



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/Sub.2/2000/L.11/Add.2  
24 August 2000

Original: ENGLISH

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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

Rapporteur: Mr. Rajendra Kalidas GOONESEKERE

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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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2000/19. Report of the Working Group on Contemporary Forms of Slavery  
The Sub-Commission on the Promotion and Protection of Human Rights,

Taking note of the report of the working group on Contemporary Forms of Slavery on its twenty-fifth session (E/CN.4/Sub.2/2000/23) and, in particular, the recommendations contained in chapter VI,

Deeply concerned at the information provided on the serious situations of human rights violations affecting millions of human beings throughout the world on account of the exploitation of domestic and migrant workers, slave and child labour, the sexual exploitation of children, the traffic in persons, the abusive use of the Internet for the purpose of sexual exploitation, the sale of children, child prostitution and child pornography,

Recognizing that poverty, ignorance, discrimination and the ill-effects of corruption and international debt lead to and perpetuate contemporary forms of slavery,

Regretting that the number of States that have ratified the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for the excellent work it performs on the basis of information, testimony and discussion within the Working Group;

2. Notes with satisfaction the decision of the Working Group to give priority, at each of its sessions, to one of the items on its agenda on account of the importance of the problem to be examined;

#### I. BONDED LABOUR AND DEBT BONDAGE

3. Urges States, whenever cases of debt bondage are reported in their countries, to take action as a matter of urgency to secure the release of those concerned, to develop techniques for assessing whether workers are bonded, even if they are intimidated (by threats or fear of loss of their jobs) or unwilling to reveal their bonded status, to prevent reprisals from being taken against them and to ensure they will not revert into bondage subsequently;

4. Encourages States to ensure that obstacles are not placed in the way of bonded labourers, or human rights defenders acting on their behalf, in registering formal complaints about the exploitation of bonded labour and, in the case of States in which such complaints are pending, to ensure that they are treated with the utmost urgency and seriousness;

5. Urges States to intervene as a matter of priority when human rights defenders are subjected to harassment or persecution for their involvement in trying to assist bonded labourers;

6. Strongly recommends that States which have adopted laws against debt bondage or bonded labour and in which cases of debt bondage continue to be reported ensure the effectiveness of the rule of law and fully apply legal and judicial procedures ensuring the prosecution and punishment of those involved in reducing men, women or children to bondage;

7. Invites States to review their national legislation to ensure that debt bondage is prohibited explicitly, that appropriate penalties are stipulated to deter anyone from providing a loan which has the effect of enslaving the person to whom the loan is made or others connected with them or reducing them to servile status, that loans which have the effect of reducing someone to debt bondage are considered null and void, and that law enforcement agencies are provided with appropriate instructions to enable them to identify cases of debt bondage and secure the release of bonded labourers, notably by providing them with interim relief from the time their cases are first reported and with suitable work outside a slavery-like relationship (and not making relief contingent on the culmination of the process to confirm that they have been bonded);

8. Recommends again that Member States set up monitoring committees to investigate reports of debt bondage and to establish the number of people in their country who are subject to servile status as a result of debt bondage, giving special attention to monitoring constraints on migrant workers imposed by employers or others who advance them money and to ensuring that migrant workers are not subjected to debt bondage and that, if debt bondage is reported, Member States consider establishing special institutions to implement the law against this abusive practice, such as special law enforcement units or commissions at either national or local level;

9. Encourages States to allow current or former bonded labourers, human rights defenders and others to have access to the mass media in their country in order to draw attention to continuing patterns of debt bondage and to alert bonded labourers to their rights, and exploiters of bonded labour to the unacceptable and illegal nature of the practice;

10. Urges States to give special attention to ensuring that all children of bonded labourers complete primary education, whether or not the children themselves are bonded;

11. Recommends that Member States ratify Convention No. 117 of the International Labour Organization concerning Basic Aims and Standards of Social Policy, 1962, ratified

by thirty-two States at the end of 1998, which is concerned in particular with reducing forms of wage payment that foster indebtedness and requires ratifying States to take “all practicable measures” to ensure that a series of protections for workers are implemented to prevent debt bondage occurring;

12. Invites States to adopt and implement plans of action against all the worst forms of child labour;

13. Invites the International Labour Organization to provide information on its efforts to promote implementation of the 1992 Programme of Action and on any obstacles which have impeded its implementation;

14. Also invites the International Labour Organization also to prepare draft model legislation or rules on the establishment and functioning of governmental institutions to monitor reports of debt bondage and to respond by initiating procedures to the release and rehabilitation of those concerned;

15. Further invites the International Labour Organization, together with other competent United Nations organs and specialized agencies, to consider the possibility of holding a seminar or a workshop to determine the best practices for the eradication of debt bondage, and in particular to assess what forms of international support are most appropriate for community mobilization and to enable bonded labourers to make use of their right to freedom of association, and what techniques have proved most effective in facilitating the rehabilitation and reintegration of victims of debt bondage;

16. Urges Member States in which cases of debt bondage have been reported in the past five years to implement the Programme of Action against Child Bondage of the International Labour Organization, in particular with respect to children subjected to debt bondage, but also ensuring that, if adult men or women are reported to be affected, the same or similar measures are applied with respect to them, as well as to entire families who are subjected to debt bondage;

17. Recommends that all competent United Nations organs, specialized agencies, development banks and intergovernmental agencies involved in development initiatives take action to contribute to the elimination of debt bondage, in particular by the provision of alternative sources of credit to bonded labourers;

18. Recommends once again that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that

trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

19. Invites international financial institutions to encourage micro-credit as a mechanism for the eradication of debt bondage;

20. Invites Member States to provide information to the Working Group at its twenty-seventh session, in 2002, about measures taken to suppress or prevent debt bondage;

21. Decides to keep the question of debt bondage under consideration and to assess the progress achieved at future sessions, with a view to the total elimination of this abhorrent practice;

## II. UNITED NATIONS VOLUNTARY TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY

22. Expresses its gratitude to Governments, organizations and individuals, including young students, who have contributed to the Fund and encourages them to continue doing so;

23. Expresses its appreciation for the participation at the twenty-fifth session of the Working Group of about twenty representatives of non-governmental organizations financed by the Fund, including victims of contemporary forms of slavery, and for their valuable contribution to the work of the Working Group;

