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

Draft report of the Commission

Rapporteur: Mr. Imtiaz HUSSAIN (Pakistan)

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* Documents E/CN.4/2001/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/2001/L.11 and addenda.

2001/4. Combating defamation of religions as a means to promote human rights, social harmony and religious and cultural diversity

The Commission on Human Rights,

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

Recalling also its resolutions 1999/82 of 30 April 1999 and 2000/84 of 26 April 2000,

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

Recalling the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000,

Considering the outcome of the four regional preparatory meetings for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in Durban, South Africa in September 2001,

Noting with concern that defamation of religions is among the causes of social disharmony and leads to violations of the human rights of their adherents,

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

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

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

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

3. *Encourages* States, within their respective constitutional systems, to provide adequate protection against all human rights violations resulting from defamation of religions and to take all possible measures to promote tolerance and respect for all religions;

4. *Welcomes* the resolve expressed in the United Nations Millennium Declaration to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looks forward to its effective implementation at all levels;

5. *Emphasizes* that the realization of the Dialogue among Civilizations requires continuous and concerted efforts to promote a culture of tolerance based on respect for all human rights and respect for religious diversity, through cooperation and mutual enrichment in various fields of human endeavour and achievement;

6. *Calls upon* the United Nations High Commissioner for Human Rights to promote and include human rights aspects in the Dialogue among Civilizations, *inter alia* through:

(a) Integrating them into topical seminars and special debates on the positive contributions of cultures, as well as religious and cultural diversity;

(b) Collaboration by her Office with other international organizations in holding joint conferences designed to encourage this dialogue and promote understanding of the universality of human rights and their implementation at various levels;

7. *Requests* the High Commissioner to report to the Commission at its fifty-eighth session on the implementation of the present resolution;

8. *Decides* to consider this matter at its fifty-eighth session, under the same agenda item.

61st meeting

18 April 2001

[Adopted by a roll-call vote of 28 votes to 15,
with 9 abstentions. See chap. VI.]

2001/5. Racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

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

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination, and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming its resolution 1998/26 of 17 April 1998, in which it recommended that the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination should be focused on the preparatory process for the World Conference,

Taking note of the efforts of the Committee on the Elimination of Racial Discrimination since its establishment in 1970 to promote the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,

Taking note with satisfaction of the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Recalling the recommendations of the two World Conferences to Combat Racism and Racial Discrimination, held in Geneva in 1978 and 1983,

Bearing in mind the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which call for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, discrimination against, *inter alia*, Africans, people of African descent, Arabs and Muslims, and incidents of xenophobia, Negrophobia, anti-Semitism and related intolerance persist and are even growing in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Particularly alarmed at the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial

discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Reaffirming, in this regard, the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups,

Recognizing that Governments should implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, *inter alia*, inequitable distribution of wealth, marginalization and social exclusion,

Deeply concerned that the phenomena of racism, racial discrimination, xenophobia and related intolerance against migrant workers continue to increase, despite the efforts made by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Taking note with satisfaction of the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2001/83 and Add.1),

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be victims of varied forms of racism and racial discrimination,

Noting also with grave concern that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related intolerance, ethnic antagonism and acts of violence are showing signs of increase,

Alarmed that technological developments in the field of communications, including the Internet, continue to be utilized by various groups engaged in violent activity to promote racist and xenophobic propaganda aimed at inciting racial hatred and to collect funds to sustain violent campaigns against multi-ethnic societies throughout the world,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Calling for the promotion of tolerance and respect for cultural diversity as an important factor, among others, in eliminating racism, racial discrimination, xenophobia and related intolerance,

Recalling General Assembly resolution 48/91 of 20 December 1993, in which the Assembly proclaimed the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and adopted the Programme of Action proposed for the Decade,

Welcoming the General Assembly's decision to declare the year 2001 the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2001/21),

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms,

Stressing the need to recognize that acts of violence motivated by racial discrimination and xenophobia are crimes punishable by law,

Stressing also the importance of urgently eliminating growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

Acknowledging that indigenous people and persons belonging to national or ethnic, religious and linguistic minorities are at times vulnerable to particular forms of racism, racial discrimination, xenophobia and related intolerance,

Noting with concern the existence of multiple discrimination, in particular against women,

Recognizing that failure, especially by public authorities and politicians, to combat racial discrimination and xenophobia is a factor encouraging their perpetuation in society,

