sub-Commission on the Promotion
and Protection of Human Rights

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* Documents E/CN.4/Sub.2/2000/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 Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/2000/L.11 and addenda.

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A. Resolutions

2000/1. Human rights and humanitarian consequences of sanctions, including embargoes

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling the principles and the purposes of the Charter of the United Nations, the International Bill of Human Rights and other relevant international and regional human rights instruments,

Affirming the humanitarian principles contained in the Geneva Conventions of 1949 and to the two Additional Protocols thereto,

Recalling the principles established in the Declaration on Minimum Humanitarian Standards (E/CN.4/Sub.2/1991/55, annex),

Noting General Comment 8 of the Committee on Economic, Social and Cultural Rights on the relationship between economic sanctions and respect for economic, social and cultural rights (E/C.12/1997/8), and considering that when a State is the target of sanctions, the international community must protect at least the core content of the economic, social and cultural rights of the affected people of that State,

Deeply concerned at reports from human rights and humanitarian organizations, including the World Health Organization, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, which refer to deteriorating humanitarian conditions in countries which have been affected by heavy sanctions, including embargoes, particularly as evidenced in increasing rates of child malnutrition and mortality and deteriorating health indicators,

Gravely disturbed at reports and reliable information from non-governmental organizations and other reliable sources concerning the serious consequences of embargoes for the population, in particular for vulnerable groups, including children, elderly people, women, persons belonging to minorities and indigenous peoples, and deploring the fact that embargoes all too often stimulate the black market and corruption,

1. Appeals to the Commission on Human Rights to recommend:

(a) To all competent organs, bodies and agencies of the United Nations system that they observe and implement all relevant provisions of human rights and international humanitarian law;

(b) To the Security Council that, as a first step, it alleviate sanctions regimes so as to eliminate their impact on the civilian population by permitting the import of civilian goods, in particular to ensure access to food and medical and pharmaceutical supplies and other products vital to the health of the population in all cases;

2. Encourages the international community to take appropriate and immediate measures to alleviate the suffering of people who are adversely affected by sanctions imposed upon their countries, in particular by facilitating the delivery of food and medical and pharmaceutical supplies and other products vital to the health of the population and providing educational material in order to reduce the isolation of health-care professionals and educators;

3. Urges Governments targeted by sanctions, as well as those Governments responsible for the implementation of those sanctions to respect their human rights and international peace and security obligations and to facilitate, by all available means, the alleviation of humanitarian crises in the countries concerned.

17th meeting
11 August 2000

[Adopted without a vote. See chap. IV]

2000/2. World Conference against Racism, Racial Discrimination,
Xenophobia and Related Intolerance and migrant workers

The Sub-Commission on the Promotion and Protection of Human Rights,

Considering that according to the Universal Declaration of Human Rights all human beings are entitled to all the rights and freedoms set forth in that Declaration without distinction of any kind, such as race, colour or national origin,

Deeply concerned at the increase in acts of racism and violence against migrant workers in different regions of the world,

Aware that such racism and violence arise partly from a resurgence of national and neo-nazi extremism,

Noting with concern that international migrations are involving more and more women and that women suffer doubly from manifestations of racism and from various forms of exploitation that flagrantly violate their most basic rights,

Considering that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance should pay special attention to the serious problems affecting all migrant workers and members of their families,

1. Requests the Preparatory Committee of the World Conference to include a separate item on migrant workers in the agenda of the World Conference;

2. Considers that the World Conference should:

Stress the need for States, especially the States of destination, to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;

Draw the attention of States parties to the urgent need to implement the standards established by the United Nations and the International Labour Organization by strengthening their anti-discriminatory legislation or by enacting laws condemning discrimination, xenophobia and intolerance in all their forms;

3. Requests the World Conference to recommend to the General Assembly that it proclaim 18 December of each year an international day of solidarity with migrant workers and members of their families;

4. Further requests the World Conference to study and propose ways and means of putting an end to the racist campaigns encouraging violence against migrant workers through the Internet, sections of the media and political activities.