24. Invites the Board of Trustees of the Voluntary Fund to promote the participation at the annual sessions of the Working Group of individuals and organizations from as large a number of countries as possible, in accordance with the priorities established in the agenda of the Working Group;

25. Notes with satisfaction that about twenty project grants were paid by the Fund to local non-governmental organizations which work on issues of contemporary forms of slavery;

26. Expresses its support for the work of the members of the Board of Trustees of the Fund, in particular their fund-raising activities;

27. Recalls the appeal made by the General Assembly in its resolution 46/122 to all Governments to respond favourably to requests for contributions to the Fund, and urges them

and non-governmental organizations, other private or public entities and individuals to contribute to the Fund and encourages them to do so in order to enable the Fund to fulfil its mandate effectively in the year 2001;

28. Expresses its deep appreciation for the participation of the President and a member of the Board of Trustees, who attended the twenty-fifth session at their own expense, and invites the Board members to participate at the twenty-sixth session of the Working Group;

### III. TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

29. Urges Governments which have not yet done so, to ratify the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, International Labour Organization Convention (No. 182) concerning the Worst Forms of Child Labour and the Convention on the Elimination of All Forms of Discrimination against Women;

30. Reiterates its recommendation that the General Assembly declare a United Nations year against trafficking in persons, allowing sufficient time before the commencement of the year for the development of national and international plans of action;

31. Urges States to devise and adopt comprehensive national plans of action against trafficking in persons and exploitation of the prostitution of others, based on data collection, research and analysis, and in collaboration with non-governmental organizations, which should include the following:

(a) Measures to support the plan through the allocation of necessary financial and human resources;

(b) Measures to address the root and immediate causes of trafficking, prostitution and exploitation of the prostitution of others;

(c) The adoption and enforcement of measures against new practices of the global sex industry, especially sex tourism, trade in mail order brides and trafficking in women and children, in particular through the Internet;

(d) Measures to ensure systematic and periodic review of the plan;

32. Recalls its request to the Office of the High Commissioner for Human Rights to design guidelines for the elaboration of such national plans of action and, upon request, to provide technical assistance to States in the formulation of their national plan;

33. Urges States to ensure that their national development policies do not intensify the marginalization of women and place them at risk of sexual exploitation;



34. Encourages States to enact or revise national policies, laws and strategies and other administrative measures in order to ensure that victims of sex trafficking, trafficking and other practices of sexual exploitation are not the subject of criminal proceedings or other legal or administrative sanctions;

35. Strongly recommends to States to ensure the effectiveness of the rule of law, to apply fully legal and judicial procedures, and to prosecute and penalize the criminals involved in trafficking in women and children and exploitation of the prostitution of women and children;

36. Invites States to take steps, including witness protection programmes, to enable trafficked and sexually exploited persons to make complaints to the police and to be available when required by the criminal justice system, and to ensure that during this time they have access to social, medical, financial and legal assistance, and to protection, as requested;

37. Encourages States to ensure the voluntary and safe return of trafficked persons;

38. Calls upon States, to the extent of available resources, to provide social services to the victims and survivors of trafficking and sexual exploitation, including shelter, counselling, medical care, legal services, education, job training and employment, and to take measures to prevent discrimination against and stigmatization of these victims;

39. Urges States to initiate community-based prevention programmes, especially in high-risk areas, to educate people on the tactics of recruiters and traffickers and on the risks of sexual exploitation;

40. Strongly recommends that the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime ensure that the protocol to prevent, suppress and punish trafficking in persons, especially women and children, and the protocol against the smuggling of migrants by land, air and sea do not conflict with or otherwise undermine existing international human rights obligations and standards, especially the 1949 Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

41. Urges the Ad Hoc Committee to ensure also that the protocol to prevent, suppress and punish trafficking in persons, especially women and children is not limited to forced or coerced trafficking but includes all trafficking, irrespective of the consent of the victim;

42. Welcomes the recent adoption by the World Tourism Organization of a code of conduct against sex tourism and requests the Secretary-General to convey to the World Tourism Organization the Working Group's grave concern at the persistence and, even, the development of sex tourism;

43. Calls upon United Nations human rights bodies to focus on possible situations of human rights violations related to trafficking in persons and victims of prostitution, in accordance with the 1949 Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others;

44. Invites the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Human Rights Committee to elaborate general recommendations in order to clarify reporting procedures with regard to victims of trafficking, in particular for purposes of prostitution and exploitation of the prostitution of others, as provided in the 1949 Convention;

45. Takes note with concern that in her most recent report (E/CN.4/2000/68, para. 13) the Special Rapporteur on violence against women, offers a definition of “trafficking” that is inconsistent with the principles of the 1949 Convention;

46. Recommends that the issue of trafficking in persons, prostitution, and related practices of sexual exploitation be considered during the preparatory process of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and at the World Conference itself, which will be held in South Africa in 2001;

47. Further recommends that the International Labour office and/or the High Commissioner for Human Rights establish an international programme on the elimination of trafficking, similar to the International Programme on the Elimination of Child Labour;

48. Takes note with satisfaction of the decision of the Working Group to examine, as a matter of priority, at its twenty-sixth session, in 2001, the issue of trafficking in persons, with the active participation of non-governmental organizations and victims of trafficking, in preparation for the proposed United Nations year against trafficking in persons;

49. Welcomes the plan of the High Commissioner for Human Rights to organize an international seminar on the issue of trafficking in persons, migrants and human rights, and urges her to hold the seminar immediately prior to the twenty-sixth session of the Working Group and to invite the participation of members of the Working Group and non-governmental organizations attending the Working Group;

50. Encourages Governments, intergovernmental, regional and non-governmental organizations, the human rights treaty bodies, the special rapporteurs, especially the Special Rapporteur on violence against women, its causes and consequences, the

Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on the human rights of migrants, to participate actively in and contribute to the discussion at the twenty-sixth session of the Working Group;

IV. INTERNATIONAL COOPERATION FOR THE PREVENTION OF  
ILLEGAL TRAFFICKING IN PERSONS, PROSTITUTION AND  
THE EXPANSION OF THE WORLD SEX INDUSTRY