I. GENERAL

1. *Expresses its profound concern at and unequivocal condemnation of* all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and related intolerance, as well as all propaganda activities and organizations which attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

2. *Reaffirms* that racism and racial discrimination are among the most serious violations of human rights in the contemporary world, and expresses its firm determination and commitment to eradicate, by all available means, racism in all its forms and racial discrimination;

3. *Urges* all Governments to take all necessary measures to combat racism, racial discrimination, xenophobia and related intolerance, including new and contemporary forms of racism, through specific measures and programmes, in particular in the legislative, judicial, administrative, educational and information fields;

4. *Calls upon* all States resolutely to bring to justice the perpetrators of crimes motivated by racism, and calls upon those that have not done so to consider including in their legislation racist motivation as an aggravating factor for the purposes of sentencing;

5. *Recognizes* the vulnerability of victims of acts of racial discrimination that violate their human rights and fundamental freedoms, as well as the difficulties they often face in seeking legal remedies, and in this regard calls upon all States to provide, when needed, legal assistance, in order to facilitate access to justice, as well as to consider establishing appropriate policies and structures at the national level, *inter alia*, an ombudsman, to deal with these kinds of acts;

6. *Calls upon* all States to intensify their efforts in taking appropriate measures to prevent political parties from promoting and inciting racial discrimination in violation of human rights;

7. *Underlines* the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

8. *Expresses its deep concern at and condemnation of* manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

9. *Calls upon* all States to review and, where necessary, revise their immigration policies which are inconsistent with international human rights instruments, with a view to eliminating all discriminatory policies and practices against migrants;
10. *Condemns* all forms of racial discrimination and xenophobia as regards access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public;
11. *Categorically condemns* any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;
12. *Urges* Governments to take all necessary measures against incitement to racial hatred, including through print, audio-visual and electronic media;
13. *Urges* all States to intensify their efforts for the implementation of the obligations they have accepted under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, with due regard to the principles of the Universal Declaration of Human Rights and to article 5 of the Convention, with respect to:
 - (a) Declaring an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts, against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
 - (b) Declaring illegal and prohibiting organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and recognizing participation in such organizations or activities as an offence punishable by law;
 - (c) Not permitting public authorities or public institutions, national or local, to promote or incite racial discrimination;
14. *Calls upon* all States, where appropriate, to strengthen their national legislation and institutions for the promotion of racial harmony and notes the conclusions and recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in this regard, including those on the importance of integration of vulnerable groups into mainstream societies;
15. *Invites* all States, in their efforts aimed at promoting racial harmony, to involve or, as necessary, to establish, national institutions and other appropriate organizations;
16. *Welcomes* the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;

17. *Encourages* the mass media, through all appropriate means, such as codes of conduct, to promote ideas of tolerance and understanding among peoples and between different cultures, and to refrain from disseminating racist and xenophobic ideas;

18. *Recalls with interest* general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, in which the Committee concluded that the prohibition of the dissemination of all ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as embodied in article 19 of the Universal Declaration of Human Rights and recalled in article 5 of the Convention;

II. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION AND COORDINATION OF ACTIVITIES

19. *Regrets* that the activities scheduled to take place during the Third Decade, and the Programme of Action and for the Decade have not been fully implemented owing to lack of interest, support and financial resources;

20. *Strongly appeals* to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination, and, to this end, requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

21. *Recognizes* the laudable and generous efforts by donors that have made contributions to the Trust Fund, but feels that these financial contributions have proved inadequate and that the General Assembly should consider all ways and means of financing the Programme of Action, including through the United Nations regular budget;

22. *Recommends* that the General Assembly, through the Economic and Social Council, request the Secretary-General to assign high priority to the activities of the Programme of Action and to earmark adequate resources to finance the activities of the Programme;

23. *Calls upon* all Governments, United Nations bodies, specialized agencies and intergovernmental organizations, as well as interested non-governmental organizations, to contribute fully to the effective implementation of the Programme of Action;

24. *Affirms its determination* to combat violence stemming from intolerance on the basis of ethnicity, which it considers to be as serious a problem as violence based on racism, racial discrimination, xenophobia and related intolerance;

25. *Requests* all States to encourage the reporting of all acts motivated by racism, racial discrimination, xenophobia or ethnic reasons in order to facilitate the necessary inquiries and bring the persons who commit such acts to trial;

26. *Recommends* that States give priority to education as a principal means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, particularly among young people, and to the training of law enforcement personnel, *inter alia* through the promotion of tolerance and respect for cultural diversity;