17th meeting
11 August 2000

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

2000/3. World Conference against Racism, Racial Discrimination,
Xenophobia and Related Intolerance

The Sub-Commission on the Promotion and Protection of Human Rights,

Bearing in mind the principles, standards and norms embodied in international instruments relating to the promotion and protection of human rights, including in particular the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming the objectives set forth in the Charter of the United Nations on achieving international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without discrimination or distinction as to race, sex, language or religion,

Reaffirming also its conviction that racism, racial discrimination, xenophobia and related intolerance fundamentally undermine the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights and the firm determination and commitment of the United Nations to eradicate, totally and unconditionally, racial discrimination,

Noting that in its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the General Assembly set as one of the main objectives of the Conference the review of the political, historical, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance,

Concerned at the phenomenon of globalization, accompanied by a concentration of wealth, on the one hand, and marginalization and exclusion, on the other, and its effects on the right to development and on living standards, and on the increase in the phenomena of racism, racial discrimination, xenophobia and related intolerance,

Sharing the grave concern of the Commission on Human Rights, expressed in resolution 1998/26 of 17 April 1998, that despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and racist acts of violence are on the increase,

Aware that the World Conference should carefully consider the complicated interplay of discrimination based on race and discrimination based on gender and other grounds, as well as economic marginalization, social exclusion and contemporary forms of slavery,

Noting that the preparatory process for the World Conference will include the second session of the Preparatory Committee, to be held from 28 May to 8 June 2001,

Encouraging all measures necessary, including facilitation of speedy accreditation, for the effective participation of non-governmental organizations from all parts of the world and diverse and representative sections of civil society in the preparatory process for the World Conference,

Recognizing the positive contribution of regional organizations in past world conferences,

Noting that in resolution 1998/26 the Commission invited the Sub-Commission to carry out studies without delay, within the framework of the objectives laid down in General Assembly resolution 52/111, and to transmit its recommendations to the Commission and, through the Commission, to the Preparatory Committee,

Taking note of the report of the first session of the Preparatory Committee (A/CONF.189/PC.1/21) and in particular of decision PC.1/7, in which the Preparatory Committee requested United Nations bodies and mechanisms to prepare reports, studies and documents and to submit them to the Preparatory Committee and the World Conference,

Welcoming the work of its members thus far in preparation for the World Conference, including:

(a) The preliminary report on the concept and practice of affirmative action (E/CN.4/Sub.2/2000/11 and Corr.1) and the working paper on the same topic (E/CN.4/Sub.2/1998/5) submitted by Mr. Marc Bossuyt;

(b) The working paper on the rights of non-citizens submitted by Mr. David Weissbrodt (E/CN.4/Sub.2/1999/7 and Add.1);

(c) The working paper on globalization in the context of increased incidents of racism, racial discrimination and xenophobia submitted by Mr. J. Oloka-Onyango (E/CN.4/Sub.2/1999/8);

(d) The preliminary report on the subject of globalization and its impact on the full enjoyment of human rights submitted by Mr. J. Oloka-Onyango and Ms. Deepika Udagama (E/CN.4/Sub.2/2000/13);

(e) The working paper on proposals for the work of the World Conference submitted by Mr. Paulo Sérgio Pinheiro (A/CONF.189/PC.1/13/Add.1, para. ...);

(f) The working paper on proposals for the work of the World Conference relating to discrimination against indigenous peoples submitted by Ms. Erica-Irene Daes on 1 May 2000;

(g) The working paper on the human rights problems and protections of the Roma submitted by Mr. Yeung Kam Yeung Sik Yuen (E/CN.4/Sub.2/2000/28);

1. Declares that all forms of racism and racial discrimination, whether in their institutionalized form or resulting from doctrines and practices of racial superiority or exclusivity, whether committed against citizens or non-citizens present in the territory of a State, are among the most serious violations of human rights in the contemporary world and must be combated;

2. Commends all States that have ratified or acceded to the international instruments which, inter alia, combat racism, racial discrimination, discrimination against migrants, and slavery, and invites all States that have not yet done so to ratify or accede to them as soon as possible, as well as to accept provisions for individual communications;

3. Encourages educational institutions, non-governmental organizations and the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

4. Regrets the continued lack of interest, support and financial resources for the Third Decade to Combat Racism and Racial Discrimination and the Programme of Action for the Third Decade and calls upon all Governments, United Nations bodies, specialized agencies and interested non-governmental organizations to contribute fully to the implementation of the Programme of Action;

5. Requests the Sub-Commission experts who have prepared relevant studies, updated reviews and working papers, such as those identified above, to update and augment their respective work, to the extent possible, so that the working papers, preliminary studies, etc., can be used in the preparatory process, at the World Conference itself and in its follow-up;

6. Welcomes the positive contributions of regional organizations at past world conferences, as well as the endorsement of the World Conference by the Organization of American States and the preparatory meeting and activities regarding the World Conference undertaken by the Council of Europe;

7. Also welcomes the expert seminars held and to be held in preparation of the World Conference;

8. Further welcomes the invitations and arrangements for regional preparatory conferences in the Islamic Republic of Iran for Asia, Senegal for Africa, France for the Council of Europe, and Chile for Latin America and the Caribbean and calls for the full participation at those meetings of non-governmental organizations, regardless of their status with the Economic and Social Council;