51. Invites Member States regularly to share with their respective competent national enforcement agencies all information deemed useful for preventing and suppressing such actions, in particular data concerning individuals sanctioned because of these activities;

V. PREVENTION OF TRANSBORDER TRAFFICKING  
OF CHILDREN IN ALL ITS FORMS

52. Reaffirms the provisions of its previous resolution on the issue;

VI. THE ROLE OF CORRUPTION IN THE PERPETUATION  
OF SLAVERY AND SLAVERY-LIKE PRACTICES

53. Urges once again all States to take adequate steps to monitor and enforce laws, particularly as they relate to slavery, slavery-like practices and corruption, including trafficking in women and children;

54. Encourages existing international arrangements aimed at improving the training and professionalism of law enforcement personnel, as well as their respect for human rights;

VII. MISUSE OF THE INTERNET FOR THE PURPOSE  
OF SEXUAL EXPLOITATION

55. Recommends that Governments, as a matter of priority, review, amend and enforce existing laws, or enact new laws, to prevent the misuse of the Internet for trafficking for the purpose of prostitution and the sexual exploitation of women and children;

56. Urges Governments to act more forcefully to eliminate traffic in persons, exploitation of the prostitution of others and sexual exploitation through the Internet, and to consider setting up a mechanism aimed at better control of the Internet when abused for those purposes;

57. Recommends that Governments and non-governmental organizations develop and implement educational programmes on the harm caused by trafficking for the purpose of prostitution and sexual exploitation on the mental and physical well-being of women and children;

58. Requests Governments to investigate and use as evidence of crimes and acts of discrimination advertising, correspondence and other communications over the Internet to promote sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape;

59. Calls for new levels of cooperation among Governments and national and regional law enforcement bodies in order to combat the escalating trafficking for the purpose of prostitution of women and children, the globalization of this industry and the misuse of the Internet to promote and carry out acts of sex trafficking, sex tourism, sexual violence and sexual exploitation;

#### VIII. IMPLEMENTATION OF THE CONVENTIONS ON SLAVERY

60. Recommends the following draft decision to the Commission on Human Rights for adoption:

“The Economic and Social Council, noting that the most recent updating of the Sub-Commission’s report on slavery (1966) occurred in 1984, that is, more than 15 years ago, and recalling Commission on Human Rights decision 2001/... of .. April 2001, decides that the updated report submitted to the Sub-Commission as documents E/CN.4/Sub.2/2000/3 and Add.1 should be put together without financial implications, into a single report, printed in all official languages and given the widest possible distribution.”

61. Recommends that all States which are not parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights be called upon to become parties as soon as possible and to enact any legislation necessary to ensure that their laws conform to the terms of those treaties;

62. Expresses the hope that the Working Group will receive cooperation from all States, particularly the States most concerned, with regard to the annual issue selected by the Working Group;

63. Appeals to non-governmental and intergovernmental organizations to provide information and testimonies with regard to the particular issue selected for consideration at the annual session of the Working Group;

## IX. MIGRANT WORKERS

64. Strongly condemns practices of unequal treatment of migrant workers and the denial of their human dignity;
65. Decides to continue to give special attention to the situation of migrant workers, in particular domestic workers, and urges Governments to ensure that protective regulations govern their employment situation and provide for safe conditions of work;
66. Takes note of the difficult situation in which migrant workers, especially women and children, are living and of the need for them to be provided with protection with a view to ensuring their fullest human development and participation in the life of their community;
67. Urges States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in its resolution 45/158;
68. Also urges States to take the necessary measures to prohibit and punish the confiscation of passports belonging to migrant workers, in particular migrant domestic workers;
69. Recommends that non-governmental organizations pay attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;
70. Decides to consider this issue at its fifty-third session;

## X. CHILD DOMESTIC WORKERS

71. Urges States, while attempting ultimately to eliminate the phenomenon of child domestic labour by, inter alia, enacting and implementing laws on compulsory and free primary education, to adopt and enforce measures and regulations to protect child domestic workers and to ensure that their labour is not exploited;
72. Recommends that the International Labour Organization give more emphasis to the issue of child domestic workers;
73. Also recommends that the International Labour Organization establish additional country programmes for these children within its International Programme on the Elimination of Child Labour;

#### XI. ELIMINATION OF CHILD LABOUR - A GENDER PERSPECTIVE

74. Urges all States, while attempting ultimately to eliminate the phenomenon of child labour, to adopt measures and regulations to protect child labourers, to ensure that their labour is not exploited and to prohibit their labour in hazardous occupations;

75. Calls upon States to eliminate all discrimination against girls in education, skills development and training;

76. Requests the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour;

77. Invites the international community to cooperate in developing viable alternatives to child labour, in particular for young girls;

#### XII. FORCED LABOUR

78. Reaffirms once again that forced labour is a contemporary form of slavery;

79. Requests the Working Group to continue to give consideration to this issue at its next session;

#### XIII. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

80. Requests the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, the Stockholm Declaration on Commercial Sexual Exploitation of Children and the optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and other related developments, and report thereon to the Sub-Commission on the Promotion and Protection of Human Rights and the Commission on Human Rights at their next sessions;

81. Also requests the Special Rapporteur, within the framework of her mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography;

82. Strongly encourages the Special Rapporteur to participate in the twenty-sixth session of the Working Group, in view of the importance of her contribution to its deliberations;

83. Invites States to consider the establishment of a voluntary fund aimed at assisting the Committee on the Rights of the Child in strengthening implementation of the optional protocol, in harmony with provisions of the Convention on the Rights of the Child;

84. Takes note with satisfaction of the decision of the Working Group to examine, as a matter of priority at its twenty-seventh session, in 2002, the issue of the exploitation of children, particularly in the context of prostitution and domestic servitude;

#### XIV. TRAFFIC IN HUMAN ORGANS AND TISSUES

85. Urges States to take measures to investigate the seriousness of the information;

#### XV. MISCELLANEOUS

86. Appeals to all Governments to send observers to the meetings of the Working Group;

87. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

88. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and include in their general comments and recommendations an item concerning contemporary forms of slavery;

89. Also recommends that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

90. Requests the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

91. Also requests the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Office of the High Commissioner for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Office on issues relating to contemporary forms of slavery, in accordance with Commission on Human Rights resolutions 1996/61 and 1999/46;

92. Requests the non-governmental organizations to disseminate information about the Working Group as widely as possible;

93. Invites those Governments which have information relating to the priority issue to be discussed at the forthcoming session of the Working Group to assist the Working Group by providing the information either in advance or at that session;

94. Decides in arranging its agenda, to make provision for adequate discussion of the report of the Working Group near the commencement of each session, thereby strengthening its involvement in the activities of the Working Group.