27. *Calls upon* all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

III. SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AND FOLLOW-UP TO HIS VISITS

28. *Takes note with satisfaction* of the report of the Special Rapporteur (E/CN.4/2001/21 and Corr.1);

29. *Expresses its full support and appreciation* for the work of the Special Rapporteur and for its continuation;

30. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

31. *Also requests* the Special Rapporteur to continue his examination of the issue of political platforms which promote or incite racial discrimination in violation of human rights and to submit recommendations thereon to the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at its second session;

32. *Reiterates its call* to all Governments, intergovernmental organizations and relevant organizations of the United Nations system, as well as non-governmental organizations, to supply all relevant information to the Special Rapporteur;

33. *Urges* all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination against, *inter alia*, Africans, people of African descent, Arabs and Muslims and incidents of xenophobia, Negrophobia, anti-Semitism and related intolerance;

34. *Requests* the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

35. *Commends* those States that have so far invited and received the Special Rapporteur;

36. *Invites* the Governments of the States so far visited to consider ways to implement the recommendations contained in the reports of the Special Rapporteur and requests the Special Rapporteur to include in his report to the Commission at its fifty-eighth session, under the same agenda item, information on measures to implement those recommendations, and to undertake follow-up visits, if necessary;

37. *Notes with concern* that new communications technologies, in particular the Internet, are increasingly being used to disseminate racist ideas and incite racial hatred;

38. *Notes* that the use of such technologies can contribute to combating racism, racial discrimination, xenophobia and related intolerance through, *inter alia*, the creation of Internet sites to disseminate anti-racist and anti-xenophobic messages;

39. *Requests* the United Nations High Commissioner for Human Rights to continue to undertake research and consultations on the use of the Internet for the purposes of incitement to racial hatred, racist propaganda and xenophobia, to study ways of promoting international cooperation in this area, and to draw up a programme of human rights education and exchanges over the Internet on experience in the struggle against racism, xenophobia and anti-Semitism;

40. *Urges* the High Commissioner to provide those countries which were visited by the Special Rapporteur, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

IV. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

41. *Appeals* to those States that have not yet done so to consider ratifying or acceding to the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education, and calls upon the States that have done so to implement them;

42. *Recommends* that the issue of universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the reservations thereto, and the question of recognition of the competence of the Committee on the Elimination of Racial Discrimination to receive individual complaints, be considered at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

43. *Calls upon* States parties that have not submitted initial or periodic reports in accordance with article 9 of the Convention to do so;

44. *Urges* States to limit the extent of any reservations they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible, while ensuring that no reservation is incompatible with the object and purpose of the Convention;

45. *Calls upon* States parties to the Convention, as appropriate, to adopt immediately positive measures aimed at the elimination of all forms of racial discrimination, xenophobia and related intolerance;

46. *Requests* the States parties to the Convention that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

47. *Invites* the States parties to ratify the amendment to article 8 of the Convention on the financing of the Committee on the Elimination of Racial Discrimination;

V. WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

48. *Takes note* of the progress made in the preparatory process for the World Conference within the framework of the Preparatory Committee, and encourages the Committee to intensify its efforts in this regard;

49. *Also takes note* of the report of the Secretary-General on racism, racial discrimination, xenophobia and all forms of racial discrimination concerning the implementation of Commission resolution 2000/14 of 17 April 2000 (E/CN.4/2001/20);

50. *Encourages* all States and other entities, including intergovernmental organizations and non-governmental organizations, to contribute generously to the host country trust fund established in the Office of the High Commissioner for Human Rights to finance the activities of the World Conference, to be held in Durban, South Africa, from 31 August to 7 September 2001;

51. *Requests* the High Commissioner, in her capacity as Secretary-General of the World Conference, to continue to intensify the activities already initiated within the framework of the world information campaign with a view to mobilizing support for the objectives of the World Conference by all sectors of political, economic, social and cultural life, as well as other interested sectors, and welcomes the efforts she has made in this regard;

52. *Welcomes* the efforts by the High Commissioner to include in her strategy for informing international public opinion and raising awareness about the objectives of the World Conference the activities outlined in paragraph 51 (a) to (e) of Commission resolution 1999/78 of 28 April 1999, and encourages her to continue these efforts;

53. *Also welcomes* the efforts of the High Commissioner, in her capacity as Secretary-General of the World Conference, in initiating consultations with various international sporting and other organizations, to enable them to contribute to the struggle against racism and racial discrimination in the framework of the World Conference, as well as the appointment of goodwill ambassadors;

