



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2001/L.11/Add.5
25 April 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Agenda item 21 (b)

**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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2001/36. Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy

The Commission on Human Rights,

Noting General Assembly resolution 55/96 of 4 December 2000 and Commission on Human Rights resolution 2000/47 of 25 April 2000,

Reaffirming its commitment to the purposes and principles enshrined in the Charter of the United Nations,

Reaffirming also the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law,

Stressing that all peoples have the right of self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Recognizing that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

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

Reaffirming the commitment made by Member States to strive for the full protection and promotion in all our countries of civil, political, economic, social and cultural rights for all,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity,

Welcoming the commitment of all Member States, expressed in the United Nations Millennium Declaration, to work collectively for more inclusive political processes allowing genuine participation by all citizens in all countries,

Welcoming also the pledge of the international community at the World Conference on Human Rights, held at Vienna in 1993, to support the strengthening and promotion of democracy, development and respect for human rights and fundamental freedoms throughout the world,

Recognizing that development can only be sustainable on a long-term basis if development policies are responsive to people's needs and ensure people's participation both in their design and implementation, while stressing the fact that meeting the basic human needs essential for survival is a sine qua non condition for an effective democracy,

Emphasizing that the persistence of extreme poverty inhibits the full and effective enjoyment of human rights and the participation of all citizens in the democratic processes in every society, and that the full participation of everyone in democratic societies fosters and enhances the struggle against poverty,

Recalling that accountable and transparent governance at the national and international levels is critical for the creation of an environment that facilitates the development of democratic, prosperous and peaceful societies,

Stressing the variety of forms, modalities and experiences of democratic societies, taking into account national and regional particularities, the various historical, cultural and religious backgrounds, and the diversity of economic, political, cultural and legal systems,

Recognizing that while all democracies share common features, differences between democratic societies should be neither feared nor repressed, but cherished as a precious asset of humanity,

Aware of the importance of fostering a diversity of social contributions in strengthening people's participation, equity, social justice and non-discrimination, including the enhancement of non-governmental organizations, people's organizations, voluntary social organizations, trade unions, the private sector and other actors of civil society,

Recalling the commitment undertaken by States within the framework of the United Nations and other international organizations to work for the promotion of democracy and the rule of law,

1. *Affirms* that popular participation, equity, social justice and non-discrimination are essential foundations of democracy;

2. *Reaffirms* that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives, and that in order to achieve this, full popular participation, equity, social justice and non-discrimination should be strengthened;

3. *Also reaffirms* that while all democracies share common features, there is no one universal model of democracy;

4. *Affirms* that the consolidation of democracy requires the promotion and protection of all human rights for everyone, both civil and political rights and economic, social and cultural rights, including the right to development as a universal and inalienable right and an integral part of fundamental human rights, as established in the Declaration on the Right to Development;

5. *Further reaffirms* that democracy, development and respect for human rights are interdependent and mutually reinforcing;

6. *Stresses* that the consolidation of democracy requires that sustained economic growth and sustainable development of countries and communities foster the promotion and consolidation of democracies;

7. *Declares* that full popular participation is only feasible if societies have democratic political and electoral systems which guarantee to all their citizens the possibility both to take part in the government of their country, directly or through freely chosen representatives, and to have equal access to public service, without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

8. *Reaffirms* that the will of the people shall be the basis of the authority of government and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;

9. *Urges* all States to foster a democracy that, inspired by the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family, promotes people's welfare, rejecting all forms of discrimination and exclusion, facilitates development with equity and justice, and encourages the most comprehensive and full participation of their citizens in the decision-making process and in the debate over diverse issues affecting society;

10. *Requests* all States and the international community further to endeavour to promote effective measures to eradicate poverty and promote just, equitable and inclusive societies;

11. *Invites* all mechanisms of the Commission on Human Rights and the human rights treaty bodies to continue taking into account, in the discharge of their respective mandates, the question of strengthening popular participation, equity, social justice and non-discrimination as the foundations of democracy;

12. *Requests* the Secretary-General and the High Commissioner for Human Rights to bring the present resolution to the attention of Member States, the relevant United Nations organs and intergovernmental and non-governmental organizations and to disseminate it on the widest possible basis;

13. *Decides* to continue its consideration of this issue at its fifty-eighth session, under the same agenda item.