27th meeting  
18 August 2000

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

2000/20. The right to seek and enjoy asylum

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

Reaffirming the right of everyone lawfully within the territory of a State to liberty of movement and freedom to choose his or her residence and the prohibition of arbitrary deprivation of the right to enter one's own country as set out in article 12 of the International Covenant on Civil and Political Rights and article 13 of the Universal Declaration of Human Rights,

Recognizing that practices of forcible exile, mass expulsion and deportation, population transfer, forcible population exchange, unlawful evacuation, eviction and forcible relocation, "ethnic cleansing" and other forms of forcible displacement of populations within a country or across borders not only deprive the affected populations of their rights to freedom of movement but also threaten the peace and security of States,

Concerned that policies and practices of forcible displacement and other serious violations of human rights continue to be the major causes of refugee flows and the displacement of persons within States,



Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, and article 14 of the Universal Declaration of Human Rights, which reaffirm that everyone, without distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution, as well as the right to return to one's own country,

Recalling also the principles, standards and norms embodied in international human rights instruments that provide for protection of refugees and asylum-seekers, including the Convention relating to the Status of Refugees, the Protocol thereto, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons,

Reaffirming in particular the importance of the fundamental principle of non-refoulement contained in the Convention relating to the Status of Refugees of 1951 and the Protocol thereto of 1967,

Deeply concerned that restrictive policies and practices of many States may lead to difficulties for people to gain effective access to protection in the territory of asylum States while escaping persecution and serious human rights violations in their own countries, noting that such policies and practices, including certain incidents of the detention of asylum-seekers, may be incompatible with the principles of applicable refugee and human rights law,

Concerned also by the increasing incidence of racism, racial discrimination, xenophobia and related intolerance which affects non-citizens generally and refugees and asylum-seekers, in particular,

Concerned further that asylum-seekers and refugees are not treated humanely and with dignity and in full accordance with their basic human rights,

Noting the need further to rationalize and harmonize the various international human rights standards applicable to the access and treatment of asylum-seekers in States of asylum, including standards and conditions of detention, and the need to implement these standards through practical programmes of action in both a regional and national context,

Recognizing that the principle of non-refoulement under the Convention relating to the Status of Refugees and the Protocol thereto and other human rights instruments does not imply any geographical limitation and that, accordingly, the removal of a refugee from one country to a third country which will subsequently send the refugee onward to the place of feared persecution constitutes indirect refoulement in contravention of the above-mentioned international human rights instruments,

1. Urges all States to respect the principle of non-refoulement within their obligations under the Convention relating to the Status of Refugees and the Protocol thereto and other human rights instruments and to safeguard and give effect to the right of everyone to seek and enjoy in other countries asylum from persecution and to take practical measures to ensure that refugees and asylum-seekers are treated with dignity and with full respect for their fundamental human rights;

2. Also urges Governments and other entities, including intergovernmental and non-governmental organizations, to intensify their efforts, including educational and other programmes, to combat racism, racial discrimination, xenophobia and related intolerance against non-nationals and, in particular, asylum-seekers and refugees;

3. Requests the Special Rapporteur on the rights of non-citizens, in consultation with the Offices of the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights, to continue the examination of the rights of non-citizens, with special attention to the situation of asylum-seekers and refugees, and to make practical recommendations for the further work of the Sub-Commission on this matter;

4. Decides to consider the issue of the right to seek asylum and the treatment of refugees and asylum-seekers and to determine how most effectively to continue its consideration of these issues at its fifty-third session.

27th meeting  
18 August 2000

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

2000/21. Detention of asylum-seekers

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, in particular the

Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, in particular articles 7, 9 and 10, the Convention Relating to the Status of Refugees of 1951 and its Protocol of 1967, in particular article 31, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in particular articles 3 and 16, the Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment, the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,

Concerned that certain detention practices and policies may violate international human rights principles, standards and norms,

Concerned also that certain detention practices and policies may act to deter a person from seeking refuge from persecution,

1. Expresses deep concern about all persecution, including persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, stated in the Convention and Protocol relating to the Status of Refugees as providing grounds for recognition as a refugee;
2. Encourages the Human Rights Committee and the European Court of Human Rights to continue their examination of the detention of asylum-seekers from whatever regions they come;
3. Welcomes deliberation No. 5 on the situation of immigrants and asylum-seekers of the Working Group on Arbitrary Detention (E/CN.4/2000/4, annex II) and, in particular, the application of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment to immigrants and asylum-seekers in custody;
4. Welcomes also the adoption of the Guidelines on applicable Criteria and Standards relating to the Detention of Asylum-Seekers by the Office of the United Nations High Commissioner for Refugees;
5. Commends those States that abide by the Guidelines on applicable Criteria and Standards relating to the Detention of Asylum-Seekers and the other relevant standards cited in the present resolution;
6. Encourages States to adopt alternatives to detention such as those enumerated in the Guidelines on the applicable Criteria and Standards relating to the Detention of Asylum-Seekers;

7. Recommends that where detention is employed, States, pursuant to article 35 of the Convention relating to the Status of Refugees, provide the Office of the United Nations High Commissioner for Refugees with information on how detention policies and practices conform to relevant international standards, including the Guidelines;

8. Strongly urges States to abide by their respective international obligations in regard to detention practices and policies in the context of persons seeking asylum, and in particular urges States to abide by the Convention relating to the Status of Refugees of 1951, in particular article 31, and its Protocol of 1967, the International Covenant on Civil and Political Rights, in particular articles 7, 9 and 10, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, in particular articles 3 and 16, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