54. *Urges* all States, United Nations bodies, international, regional and subregional governmental organizations, non-governmental organizations and any interested body to continue to support the High Commissioner and the Department of Public Information of the Secretariat and to give them full and complete cooperation for the coordination of information activities;

55. *Encourages* the participation of non-governmental organizations in the World Conference and in the sessions of the Preparatory Committee and welcomes the efforts of the Secretary-General of the World Conference to expedite arrangements for accreditation of non-governmental organizations, including those that are not in consultative status with the Economic and Social Council, in accordance with the arrangements for consultation with non-governmental organizations adopted by the Council in its resolution 1996/31 of 25 July 1996;

56. *Welcomes* the decision of non-governmental organizations, in consultation with the High Commissioner, to hold a forum before and partly during the World Conference, and requests the High Commissioner, insofar as possible, to provide them with technical assistance for that purpose;

57. *Expresses its appreciation* to the Governments of Senegal, the Islamic Republic of Iran and Chile, and to the Council of Europe, for hosting the regional preparatory meetings for the World Conference;

58. *Takes note* of the outcome of the regional preparatory meetings, and requests the Preparatory Committee, in its deliberations on the texts of the draft final documents of the World Conference, to take into account the recommendations of the regional meetings, and other inputs from States;

59. *Invites* Governments to promote the participation of national institutions and local non-governmental organizations in the preparations for and the process of the World Conference and to organize debates in national parliaments on the objectives of the World Conference;

60. *Encourages* all parliaments to participate actively in the preparation of the World Conference and requests the High Commissioner to explore ways and means of effectively involving parliaments through the relevant international organizations;

61. *Invites* United Nations bodies and mechanisms dealing with the question of racism, racial discrimination, xenophobia and related intolerance, the Committee on the Elimination of Racial Discrimination, the Sub-Commission on the Promotion and Protection of Human Rights and the special rapporteurs concerned to participate actively in the preparatory process with a view to ensuring the success of the World Conference and to coordinate their activities in this regard with the assistance of the High Commissioner;

62. *Recommends* that the World Conference adopt a declaration and programme of action containing concrete and practical recommendations to combat racism, racial discrimination, xenophobia and related intolerance;

63. *Stresses* the importance of systematically adopting a gender-based approach throughout the preparations for and in the outcome of the World Conference;

64. *Recommends* that the particular situation of children and young people receive special attention during the preparations for and during the World Conference itself, and especially in its outcome;

65. *Encourages* Governments, to that end, and to ensure further the engagement of young people on the broader issues of racism, racial discrimination, xenophobia and related intolerance, to consider including youth delegates in their official delegations to the World Conference and its preparatory processes;

66. *Recommends* that the particular situation of indigenous people receive special attention during the preparations for and during the World Conference, and especially in its outcome;

67. *Also recommends* that special attention be accorded during the preparations for and during the World Conference, and especially in its outcome, to the particular situation of migrants;

68. *Calls upon* all States, United Nations bodies, specialized agencies, regional organizations and intergovernmental and non-governmental organizations to mobilize their efforts to realize the objectives of the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2001;

69. *Emphasizes* that the activities to be implemented within the framework of the International Year should be directed towards the preparation of the World Conference;

70. *Requests* the Secretary-General to submit to the Commission at its fifty-eighth session a report on the implementation of the present resolution under the agenda item entitled "Racism, racial discrimination, xenophobia and all forms of discrimination";

71. *Decides* to continue its consideration of this question at its fifty-eighth session under the same agenda item.

*61st meeting
18 April 2001*

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

2001/6. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the violation of their fundamental and human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 55/51 of 1 December 2000, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of non-acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/55/453) and, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace, and expressing its concern at the stoppage of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of Security Council resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming its previous relevant resolutions, the most recent being resolution 2000/7 of 17 April 2000,

1. *Calls upon Israel*, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981) of 17 December 1981, in which the Council, *inter alia*, decided that the Israeli decision to

impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and have no legal effect;

5. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fifty-eighth session;

7. *Decides* to include in the provisional agenda of its fifty-eighth session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

61st meeting

18 April 2001

[Adopted by a roll-call vote of 29 votes to 2,
with 21 abstentions. See chap. VIII.]