71st meeting

23 April 2001

[Adopted by a roll-call vote of 28 votes to 4,
with 21 abstentions. See chap. IX.]

2001/37. Human rights and terrorism

The Commission on Human Rights,

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

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

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

Recalling further General Assembly resolutions 48/122 of 20 December 1993, 49/185 of 23 December 1994, 50/186 of 22 December 1995 and 52/133 of 12 December 1997, as well as its own resolution 2000/30 of 20 April 2000,

Recalling General Assembly resolutions 54/164 of 17 December 1999, and 54/110 of 9 December 1999, in which it decided that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 should continue to elaborate a draft international convention for the suppression of acts of nuclear terrorism with a view to completing the instrument, should address means of further developing a comprehensive legal framework of conventions dealing with international terrorism, including considering the elaboration of a comprehensive convention on international terrorism, and should address the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

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

Taking note of decision 2000/115 of 18 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights,

Noting General Assembly resolution 55/158 of 12 December 2000 in which the Assembly stressed the need to strengthen further international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, in accordance with the principles of the Charter, international law and relevant international conventions,

Noting also the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000 at its fifty-fifth session,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Taking note of the growing consciousness of the international community of the negative effects of terrorism in all its forms and manifestations on the full enjoyment of human rights and

fundamental freedoms and on the establishment of the rule of law and democratic freedoms as enshrined in the Charter of the United Nations and the International Covenants on Human Rights,

1. *Reiterates its unequivocal condemnation* of all acts, methods and practices of terrorism, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed, as acts aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and the rule of law and having adverse consequences for the economic and social development of the State;
2. *Condemns* the violations of the right to live free from fear and of the right to life, liberty and security;
3. *Expresses its solidarity* with the victims of terrorism;
4. *Condemns* incitement of ethnic hatred, violence and terrorism;
5. *Urges* States to fulfil their obligations under the Charter of the United Nations and other provisions of international law, in strict conformity with international law, including human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, and calls upon States to strengthen, where appropriate, their legislation to combat terrorism in all its forms and manifestations;
6. *Urges* the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of eradicating it;
7. *Calls upon* States, in particular within their respective national frameworks and in conformity with their international commitments in the field of human rights, to enhance their cooperation with a view to bringing terrorists to justice;
8. *Also calls upon* States to take appropriate measures, in conformity with the relevant provisions of national and international law, including international human rights standards, before granting refugee status, for the purpose of ensuring that an asylum-seeker has not participated in terrorist acts, including assassinations;
9. *Urges* all relevant human rights mechanisms and procedures, as appropriate, to address the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

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

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

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

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

*72nd meeting
23 April 2001*

[Adopted by a roll-call vote of 33 votes to 14,
with 6 abstentions. See chap. XI.]

2001/38. Hostage-taking

The Commission on Human Rights,

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

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

Taking into account the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which also

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

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

Recalling its previous resolutions on the subject, including its most recent, resolution 2000/29 of 20 April 2000, in which it condemned the taking of any person as a hostage,

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

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

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

1. *Reaffirms* that hostage-taking, wherever and by whomever committed, is an illegal act aimed at the destruction of human rights and is, under any circumstances, unjustifiable, including as a means to promote and protect human rights;
2. *Condemns* all acts of hostage-taking, including through hijacking, anywhere in the world;
3. *Demands* that all hostages be released immediately and without any preconditions, and expresses its solidarity with the victims of hostage-taking;
4. *Calls upon* States to take all necessary measures, in accordance with relevant provisions of international law and international human rights standards, to prevent, combat and punish acts of hostage-taking, including by strengthening international cooperation in this field;

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

6. *Decides* to remain seized of this matter.