9. Strenuously urges States that have not already done so to abide by the Guidelines on applicable Criteria and Standards relating to the Detention of Asylum-Seekers of the Office of the United Nations High Commissioner for Refugees and the other relevant standards cited in the present resolution;

10. Decides to consider the question of the detention of asylum-seekers at its fifty-third session.

27th meeting  
18 August 2000

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

2000/22. Promotion of dialogue on human rights issues

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

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, as well as in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993,

Recalling General Assembly resolutions 52/134 of 12 December 1997 and 53/22 of 4 November 1998 and noting Assembly resolution 54/113 of 7 February 2000 entitled “United Nations Year of Dialogue among Civilizations”,

Recalling also Commission on Human Rights resolutions 1998/81 of 24 April 1998 and 1999/68 of 28 April 1999 and noting Commission resolution 2000/70 of 26 April 2000,

Reaffirming its resolutions 1997/38 of 28 August 1997, 1998/28 of 26 August 1998 and 1999/25 of 26 August 1999,

Welcoming the collective endeavour of the international community to enhance understanding through constructive dialogue among civilizations at the threshold of the third millennium,

Recognizing the valuable contribution that dialogue among civilizations can make to improving awareness and understanding of the diverse civilizational achievements and the common values of mankind,

Bearing in mind that the international community shall strive by teaching, education and dialogue to promote respect for human rights and fundamental freedoms,

Emphasizing the important role of dialogue as a means to strengthen further universal acknowledgement and implementation of human rights and fundamental freedoms,

Emphasizing the importance of ensuring the universality, indivisibility, objectivity and non-selectivity of the consideration of human rights issues,

1. Reiterates its commitment to international cooperation in the field of human rights and invites governmental and non-governmental observers of the Sub-Commission to carry out constructive dialogue and consultations on the basis of equality and mutual respect;
2. Endorses the cooperative approach in search of common understanding and reasonable accommodation of divergent views;
3. Decides to continue its consideration of this question and to include in the provisional agenda of its fifty-third session a sub-item entitled "Promotion of dialogue on human rights issues" under the agenda item entitled "Review of further developments in fields with which the Sub-Commission has been or may be concerned".

27th meeting  
18 August 2000

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

2000/23. Observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to the International Covenants on Human Rights

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

Considering that, in accordance with the Charter of the United Nations, the observance of human rights and fundamental freedoms is of major importance in ensuring universal and lasting peace,

Considering also that the United Nations under its Charter has the task of promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion and is to be a centre for harmonizing the actions of nations in the attainment of this end,

Considering further that the States Members of the United Nations, by the adoption of the Universal Declaration of Human Rights, reaffirmed their commitment to the observance of human rights and fundamental freedoms, their faith in the dignity and worth of the human person and in the equal rights of men and women, and their determination to promote, in cooperation with the United Nations, the universal observance of civil and political as well as economic, social and cultural rights,

Considering that not all States are as yet parties to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which have embodied in treaty form the principles and norms contained in the Universal Declaration, and consequently do not report to the United Nations on their observance of fundamental human rights and freedoms,

Mindful that States Members of the United Nations, even if they have not ratified the International Covenants on Human Rights, have obligations arising from the Charter of the United Nations and from the Universal Declaration to observe and promote human rights and fundamental freedoms,

Recalling the working papers prepared by Mr. Kartashkin on the subject (E/CN.4/Sub.2/1999/29 and E/CN.4/Sub.2/2000/2),

Desiring to provide States which have not ratified the International Covenants on Human Rights with assistance in the promotion and observance of the human rights and fundamental freedoms proclaimed in the Universal Declaration,

1. Requests the High Commissioner for Human Rights to convene, with the participation of the members of the Sub-Commission, a seminar of States which are not parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, immediately before the fifty-third session of the Sub-Commission, or as soon as possible, with a view to examining comprehensively obstacles to ratification of the Covenants and to looking for ways of surmounting them;

2. Requests the Office of the High Commissioner for Human Rights, with a view to preparing for and holding this seminar, to seek the views of the States concerned and interested non-governmental organizations, and to gather all available information about existing obstacles to effective enjoyment of the human rights and fundamental freedoms embodied in the Universal Declaration and about obstacles to ratification of the Covenants and the measures being taken by States to remove them;

3. Recommends that the participants in the seminar define areas in which assistance from the United Nations may be useful for the States concerned and that they adopt specific recommendations on the provision of assistance to those States in meeting their established or stated needs, including technical cooperation and advisory services, thereby contributing to observance of the human rights and fundamental freedoms set forth in the Universal Declaration, as well as ratification of the International Covenants on Human Rights;

4. Also recommends that the participants in the seminar formulate agreed recommendations concerning the creation of a permanent or temporary mechanism for encouraging efforts by States to observe the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights and for encouraging their ratification of the International Covenants on Human Rights;

5. Decides to continue its consideration of this question at its fifty-third session as a matter of priority under a separate item of the agenda;

6. Recommends the following draft decision to the Commission on Human Rights for adoption:

“The Commission on Human Rights, taking note of Sub-Commission resolution 2000/23 of 18 August 2000, decides to approve the request of the Sub-Commission to the High Commissioner for Human Rights to convene, with the participation of the members of the Sub-Commission, a seminar of States which are not parties to the International Covenant on Economic, Social and Cultural Rights and the

International Covenant on Civil and Political Rights, immediately before the fifty-third session of the Sub-Commission, or as soon as possible, and recommends the following draft decision to the Economic and Social Council for adoption:

‘The Economic and Social Council, taking note of Commission on Human Rights decision ... of ... April 2001, decides to endorse the Commission’s decision to approve the convening of a seminar on obstacles to ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and ways of surmounting them’.