2001/7. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, the provisions of Additional Protocol I thereto, and the Hague Convention IV of 1907,

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights relating to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territory, including East Jerusalem,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territory, including East Jerusalem,

Recalling the General Assembly resolutions on Israeli violations of human rights in the occupied Palestinian territory, including East Jerusalem, occupied since 1967,

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

Welcoming the report of the United Nations High Commissioner for Human Rights (E/CN.4/2001/114),

Welcoming the report (E/CN.4/2001/30), dated 21 March 2001, of the Special Rapporteur, Mr. Giorgio Giacomelli, and his report (E/CN.4/S-5/3) of 17 October 2000 submitted to the fifth special session of the Commission on Human Rights,

Welcoming also the report (E/CN.4/2001/121) of March 2001 of the human rights inquiry commission established pursuant to Commission resolution S-5/1 of 19 October 2000,

Expressing its deep concern at the failure of the Government of Israel to cooperate with the human rights inquiry commission and its failure to cooperate with other relevant rapporteurs,

Gravely concerned at the deterioration of the situation in the occupied Palestinian territories and by the gross violations of human rights and international humanitarian law, in particular extrajudicial killings, closures, collective punishments, settlements and arbitrary detentions,

Expressing its grave concern at the continuing violence and the resulting deaths and injuries, mostly among Palestinians,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968,

Expressing its grave concern at the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling upon Israel to put an end to the violations of human rights and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territory, including East Jerusalem, occupied by Israel since 1967,

Convinced that the progress made on all major issues during the last negotiations should form the basis for future talks on permanent status, and that the basis of negotiations, and of a just and lasting peace, must be Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and other relevant United Nations resolutions and include the inadmissibility of acquisition of territory by war, the need for every State in the area to be able to live in security and the principle of land for peace,

Recalling all its previous resolutions on the subject, including the latest, resolution 2000/6 of 17 April 2000, and resolution S-5/1 adopted at its fifth special session,

1. *Expresses its grave concern* at the deterioration of the human rights and humanitarian situation in the occupied Palestinian territories;
2. *Condemns* the disproportionate and indiscriminate recourse to force, which cannot but aggravate the situation and increase an already high death toll, and urges the Government of Israel to make every effort to ensure that its security forces observe international standards regarding the use of force;

3. *Strongly deplors* the practice of so-called “eliminations”, or extrajudicial killings, of certain Palestinians carried out by the Israeli security forces, which are not only a violation of human rights norms and contrary to the rule of law, but are also damaging for the relationship between the parties and therefore obstacles to peace, and urges the Government of Israel to respect international law and cease this practice;

4. *Expresses its grave concern* at the closures of and within the Palestinian territories, which contribute together with other factors to the unrest and violence that have been prevailing in the zone for several months, calls upon the Government of Israel immediately to put an end to the practice of closures and reiterates that collective punishment is prohibited under international law;

5. *Expresses its concern* at the large number of persons, including children, who have been detained during recent months and at the continued detention of some detainees without any criminal charges having been brought against them;

6. *Expresses its grave concern* at the Israeli settlement activities in the occupied territories, including Jerusalem, such as the construction of new settlements and the expansion of existing ones, the expropriation of land, the biased administration of water resources, the construction of roads and house demolitions, all of which violate human rights and international humanitarian law, besides being major obstacles to peace, urges the Government of Israel to implement the relevant United Nations resolutions as well as the recommendation of the Commission regarding the Israeli settlements, and calls on the Israeli security forces to ensure the protection of the population in the occupied territories, including preventing, investigating and prosecuting acts of violence committed by Israeli settlers;

7. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to the Palestinian territory and other Arab territories occupied by Israel since 1967, including East Jerusalem, and considers any change in the geographical and demographic status of the city of East Jerusalem from its situation prior to the June 1967 war to be illegal and void;

8. *Condemns* the expropriation of Palestinian homes in Jerusalem, the revocation of identity cards of the citizens of the Palestinian city of Jerusalem, the imposition of fabricated and exorbitant taxes with the aim of forcing the Palestinian citizens of Jerusalem, who cannot afford

to pay these high taxes, out of their homes and out of their city, preparing in this way the path for the Judaization of Jerusalem, and calls upon the Government of Israel to put an end immediately to these practices;

9. *Also condemns* the use of torture against Palestinians during interrogation, as it constitutes a grave breach of the principles of international humanitarian law and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and calls upon the Government of Israel to put an end immediately to such practices;