*72nd meeting
23 April 2001*

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

**2001/39. Independence and impartiality of the judiciary, jurors
and assessors and the independence of lawyers**

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular Part I, paragraph 27, and Part II, paragraphs 88, 90 and 95, thereof,

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

Recalling its resolution 1994/41 of 4 March 1994, in which it requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, and its resolution 2000/42 of 20 April 2000, in which it decided to extend the mandate of the Special Rapporteur for a further period of three years,

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

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

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

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

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

Acknowledging the importance for the Special Rapporteur of being able to cooperate closely, in the framework of his mandate, with the Office of the United Nations High Commissioner for Human Rights in the field of advisory services and technical cooperation, which could contribute to guaranteeing the independence of judges and lawyers,

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

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

1. *Takes note* of the report of the Special Rapporteur on the independence of judges and lawyers on the activities relating to his mandate (E/CN.4/2001/65 and Add.1-3);
2. *Also takes note* of the cooperative working methods that the Special Rapporteur has adopted to draw up his report and implement his mandate, as described in Commission resolution 1994/41;

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

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

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

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

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

8. *Requests* the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-eighth session and decides to consider this question at that session;

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

72nd meeting

23 April 2001

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

2001/40. Question of arbitrary detention

The Commission on Human Rights,

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

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

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

Reaffirming its resolution 2000/36 of 30 April 2000,

1. *Takes note of:*

(a) The report of the Working Group on Arbitrary Detention (E/CN.4/2001/14 and Add.1);

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

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

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

3. *Requests* the Governments concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

4. *Encourages* the Governments concerned:

(a) To implement the recommendations of the Working Group concerning persons mentioned in its report who have been detained for a number of years;

(b) To take appropriate measures in order to ensure that their legislation in these fields is in conformity with the relevant international standards and the relevant international legal instruments applicable to the States concerned;

(c) Not to extend states of emergency beyond what is strictly required by the situation, in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, or to limit their effects;

5. *Encourages* all Governments to invite the Working Group to visit their countries so that it may carry out its mandate even more effectively;

6. *Requests* the Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its possible final conclusions;

7. *Expresses its profound thanks* to the Governments which have extended their cooperation to the Working Group and responded to its requests for information, and invites all Governments concerned to demonstrate the same spirit of cooperation;

8. *Takes note with satisfaction* of the fact that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases which have not yet been resolved;

9. *Notes* the concerns expressed by the Working Group in its report (E/CN.4/2001/14);

10. *Requests* the Secretary-General:

(a) To extend his assistance to Governments expressing the wish to receive it, and to the special rapporteurs and working groups, with a view to ensuring the promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;

(b) To ensure that the Working Group on Arbitrary Detention receives all necessary assistance, particularly with regard to the staffing and resources needed to continue to discharge its mandate, especially in respect of field missions;

11. *Requests* the Working Group to submit to it, at its fifty-eighth session, a report on its activities and on the implementation of the present resolution and to include any suggestions and recommendations which would enable it to carry out its task in the best possible way and to continue its consultations to that end in the framework of its terms of reference;

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

*72nd meeting
23 April 2001*

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

2001/41. Continuing dialogue on measures to promote and consolidate democracy

The Commission on Human Rights,

Recalling all relevant resolutions of the General Assembly and the Commission on Human Rights, in particular Assembly resolutions 55/96 of 4 December 2000 and 55/43 of 27 November 2000, and Commission resolution 2000/47 of 25 April 2000,

Reaffirming its commitment to the process of democratization of States, and recognizing that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Reaffirming commitments undertaken by Member States for the promotion of democracy and the rule of law, within the framework of the United Nations and other international organizations,

Noting the initiatives taken by the countries which participated in the fourth International Conference of New or Restored Democracies, held in Cotonou, Benin, from 4 to 6 December 2000 and the declaration adopted there,

Noting also the ministerial conference entitled “Towards a Community of Democracies”, hosted by the Government of Poland from 26 to 27 June 2000, and the Warsaw Declaration adopted by that meeting, the Symposium on the Practices of Democracy, Rights and Freedoms in the French-speaking Community, held in Mali, from 1 to 3 November 2000, and the Organization of American States seminar entitled “The Role of Regional and Multilateral Organizations in the Promotion and Defence of Democracy” held from 20 to 21 February 2001,