27th meeting  
18 August 2000

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

2000/24. Role of universal or extraterritorial competence in preventive action against impunity

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

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, as well as the Vienna Declaration and Programme of Action, especially Part II, paragraph 91,

Recalling Commission on Human Rights resolution 2000/68 of 26 April 2000 on impunity, in which the Commission, recognizing the importance of combating impunity for all human rights violations that constitute crimes, expressed its conviction that the practice and expectation of impunity encouraged violations of human rights while bringing perpetrators and their accomplices to account, obtaining justice for their victims and restoring their dignity through acknowledgement and commemoration of their suffering were integral to the promotion and implementation of human rights,

Recalling also the principle of universal jurisdiction for crimes against humanity and for war crimes as recognized in international law and practice,

Conscious that, for all perpetrators of such violations, including former heads of State or Government, having to account for their actions constitutes one of the essential elements in preventing, by example, the repetition of such violations by their successors,



Noting with interest, in this respect, that recent initiatives taken by victims in bringing legal actions in the framework of extraterritorial competence as provided for by national legislation - with due respect to the right to a fair trial - have interrupted the process of impunity from which General Augusto Pinochet benefited, notwithstanding the many serious, detailed and similar allegations raising issues as to his responsibility as head of State collected by pertinent human rights treaty bodies, as well as by special rapporteurs and working groups of the Commission on Human Rights,

Recalling the obligation of States parties to respect and to ensure respect for humanitarian law under the Geneva Conventions of 12 August 1949, an obligation explicitly provided for in common article 1 thereof,

1. Invites all Governments to cooperate in a reciprocal manner even when there is no treaty to facilitate the task of legal authorities dealing with proceedings initiated by victims acting either within the framework of the principle of universal competence as recognized in international law or under a domestic law which establishes an extraterritorial legal competence, in particular because of the nationality of the victim or of the perpetrator;

2. Believes that, within the framework of such cooperation, the highest priority should be given, independently of the circumstances in which these violations were committed, to legal proceedings against all individuals responsible for war crimes and crimes against humanity, including former heads of State or Government - whose exile serves as a pretext for their impunity - in order, by example, to prevent future human rights violations.

28th meeting  
18 August 2000

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

2000/25. Adverse consequences of economic sanctions

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

Affirming the need to respect the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Hague Convention respecting the Law and Customs of War on Land and its annexed Regulations of 1907, the Geneva Conventions of 12 August 1949, the two Additional Protocols thereto of 1977 and all customary rules of humanitarian law,

Recalling its resolution 1997/35 of 28 August 1997 and its decision 1998/112 of 26 August 1998,

Recalling also its decision 1999/111 of 26 August 1999, in which it requested Mr. Marc Bossuyt to prepare, without financial implications, a working paper on the adverse consequences of economic sanctions on human rights and to submit the working paper at its fifty-second session under the agenda sub-item entitled “Implications of humanitarian activities for the enjoyment of human rights”,

Having studied with great interest the working paper (E/CN.4/Sub.2/2000/33) submitted by Mr. Bossuyt, in which he provides a comprehensive review of economic sanctions in the light of existing international law and sets out a formula for evaluating sanctions regimes in the light of international law standards,

Aware that certain sanctions regimes must be addressed by relevant United Nations bodies as issues of the greatest urgency in the light of the analysis provided by Mr. Bossuyt,

1. Appeals again to all States concerned to reconsider their adoption of or support for such measures, even when legitimate goals pursued have not yet been achieved, if, after a reasonable period, the measures have not brought about the desired changes in policy;
2. Also appeals to all States concerned to seek prompt termination of all aspects of sanctions regimes that adversely affect human rights, that contravene international law or that conflict with other norms of international law;
3. Expresses its deep gratitude to Mr. Bossuyt for his comprehensive working paper (E/CN.4/Sub.2/2000/33);
4. Decides to transmit the working paper to the Commission on Human Rights;
5. Invites the Commission on Human Rights to give due attention to the issues dealt with in the working paper and to recommend appropriate measures to avoid adverse consequences for the enjoyment of human rights in the imposition and maintenance of economic sanctions;
6. Decides to continue its examination of sanctions regimes at its fifty-third session under the agenda item entitled “Economic, social and cultural rights”.

28th meeting  
18 August 2000

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

2000/26. Reservations to human rights treaties

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

Recalling the letter addressed by the Chairman of the Committee on the Elimination of Racial Discrimination to the Chairman of the forty-eighth session of the Sub-Commission (E/CN.4/Sub.2/1997/31, annex) containing a proposal that a study be undertaken on reservations to treaties,

Noting the concerns about reservations expressed by the Committee on the Elimination of Discrimination against Women and the report of the Secretary-General on the views of the six human rights treaty bodies on the Preliminary conclusions of the International Law Commission (E/CN.4/Sub.2/1998/25),

Recalling that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights emphasized the need to limit the number and scope of reservations to human rights treaties,

Recalling also its decision 1998/113 of 26 August 1998 in which it requested Ms. Françoise Hampson to prepare a working paper on the question of reservations to human rights treaties,

Recalling its resolution 1999/27 of 26 August 1999 and taking note of Commission on Human Rights decision 2000/108 of 26 April 2000,

Welcoming the developing cooperation between the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Sub-Commission on this and other topics of mutual interest,

1. Encourages States to ratify human rights treaties without reservations and those States that have ratified human rights treaties with reservations to remove them as soon as possible;
2. Takes note of the working paper submitted by Ms. Françoise Hampson (E/CN.4/Sub.2/1999/28 and Corr.1) and endorses the conclusions contained therein, including with regard to the importance of undertaking a full study on the issue of reservations to human rights treaties;
3. Decides to appoint Ms. Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on reservations to human rights treaties based on her working paper, as well as the comments made and discussions that took place at the fifty-first and

fifty-second sessions of the Sub-Commission, which study will not duplicate the work of the International Law Commission, which concerns the legal regime applicable to reservations and interpretative declarations in general, whereas the proposed study involves the examination of the actual reservations and interpretative declarations made to human rights treaties in the light of the legal regime applicable to reservations and interpretative declarations, as set out in the working paper, and of submitting 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;

4. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish this task;
5. Requests the Special Rapporteur to seek the advice and cooperation of the Special Rapporteur of the International Law Commission and of all relevant treaty bodies and, to that end, requests the authorization of a meeting between the Special Rapporteur of the Sub-Commission, the Special Rapporteur of the International Law Commission and the Chairpersons of the relevant treaty bodies or their nominees, when both the International Law Commission and the Sub-Commission are in session;
6. Decides to continue its consideration of the question of reservations to human rights treaties at its fifty-third session under the same agenda item;
7. Recommends the following draft decision to the Commission on Human Rights for adoption:

“The Commission on Human Rights, taking note of resolution 2000/26 of 18 August 2000, of the Sub-Commission on the Promotion and Protection of Human Rights, recommends the following draft decision to the Economic and Social Council for adoption:

‘The Economic and Social Council, taking note of resolution 2000/26 of 18 August 2000, of the Sub-Commission on the Promotion and Protection of Human Rights, decides to approve the decision of the Sub-Commission to appoint Ms. Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on reservations to human rights treaties based on her working paper, as well as the comments made and discussions that took place at the fifty-first and fifty-second sessions of the Sub-Commission, which study will not duplicate the work of the International Law Commission, which concerns the legal regime applicable to reservations and interpretative declarations in general,

whereas the proposed study involves the examination of the actual reservations and interpretative declarations made to human rights treaties in the light of the legal regime applicable to reservations and interpretative declarations, as set out in the working paper (E/CN.4/Sub.2/1999/28 and Corr.1), and of submitting 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 Council also decides, so as to facilitate a dialogue, to authorize a meeting of the Special Rapporteur of the International Law Commission, the Chairpersons of the relevant treaty bodies or their nominees and the Special Rapporteur of the Sub-Commission, during the period when both the International Law Commission and the Sub-Commission are in session’.”

28th meeting  
18 August 2000

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

2000/27. Continuing obligations under international human rights instruments

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

Affirming the human rights principles set forth and elaborated within the International Bill of Human Rights and recognizing the responsibility of all nations to promote and protect the human rights of all peoples,

Recognizing that as Governments decide to ratify human rights treaties and implement the standards set forth therein, an important progression is made towards the universal promotion and protection of human rights,

Recalling the principles established by the Vienna Convention on the Law of Treaties, Acknowledging article 12 of the Optional Protocol to the International Covenant on Civil and Political Rights,

Recalling Commission resolutions 1998/9, 1998/10, 1999/25, 1999/4, 1999/78 and 2000/67 in which the Commission encouraged all Governments to ratify the International Covenants on Human Rights and other human rights treaties,

Reaffirming its resolution 1999/5,

Guided by General Comment 26 of the Human Rights Committee, in which the Committee noted that international law does not permit a State which has ratified or acceded or succeeded to the International Covenant on Civil and Political Rights to denounce it or withdraw from it,

Recognizing that withdrawal from a human rights mechanism may or may not be unlawful under the treaty in question, but noting that in practice it has only occurred following a determination of violation of the relevant treaty commitment by the mechanism in question,

Convinced that such attempts to withdraw from, or otherwise to modify the scope of obligations under, international human rights treaties and monitoring mechanisms seriously weaken the international effort towards the promotion and protection of human rights in all parts of the world,

1. Appeals strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as other international and regional human rights treaties;

2. Encourages the full participation of all Member States in the United Nations human rights system, as well as in the regional human rights jurisdictional systems in their respective regions;

3. Invites all States and all relevant United Nations human rights mechanisms and procedures to pay continued attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of human rights;

4. Decides:

(a) To recommend that the Commission on Human Rights consider the implications of withdrawal from, or limitation of the scope of, international treaty obligations at its next session under item 17 of the provisional agenda on the promotion and protection of human rights;

(b) To continue consideration of this question at its fifty-third session under the same agenda item.

28th meeting  
18 August 2000

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

B. Decisions

2000/110. New sub-item of the agenda on smuggling and trafficking in persons and the protection of their human rights

At its 27th meeting, on 18 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to include in the provisional agenda for its fifty-third session, under the agenda sub-item entitled, “Freedom of movement: the right to leave any country, including one’s own, and to return to one’s own country, and the right to seek asylum from prosecution”, a sub-item entitled “Smuggling and trafficking in persons and the protection of their human rights”. The Sub-Commission also decided, without a vote, to request the Secretary-General to submit a relevant note on this subject to it at its fifty-third session.

[See chap. XII.]

2000/111. Human rights and human responsibilities

At its 27th meeting, on 18 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights, taking into account the request formulated by the Commission on Human Rights in paragraph 2 of its resolution 2000/63 of 26 April 2000, decides by a roll-call vote of 14 votes to 4, with 5 abstentions to appoint Sub-Commission member Miguel Alfonso Martínez to undertake a study on the issue of human rights and human responsibilities and to request the Commission at its fifty-seventh session to recommend that the Economic and Social Council authorize Mr. Alfonso Martínez to undertake the study and to submit a preliminary report to the Commission at its fifty-eighth session and a final report at its fifty-ninth session.

[See chap. XIV.]

2000/112. Humanitarian situation of the Iraqi population

At its 27th meeting, on 18 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 2000/1 of 11 August 2000 and its decision 1999/110 of 26 August 1999; wishing to reaffirm that measures such as embargoes should be limited in time, should in no way affect innocent civilian populations and, for obvious humanitarian reasons, should be lifted even if the legitimate objectives of the measures have not

yet been attained; reaffirming the need to respect the Charter of the United Nations, the Universal Declaration of Human Rights and the relevant provisions of the Geneva Conventions of 1949 and the two Additional Protocols thereto which prohibit the starving of civilian populations and the destruction of what is indispensable to their survival; noting with grave concern the intense suffering endured by the Iraqi people; noting that in his statement to the Security Council on 24 March 2000 the Secretary-General of the United Nations said he was particularly concerned about the situation of Iraqi children, whose suffering and, in all too many cases, untimely death had been documented in a report prepared by UNICEF in 1999, which showed that, as many observers had reported, infant mortality and morbidity had increased and reached unacceptable levels; noting also that recent information supplied by several United Nations agencies demonstrated that the cumulative affect of the destruction associated with the war and the restrictions imposed on Iraq's economy and trade had drastically impaired the country's capacity to ensure the well-being of the population in the 1990s; pointing out that, according to the statistics published so far by the Office of the Iraq Programme of the United Nations, the "oil-for-food" programme was meeting only part of the vital needs of the population and that the Secretary-General of the United Nations, in a letter addressed to the President of the Security Council in January 2000, had indicated that Iraq's oil industry was in a deplorable state; noting with concern that the standard of living, nutrition and health of the population were continuing to deteriorate and that all economic activities were seriously affected, particularly in the areas of drinking water supply, electricity and agriculture; again considering any embargo that condemned an innocent people to hunger, disease, ignorance and even death to be a flagrant violation of the economic, social and cultural rights and the right to life of the people concerned and of international law, decided, without a vote, to appeal again to the international community, and to the Security Council in particular, for the embargo provisions affecting the humanitarian situation of the population of Iraq to be lifted and to urge the international community and all Governments, including that of Iraq, to alleviate the suffering of the Iraqi population, in particular by facilitating the delivery of food, medical supplies and the wherewithal to meet their basic needs.