10. *Welcomes* the efforts of the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to consult the High Contracting Parties to the Convention on the reconvening of the adjourned Conference of the High Contracting Parties, and looks forward to their early conclusion on the basis of agreement by a large majority of the Parties and in accordance with the statement of 15 July 1999 issued upon the adjournment, with a view to fulfilling the joint obligation of the High Contracting Parties to ensure respect for the Fourth Geneva Convention and to improve the deteriorating humanitarian situation on the ground;

11. *Calls upon* Israel, the occupying Power, to desist from all forms of violation of human rights in the occupied Palestinian territory, including East Jerusalem, and other occupied Arab territories, and to respect the bases of international law, the principles of international humanitarian law, its international commitments and the agreements it signed with the Palestine Liberation Organization;

12. *Also calls upon* Israel to withdraw from the Palestinian territory, including East Jerusalem, occupied since 1967, in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights, as a basic condition for achieving a just, lasting and comprehensive peace in the Middle East;

13. *Calls upon* the relevant United Nations organs urgently to consider the best ways to provide the necessary international protection for the Palestinian people until the cessation of the Israeli occupation of its territories;

14. *Welcomes* the recommendations contained in the report of the High Commissioner and those contained in the report of the international commission of inquiry, urges the Government of Israel to implement them and requests the Special Rapporteur on the

situation of human rights in the Palestinian territories occupied since 1967, acting as a monitoring mechanism, to follow up on the implementation of those recommendations and to submit reports thereon to the General Assembly at its fifty-sixth session and the Commission at its fifty-eighth session;

15. *Requests* the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-eighth session;

16. *Also requests* the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between the sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab Territories are living under the Israeli occupation;

17. *Decides* to consider this question at its fifty-eighth session under the same agenda item, as a matter of high priority.

*61st meeting
18 April 2001*

[Adopted by a roll-call vote of 28 votes to 2,
with 22 abstentions. See chap. VIII.]

2001/8. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

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

Mindful that Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem,

Recalling its previous resolutions, most recently resolution 2000/8 of 17 April 2000, in which, *inter alia*, it reaffirmed the illegality of the Israeli settlements in the occupied territories,

Expressing its concern regarding the security risks related to the presence of the settlements in the occupied territories,

1. *Welcomes:*

(a) The reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/S-5/3 and E/CN.4/2001/30) and calls upon the Government of Israel to cooperate with the Special Rapporteur to allow him fully to discharge his mandate;

(b) The report of the High Commissioner for Human Rights on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan from 8 to 16 November 2000 (E/CN.4/2001/114);

(c) The report of the human rights inquiry commission (E/CN.4/2001/121);

2. *Expresses its grave concern:*

(a) At the continuing Israeli settlement activities, including the expansion of the settlements, the installation of settlers in the occupied territories, the expropriation of land, the demolition of houses, the confiscation of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem, since all these actions are illegal, constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and are a major obstacle to peace;

(b) At and strongly condemns all acts of terrorism and violence;

(c) At the closures of and within the Palestinian territories which contribute, together with other factors, to the unrest and violence that have been prevailing in the zone for several months;

3. *Urges* the Government of Israel:

(a) To comply fully with the previous Commission resolutions on the subject, most recently resolution 2000/8 of 17 April 2000;

(b) To take concrete actions to fulfil its obligations and cease completely its policy of expanding the settlements and related activities in the occupied territories, including East Jerusalem;

(c) To forgo and prevent any new installation of settlers in the occupied territories;

(d) To implement the recommendations regarding the settlements made by the United Nations High Commissioner for Human Rights in her report, including to ensure that the Israeli security forces protect Palestinians from violence perpetrated by Israeli settlers;

4. *Urges* the parties to create the conditions which will allow the resumption of the peace process, building on the full implementation of previous agreements and the progress that was made on all major issues during the last negotiations between the Government of Israel and the Palestinian Authority, in order to find a just and lasting peace based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and other relevant United Nations resolutions, including the inadmissibility of acquisition of territory by war, the need for every State in the area to be able to live in security, and the principle of land for peace;

5. *Decides* to continue its consideration of this question at its fifty-eighth session.

*61st meeting
18 April 2001*

[Adopted by a roll-call vote of 50 votes to 1,
with 1 abstention. See chap. VIII.]