9. Calls upon the United Nations High Commissioner for Human Rights to take the necessary steps to assist, upon request, the advancement of the regional preparatory processes;
10. Encourages national preparatory meetings regarding the World Conference;
11. Expresses its sincere gratitude to the Government of South Africa for offering to host the World Conference, to be held from 31 August to 7 September 2001;
12. Recommends to the Preparatory Committee that the World Conference devote considerable attention to the overall themes of equality and diversity in an effort to combat racism, racial discrimination, xenophobia and related intolerance;
13. Also recommends that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the human rights of migrants play an integral role in all processes regarding the World Conference;
14. Requests the Secretary-General to again provide for the participation of Mr. Paulo Sérgio Pinheiro in the Preparatory Committee and at the World Conference as the representative of the Sub-Commission;
15. Notes the recommendations contained in the report of the Consultation on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Bellagio, Italy, from 24 to 28 January 2000 (A/CONF.189/PC.1/10);
16. Encourages the active and effective participation in the World Conference of all organs of society from all parts of the world, including non-governmental organizations representing victims of racism, racial discrimination, xenophobia and related intolerance, including those representing indigenous peoples;
17. Suggests that the World Conference focus, inter alia, on situations of racism, racial discrimination, xenophobia, related intolerance and ethnic conflict and other patterns of discrimination, such as contemporary forms of slavery, that are based on race, colour, social class, minority status, descent, national or ethnic origin or gender, including topics such as:
 - (a) The link between contemporary forms of slavery and racial and other discrimination based on descent;
 - (b) The current realities in the aftermath of slavery and colonialism, including the legal implications of the slave trade and the conditions of persons of African descent in the Americas;

(c) The impact of economic globalization on the question of racial equality, including globalization in the context of the increase in incidents of racism, and the economic basis of racism;

(d) The need to mainstream activities and programmes to combat racism, racial discrimination, xenophobia and related forms of intolerance in development programmes and for donors to provide additional resources for these activities;

(e) The treatment of minorities, migrants, victims of trafficking, refugees, asylum-seekers, other non-citizens and displaced persons, as well as the related phenomenon of xenophobia;

(f) The prevention of racial discrimination, including early warning and urgent procedures and sanctions as well as the accountability of non-State actors;

(g) The prevention of racial discrimination through labour regulation, development of migration regulation, education and other information;

(h) Remedies, redress mechanisms and reparations for racial discrimination, including affirmative action, and compensation for victims and descendants of victims of racism, as well as independent mechanisms for monitoring the effectiveness of remedies and redress mechanisms;

(i) International mechanisms for the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination at the international, national and local levels, and their progressive development;

(j) International mechanisms for the protection of the rights of persons belonging to minorities and ensuring peaceful group accommodation based on human rights;

(k) Improved mechanisms for the implementation of international conventions against contemporary forms of slavery;

(l) Combating hate speech and promoting tolerance in the digital age;

(m) The implications of multiple identities (race, colour, descent, minority status, national or ethnic origin, gender);

(n) The role that can be played by recognition of dual citizenship;

(o) The need for States and human rights mechanisms to recognize any discriminatory element in situations involving other alleged violations of human rights;

(p) Policies to be implemented to promote and protect the rights of indigenous peoples; and

(q) Racism, racial discrimination and other forms of intolerance, including discrimination and intolerance against indigenous peoples, within criminal justice systems;

18. Endorses the decision of the Preparatory Committee to invite the High Commissioner for Human Rights, acting in her capacity as Secretary-General of the World Conference, to draw up a draft declaration and programme of action for the World Conference and recommends the participation of civil society in its preparation and implementation;

19. Also recommends that the World Conference define a global and system-wide strategy to combat racism and racial discrimination which could lead to concrete results for the populations affected;

20. Suggests that the High Commissioner for Human Rights explore the possibility of making best use of the Millennium Summit, to be held from 6 to 8 September 2000, as one of the most effective means to highlight to the international community the critical importance of the World Conference in the continued struggle against racism;

21. Decides to discuss the World Conference and its follow-up at its next two sessions.

17th meeting
11 August 2000

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

2000/4. Discrimination based on work and descent

The Sub-Commission on the Promotion and Protection of Human Rights,

Affirming that, as declared in article 2 of the Universal Declaration of Human Rights, everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Aware that discrimination based on work and descent has historically been a feature of societies in different regions of the world and has affected a significant proportion overall of the world's population,