Recognizing the need continuously to promote respect for democratic values and principles, and to improve the functioning of democratic institutions and mechanisms,

Also recognizing and respecting the rich and diverse nature of the community of the world's democracies, arising out of all the world's social, cultural and religious beliefs and traditions,

Noting the United Nations Development Programme *Human Development Report 2000: Human Rights and Human Development*, which illustrates the close link between democracy and good governance on the one hand, and economic development and poverty alleviation on the other hand,

Noting the report of the Secretary-General on support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies (A/55/489),

1. *Invites* Member States to continue to foster and participate in a systematic dialogue on the building up of democratic societies and the factors of success and failure in the democratization processes, and notes recent conferences on democracy held since the fifty-sixth session of the Commission;
2. *Welcomes* steps taken in a number of countries to promote and consolidate the foundations of still-fragile democratic institutions and the restoration of democracy in a number of nations since the fifty-sixth session of the Commission;
3. *Reaffirms* that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing;
4. *Also reaffirms* that free and fair elections are an essential feature of democracy and must be part of a broader process that strengthens democratic principles, values, institutions, mechanisms and practices, which underpin formal democratic structures and the rule of law;
5. *Encourages* particular attention to be given to the recommendations of the Secretary-General that the United Nations should work to develop integrated democracy assistance programmes and common country strategies that are locally owned and involve a wide array of local actors;
6. *Also encourages* the development of broad-based democracy expertise drawn from all regions of the world;
7. *Calls for* information sharing and improved coordination in the United Nations system so as to facilitate the exchange of lessons learned and best practices in promoting and consolidating democracy;

8. *Invites* all Governments, relevant intergovernmental organizations and interested non-governmental organizations to continue and deepen debates aimed at identifying ways and means to promote and consolidate democracy;

9. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to build upon the work of the aforementioned initiatives and contributions from Member States, and to organize an expert seminar to examine the interdependence between democracy and human rights, to be funded by voluntary contributions, and to include observers from interested Governments, experts of the United Nations specialized agencies, funds and programmes, other relevant intergovernmental organizations and interested non-governmental organizations;

10. *Requests* the Office of the High Commissioner to report on the conclusions of the expert seminar to the Commission at its fifty-ninth session;

11. *Requests* the Secretary-General and the High Commissioner to bring the present resolution to the attention of Member States, the competent United Nations organs and relevant intergovernmental and interested non-governmental organizations, and to disseminate it on the widest possible basis;

12. *Decides* to continue consideration of the matter at its fifty-eighth session under the same agenda item.

*72nd meeting
23 April 2001*

[Adopted by a roll-call vote of 44 votes to none,
with 9 abstentions. See chap. XI.]

2001/42. Elimination of all forms of religious intolerance

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, that this year marks the twentieth anniversary of the adoption of General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

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

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

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

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

Gravely concerned at all attacks upon religious places, sites and shrines, and in particular at the recent deliberate destruction of relics and monuments in certain parts of the world,

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

Noting the United Nations Millennium Declaration adopted by the General Assembly and Assembly resolution 55/23 of 13 November 2000 on the United Nations Year of Dialogue among Civilizations, which recognize the valuable contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

Recalling Commission resolution 2000/33 in which the title of the Special Rapporteur on religious intolerance was changed to Special Rapporteur on freedom of religion or belief;

1. *Welcomes* the report of the Special Rapporteur on religious intolerance (E/CN.4/2001/63);

2. *Condemns* all forms of intolerance and of discrimination based on religion or belief;

3. *Encourages* the efforts made by the United Nations High Commissioner for Human Rights to coordinate in the field of human rights the activities of relevant United Nations organs, bodies and mechanisms dealing with all forms of intolerance and of discrimination based on religion or belief;

4. *Urges* States:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, *inter alia* by the provision of effective remedies in cases where the right to freedom of religion or belief, including the right to change one's religion or belief, is violated;

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

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

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

(e) To exert utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;