[See chap. XIV.]



2000/113. Adjournment of the debate on draft  
resolution E/CN.4/Sub.2/2000/L.28

At its 27th meeting, on 18 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights decided, by 11 votes to 9, with 1 abstention, to adjourn the debate on draft resolution E/CN.4/Sub.2/2000/L.28, entitled “The right of return of displaced persons”, until its fifty-third session.

[See chap. XII.]

2000/114. Mass and flagrant violations of human rights which constitute  
crimes against humanity and which took place during  
the colonial period, wars of conquest and slavery

At its 27th meeting, on 18 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights, considering that colonialism, wars and slavery have constituted mass and flagrant violations of human rights of individuals and peoples and should not benefit any more from impunity, decided, without a vote, to request the Secretary-General to prepare a working document relating to the mass and flagrant violations of human rights which constitute crimes against humanity and which took place during the colonial period, wars of conquest and slavery, including means and proposals which could be adopted in order to provide reparation to the victims of those violations and to honour their memory.

[See chap. XI.]

2000/115. Terrorism and human rights

At its 28th meeting, on 18 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 1999/26 of 26 August 1999 and noting Commission on Human Rights resolution 2000/30 of 20 April 2000 and Economic and Social Council decision 2000/260 of 28 July 2000, decided, without a vote: (a) to request the Special Rapporteur on terrorism and human rights, Ms. Kalliope Koufa, to submit the progress report on her study at its fifty-third session; and (b) to request the Secretary-General to transmit, as soon as possible, the preliminary report on terrorism and human rights (E/CN.4/Sub.2/1999/27) to Governments, specialized agencies and concerned intergovernmental and non-governmental organizations for their comments, information and any relevant data they may wish to provide; to

make available to the Special Rapporteur all the information, including a compilation of studies and publications, on the implications of terrorism, as well as the effects of the fight against terrorism, on the full enjoyment of human rights, collected by the Secretary-General from all relevant sources, including Governments, specialized agencies, intergovernmental organizations, non-governmental organizations and academic institutions, and made available to the relevant special rapporteurs and working groups of the Commission on Human Rights; and to provide the Special Rapporteur with all the assistance necessary for the preparation of her study.

[See chap. XIV.]

2000/116. Promotion and consolidation of democracy

At its 28th meeting, on 18 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights, taking note of Commission on Human Rights resolution 2000/47 of 25 April 2000, especially the request in paragraph 2 that the Sub-Commission pay due attention to the content of paragraph 1 of resolution 2000/47 in which the Commission listed a group of measures to promote and consolidate democracy, decided, without a vote, to entrust Mr. Manuel Rodríguez-Cuadros with the task of preparing, without financial implications, a working paper on the measures provided in the various international human rights instruments for the promotion and consolidation of democracy, taking into account paragraph 1 of Commission resolution 2000/47, for submission to the Sub-Commission at its fifty-third session.

[See chap. XIV.]

2000/117. Adjournment of the debate on draft resolution E/CN.4/Sub.2/2000/L.40

At its 28th meeting, on 18 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to adjourn the debate on draft resolution E/CN.4/Sub.2/2000/L.40, entitled “State cooperation with United Nations human rights mechanisms”, until its fifty-third session.

[See chap. XIV.]

2000/118. Adjournment of the debate on the draft decision entitled “The adverse effects on human rights of the proliferation and transfer of small arms and light weapons”

At its 28th meeting, on 18 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to adjourn the debate on the draft decision entitled “The adverse effects on human rights of the proliferation and transfer of small arms and light weapons” until its fifty-third session.

[See chap. XIV.]

2000/119. Composition of working groups of the Sub-Commission for 2001

At its 28th meeting, on 18 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to approve the following composition of its working groups for 2001:

Regional group	Minorities	Slavery	Indigenous populations	Communications
Africa	Mr. Sik Yuen -----	Ms. Warzazi -----	Mr. Guissé -----	Mr. Yimer -----
	Ms. Zerrougui (alternate)	Mr. Oloka-Onyango (alternate)	Ms. Mbonu (alternate)	Ms. Warzazi (alternate)
Asia	Mr. Sorabjee -----	Mr. Goonesekere -----	Mr. Yokota -----	Mr. Fan -----
	Ms. Udagama (alternate)	Ms. Chung (alternate)	Ms. Terao (alternate)	
Eastern Europe	Mr. Kartashkin -----	Mr. Ogurtsov -----	Ms. Motoc -----	Mr. Ramishvili -----
	Ms. Motoc (alternate)	Ms. Sandru (alternate)	Mr. Ogurtsov (alternate)	Mr. Kartashkin (alternate)
Latin America	Mr. Bengoa -----	Mr. Pinheiro -----	Mr. Alfonso Martínez -----	Mr. Rodríguez-Cuadros -----
	Mr. Alfonso Martínez (alternate)	Mr. Fix-Zamudio (alternate)	Mr. Bengoa (alternate)	Mr. Pinheiro (alternate)
Western Europe	Mr. Eide -----	Mr. van Hoof -----	Ms. Daes -----	Mr. Joinet -----
	Ms. Koufa (alternate)	Ms. Frey (alternate)	Ms. Hampson (alternate)	Mr. Weissbrodt (alternate)

[See chap. III.]

2000/120. Items proposed by the Bureau for the draft provisional agenda of the fifty-third session of the Sub-Commission

At its 28th meeting, on 18 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to take note of the following draft provisional items for the agenda of its fifty-third session:

1. Organization of work.
2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).
3. Administration of justice.
4. Economic, social and cultural rights.
5. Prevention of discrimination and protection of indigenous peoples and minorities.
6. Other issues.
7. Concluding items.

[See chap. III.]

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