Acknowledging the constitutional, legislative and administrative measures taken by relevant Governments to abolish practices of discrimination based on occupation and descent,

Concerned, however, at the persistence of discrimination based on work and descent in such societies,

1. Declares that discrimination based on work and descent is a form of discrimination prohibited by international human rights law;
2. Requests Governments concerned to ensure that all necessary constitutional, legislative and administrative measures, including appropriate forms of affirmative action, are in place to prohibit and redress discrimination on the basis of work and descent, and that such measures are respected and implemented by all State authorities at all levels;
3. Urges Governments concerned to ensure that appropriate legal penalties and sanctions, including criminal sanctions, are prescribed for and applied to all persons or entities within the jurisdiction of the Governments concerned who may be found to have engaged in practices of discrimination on the basis of work and descent;
4. Decides to entrust Mr. Goonesekere with the task of preparing, without financial implications, a working paper on the topic of discrimination based on work and descent, in order to:
 - (a) Identify communities in which discrimination based on occupation and descent continues to be experienced in practice;
 - (b) Examine existing constitutional, legislative and administrative measures for the abolition of such discrimination; and
 - (c) Make any further concrete recommendations and proposals for the effective elimination of such discrimination as may be appropriate in the light of such examination;
5. Decides to continue consideration of this question at its fifty-third session under the same agenda item.

17th meeting
11 August 2000
[Adopted without a vote. See chap. V.]

B. Decisions

2000/101. Establishment of a sessional working group on the working methods and activities of transnational corporations under agenda item 4 (c)

At its 2nd meeting, on 1 August 2000, the Sub-Commission decided, without a vote, to establish a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4 (c), composed of the following members: Mr. Guissé, Mr. Kartashkin, Mr. Park, Mr. Rodríguez-Cuadros and Mr. Weissbrodt.

[See chap. III.]

2000/102. Establishment of a sessional working group on the administration of justice under agenda item 9

At its 2nd meeting, on 1 August 2000, the Sub-Commission decided, without a vote, to establish a sessional working group on the administration of justice under agenda item 9, composed of the following members: Mr. Fix-Zamudio, Ms. Hampson, Mr. Ogurtsov, Mr. Yokota and Ms. Zerrougui.

[See chap. III.]

2000/103. The rights of non-citizens

At its 17th meeting, on 1 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decision 1998/103 of 20 August 1998 and resolution 1999/7 of 25 August 1999, as well as the working paper on the rights of non-citizens submitted by Mr. David Weissbrodt (E/CN.4/Sub.2/1999/7 and Add.1), and noting Commission on Human Rights decision 2000/104 of 25 April 2000 in which it recommended that the Economic and Social Council authorize the Sub-Commission to appoint one of its members as Special Rapporteur with the task of preparing a comprehensive study of the rights of non-citizens, as well as Economic and Social Council decision 2000/... of ... July 2000 in which it approved that recommendation, decided without a vote, to appoint Mr. David Weissbrodt as Special Rapporteur with the task of preparing a comprehensive study of the rights of non-citizens and requests him to submit a preliminary report to the Sub-Commission at its fifty-third session,

a progress report at its fifty-fourth session and a final report at its fifty-fifth session. The Sub-Commission also decided to request the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable him to accomplish this task.

[See chap. V.]

2000/104. The concept and practice of affirmative action

At its 17th meeting, on 11 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decision 1999/106 of 25 August 1999 and its resolution of 1998/5 of 20 August 1998, Commission on Human Rights resolution 1999/81 of 28 April 1999 and Economic and Social Council decision 1999/253 of 27 July 1999, expresses its appreciation to the Special Rapporteur for his preliminary report on the concept and practice of affirmative action and the related questionnaire (E/CN.4/Sub.2/2000/11 and Corr.1) and decided, without a vote, to request the Secretary-General to remind Governments, international organizations and non-governmental organizations that have received the questionnaire to submit their responses, including information on relevant national documentation on the subject of affirmative action, at their earliest possible convenience.

[See chap. V.]

2000/105. Implementation of Commission on Human Rights decision 2000/109

At its 18th meeting, on 14 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights, with the object of implementing Commission on Human Rights decision 2000/109 of 26 April 2000, in particular paragraph 52 of the annex, and in conformity with paragraph 2 of Commission resolution 8 (XXIII) of 16 March 1967, decided, without a vote, to include on an experimental basis in its report an extended and objective overview of its discussions on violations of human rights under agenda item 2, to be prepared by the Rapporteur of the Sub-Commission and circulated for the consideration of all the members before its adoption.

[See chap. III.]