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

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

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

6. *Encourages* the continuing efforts of the Special Rapporteur to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures as appropriate;

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

8. *Notes* that the Special Rapporteur has undertaken two separate studies on religious discrimination and racism as a valuable input to the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to take place in Durban, South Africa, in 2001 and suggests that his recommendations on religious intolerance which have a bearing on the World Conference be considered during the preparatory process for the World Conference;

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

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

11. *Decides* to extend for three years the mandate of the Special Rapporteur on the question of the elimination of all forms of religious intolerance, with the new title of Special Rapporteur on freedom of religion or belief;

12. *Recognizes* that the exercise of tolerance and non-discrimination by all actors in society is necessary for the full realization of the aims of the Declaration and invites Governments, religious bodies and civil society, during the year marking the twentieth anniversary of the adoption of the Declaration, to undertake dialogue at all levels to promote greater tolerance, respect and understanding of freedom of religion and belief;

13. *Welcomes* the initiatives of Governments to collaborate with the Special Rapporteur, including the convening of an international consultative conference on school education in relation to freedom of religion and belief to be held in Madrid in November 2001, and encourages the full participation of Governments, religious bodies, experts and non-governmental organizations in the conference;

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

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

16. *Decides* to continue its consideration of measures to implement the Declaration;

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

18. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission on Human Rights at its fifty-eighth session;

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

72nd meeting
23 April 2001
[Adopted without a vote. See chap. XI.]

2001/43. The incompatibility between democracy and racism

The Commission on Human Rights,

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

Recalling the commitment reached in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling also its resolution 2000/40 of 20 April 2000,

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

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

Remaining alarmed by the rise of racism, racial discrimination, xenophobia and related intolerance in political circles, in the sphere of public opinion and in society at large,

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

1. *Remains* convinced that political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination must be condemned as incompatible with democracy and transparent and accountable governance;
2. *Condemns* legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance;
3. *Reaffirms* that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violates human rights and may endanger friendly relations among peoples, cooperation among nations, international peace and security and the harmony of persons living side by side within one and the same State;
4. *Urges* States to reinforce their commitment to promote tolerance and to fight against racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy and transparent and accountable governance;

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

6. *Takes note* of the report of the United Nations High Commissioner for Human Rights (E/CN.4/2001/60);

7. *Invites* the United Nations High Commissioner for Human Rights to submit an analytical report on the main trends and governmental policies regarding this subject, especially on the development of political parties with racist platforms, as well as actions to counter such trends, to the Commission at its fifty-eighth session;

8. *Decides* to continue consideration of the matter at its fifty-eighth session under the same agenda item.

*72nd meeting
23 April 2001*

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

2001/44. Draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

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

Recalling also the subsequent resolutions on the subject and in particular decision 2000/262 of 28 July 2000 of the Economic and Social Council, in which the Council authorized the working group to meet in order to continue its work,

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

1. *Takes note* of the report of the Open-ended working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/2001/67);

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

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

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

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

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

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

8. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/44 of 23 April 2001:

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

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

*72nd meeting
23 April 2001*

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

2001/45. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

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

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

Mindful of General Assembly resolutions on the subject of extrajudicial, summary or arbitrary executions, of which the latest is resolution 55/111 of 4 December 2000, in which the Assembly requested the Special Rapporteur to submit to it at its fifty-seventh session an interim report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and her recommendations for more effective action to combat that phenomenon,

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

Recalling also Economic and Social Council resolution 1989/65 of 24 May 1989, in which the Council recommended the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

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

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

Acknowledging the historic significance of the Rome Statute of the International Criminal Court,

Welcoming the fact that a large number of States have already signed and/or ratified or acceded to the Rome Statute of the International Criminal Court,

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

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;
2. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;
3. *Notes* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;
4. *Calls upon* all States to consider ratifying or acceding to the Rome Statute of the International Criminal Court;
5. *Appreciates* the work done by the Special Rapporteur in combating extrajudicial, summary or arbitrary executions and takes note of her report (E/CN.4/2001/9 and Corr.1 and Add.1-2), including the attention given therein to, and the recommendations on, various aspects and situations of violations of the right to life by extrajudicial, summary or arbitrary executions;
6. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation to the victims or their families and to adopt all necessary measures, including legal and judicial measures in order to bring an end to impunity, to prevent the recurrence of such executions;