2001/9. The right to development

The Commission on Human Rights,

Guided by the Charter of the United Nations, expressing in particular the determination to promote social progress and better standards of life in larger freedom as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling all its previous resolutions relating to the right to development, in particular resolutions 1996/15, 1997/72, 1998/72, 1999/79 and 2000/5, as well as those of the General Assembly, and welcoming Assembly resolution 55/108,

Recalling also that the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, who make up nations,

Recalling further that the outcome of the World Conference on Human Rights, held in Vienna in 1993, the Vienna Declaration and Programme of Action, reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights,

Recalling General Assembly resolution 52/187 on the implementation of the Programme of Action for Least Developed Countries for the 1990s and noting that the European Union will host the Third United Nations Conference on Least Developed Countries in May 2001,

Welcoming General Assembly resolution 55/245 on the substantive preparatory process and the high-level international intergovernmental event on financing for development, and the fact that Mexico will host the International Conference on Financing for Development in 2002,

Taking note of the three studies prepared by the independent expert on the right to development and his proposed possible approaches to the operationalization of the right to development,

Taking note also of the report of the open-ended Working Group on the Right to Development (E/CN.4/2001/26) and of the Chairperson's conclusions on the issue, as well as the comments submitted thereon,

Welcoming the commitment made by heads of State and Government in the United Nations Millennium Declaration to make the right to development a reality for everyone and their resolve to create an environment - at the national and global levels alike - which is conducive to development and to the elimination of poverty, and their commitment to spare no effort to promote good governance and democracy and to strengthen the rule of law as well as respect for all universally recognized human rights and fundamental freedoms, including the right to development,

Underlining that meeting the objectives of good governance also depends on good governance at the international level and on transparency in the financial, monetary and trading systems and an open, equitable, rules-based, predictable and non-discriminatory multilateral trading and financial system,

Underlining also the fact that realization of the right to development requires effective development policies at the national level as well as equitable economic relations and a favourable economic environment at the international level,

Underlining further the important role of the United Nations High Commissioner for Human Rights in the promotion and protection of the right to development,

Recalling the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Noting the outcome of the South Summit of the Group of Seventy-seven held in Havana from 10 to 14 April 2000 (A/55/74 annexes) relating to the realization of the right to development,

1. *Welcomes* the holding of two sessions of the open-ended Working Group on the Right to Development (18-22 September 2000 and 29 January-2 February 2001) which focused on certain issues, as reflected in the report of the open-ended Working Group, and emphasizes the need to continue deliberations on the right to development in all its aspects, *inter alia* on the basis of the report of the open-ended Working Group and the Chairperson's conclusions, as well as comments submitted thereon;

2. *Emphasizes* that on the basis of the text of the Declaration on the Right to Development of 1986, several resolutions and declarations adopted by consensus at subsequent international conferences and the Vienna Declaration and Programme of Action of 1993, it should now be possible to reach consensus on the full implementation of the right to development;

3. *Expresses its appreciation* of the reports of the independent expert and his additional work on and clarifications of the "development compact" proposal, which contributed to a better understanding of this proposal, while recognizing that further clarification is still needed;

4. *Recognizes* that any "development compact" would be of a voluntary nature for all parties involved and that its content would be defined on a case-by-case basis and be adapted to the priorities and realities of any country willing to conclude such a compact, which would need the adherence and the support of all international actors involved in its implementation;

5. *Requests* the independent expert to clarify further the proposed "development compact", taking into consideration views expressed during the two sessions of the Working Group and in broad consultation with the Office of the High Commissioner for Human Rights and United Nations funds and programmes, as well as specialized agencies, relevant international and regional organizations, non-governmental organizations and, in particular, those actors and States interested in developing pilot projects in this regard, keeping in mind:

(a) The ongoing bilateral, regional and multilateral development cooperation programmes;

- (b) The formulation of an operational model for the “development compact”;
- (c) The views of concerned international organizations and agencies and relevant regional institutions and actors;
- (d) The need to ensure its added value to and complementarity with the relevant existing mechanisms;
- (e) The need to address and remedy the national and international dimensions of corruption;
- (f) The need for country-specific studies both from a national and an international perspective;

6. *Reaffirms* that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and that they are committed to cooperating with each other to that end;

7. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action, which regards all human rights as universal, indivisible, interdependent and interrelated, and which also places the human person at the centre of development and recognizes that while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

8. *Recognizes* that in order to realize the right to development, national action and international cooperation must reinforce each other in a manner that goes beyond the measures for realizing each individual right, and also recognizes that international cooperation for the realization of the right to development should be conducted in a spirit of a partnership, in full respect of all human rights, which are universal, indivisible, interdependent and interrelated;

9. *Also recognizes* that for many developing countries, the realization of the rights to, *inter alia*, food, health and education may be important development entry points to the realization of the right to development and that, in this context, the independent expert’s concept of a “development compact” intends to give expression to some basic tenets of the interdependence of all human rights and national ownership of development strategies and development programmes, as well as the importance of international cooperation;

10. *Further recognizes* the need for a discussion on a suitable permanent follow-up mechanism for the implementation of the right to development in the future, in the Working Group on the Right to Development;

11. *Stresses* the necessity of establishing, at the national level, an enabling legal, political, economic and social environment for the realization of the right to development and emphasizes the importance of democratic, participatory, transparent and accountable governance, as well as the need for efficient national mechanisms such as national human rights commissions, to ensure respect for civil, economic, cultural, political and social rights, without any distinction;

12. *Also stresses* the need to prevent, address and take effective action against corruption, at both the national and international levels, including by establishing a firm legal structure for eradicating corruption, and urges States to take all necessary measures to that end;

13. *Recognizes* the importance of the role of the State, civil society, free and independent media, national institutions, the private sector and other relevant institutions in the realization of the right to development, and also recognizes a need to continue discussion on this subject;

14. *Affirms* the role of women in the process of the realization of the right to development, including their role as active actors in and beneficiaries of development, and that further actions in this context are needed to ensure the participation of women on equal terms with men in all fields in the realization of the right to development;

15. *Also affirms* the promotion of gender equality and the empowerment of women as effective means to combat poverty, hunger and disease and to stimulate sustainable development, as well as the importance of equal rights and opportunities for women and men, including property rights for women and their access to bank loans, mortgages and other forms of financial credit, taking into account the best practices of micro-credit in different parts of the world;

16. *Underlines* that in the process of the realization of the right to development, special attention should be given to persons belonging to minorities, whether national, ethnic, religious or linguistic, as well as to persons belonging to vulnerable groups, for instance elderly people, indigenous people, persons facing discrimination on multiple grounds, Roma, migrants, persons with disabilities, children and persons infected with human immunodeficiency virus/acquired immune deficiency syndrome, and that this attention should have a gender perspective;

17. *Affirms* in this context that attention should also be given to the right to development of children, with special attention to the rights of the girl child;

18. *Acknowledges* the need to continue discussion on the role of civil society in the realization of the right to development and the role of national institutions in this respect;

19. *Reaffirms* the need for States to cooperate with each other in ensuring development and eliminating obstacles to development and recognizes the importance of the international community promoting effective international cooperation for the realization of the right to development, and also recognizes that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level;

20. *Reiterates* that the gap between developed and developing countries remains unacceptably wide, that developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

21. *Recognizes*, while bearing in mind the existing efforts in this respect, that it is necessary to enhance efforts to consider and evaluate the impact of international economic and financial issues on the enjoyment of human rights, such as:

- (a) International trade issues;
- (b) Access to technology;
- (c) Good governance and equity at the international level; and
- (d) Debt burden;

22. *Requests* the independent expert to prepare, in consultation with all relevant United Nations agencies and the Bretton Woods institutions, a preliminary study on the impact of these issues on the enjoyment of human rights, starting by analysing the existing efforts and means of assessing and evaluating such an impact, for consideration by the Working Group at its future sessions;

23. *Requests* the Office of the High Commissioner for Human Rights, the United Nations specialized agencies, United Nations funds and programmes, the international financial institutions and other relevant actors to collaborate with the independent expert in the fulfilment of his mandate and encourages further cooperation;

24. *Requests* the open-ended Working Group on the right to development as well as the independent expert on the right to development, to consider, as appropriate, the relevant

economic and developmental outcomes of the international conferences, *inter alia* the South Summit of the Group of Seventy-seven and the follow-up thereto, in elaborating their recommendations for the implementation of the right to development;

25. *Decides*, in view of the urgent need to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development, and based on the established practice of the Commission on Human Rights:

(a) To extend the mandate of the open-ended Working Group on the Right to Development for one year;

(b) To extend the mandate of the independent expert for three years;

26. *Recommends* that the Economic and Social Council endorse the Commission's decision contained in the preceding paragraph;

27. *Decides* to continue consideration of the issue of the right to development, as a matter of priority, at its fifty-eighth session.

62nd meeting

18 April 2001

[Adopted by a roll-call vote of 48 votes to 2,
with 3 abstentions. See chap. VII.]