7. *Also reiterates* the obligation of Governments to ensure the protection of the inherent right to life of all persons under their jurisdiction and calls upon Governments concerned to investigate promptly and thoroughly cases of killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, killings of persons for reasons related to their peaceful activities as human rights defenders or as journalists, and racially motivated violence leading to the death of the victim, as well as other cases where a person's right to life has been violated, all of which are being committed in various parts of the world, and to bring those responsible to justice before a competent, independent and impartial judiciary, and to ensure that such killings are neither condoned nor sanctioned by government officials or personnel;

8. *Calls upon* the Governments of all States in which the death penalty has not been abolished to comply with their obligations as assumed under relevant provisions of international human rights instruments, including in particular articles 6 and 14 of the International Covenant on Civil and Political Rights and article 37 of the Convention on the Rights of the Child, keeping in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

9. *Urges* Governments to undertake all necessary and possible measures to prevent loss of life, in particular that of children, during situations of public demonstrations, internal and communal violence, civil unrest and public emergency or armed conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular with regard to restrictions on the use of force and firearms in the discharge of their functions;

10. *Stresses* the importance of States' taking effective measures to end impunity with regard to extrajudicial, summary or arbitrary executions, *inter alia* through the adoption of preventive measures, and calls upon Governments to ensure that such measures are included in post-conflict peace-building efforts;

11. *Encourages* Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of United Nations peacekeeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

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

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

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

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

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

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

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

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

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender perspective in her work;

16. *Urges* the Special Rapporteur to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary execution as are of particularly serious concern to her or where early action might prevent further deterioration;

17. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights and encourages the Special Rapporteur to continue efforts in this regard;

18. *Strongly urges* all Governments:

(a) To cooperate with and assist the Special Rapporteur so that her mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she so requests, in keeping with the usual terms of reference for missions by special rapporteurs of the Commission on Human Rights;

(b) To respond to the communications transmitted to them by the Special Rapporteur;

19. *Expresses its concern* that a number of Governments mentioned in the report of the Special Rapporteur have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

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

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

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

23. *Decides* to extend the mandate of the Special Rapporteur for three years;

24. *Also decides* to consider the question of extrajudicial, summary or arbitrary executions as a matter of priority at its fifty-eighth session under the same agenda item;

25. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/45 of 23 April 2001, endorses the Commission’s decision to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years, and approves the Commission’s request to the Secretary-General to provide the Special Rapporteur with an adequate and stable level of human, financial and material resources in order to enable her to continue to carry out her mandate effectively, including through country visits.”

*72nd meeting
23 April 2001*

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

2001/46. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, its resolution 1995/75 of 8 March 1995 on cooperation with representatives of United Nations human rights organs, and its resolution 2000/37 of 20 April 2000,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States, and Assembly resolution 55/103 of 4 December 2000,

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

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

Welcoming the fact that acts of enforced disappearance, as defined in the Rome Statute of the International Criminal Court (A/CONF.183/9), come within the jurisdiction of the Court as crimes against humanity,

1. *Takes note* of the report submitted by the Working Group on Enforced or Involuntary Disappearances pursuant to Commission resolution 2000/37 (E/CN.4/2001/68) and of the replies received by the secretariat on the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/2001/69 and Add.1);

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

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

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

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

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

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

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

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

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

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

(j) To continue to formulate comments on the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex) transmitted by the Sub-Commission in its resolution 1998/25 of 26 August 1998;

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

4. *Urges* the Governments concerned:

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

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

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

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

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

5. *Reminds* Governments:

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

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

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

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

6. *Expresses*:

(a) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations and invites them to inform the Working Group of any action they take on those recommendations;

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

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

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

9. *Decides* to renew, for a three-year period, the mandate of the Working Group of five independent experts entrusted with the task of investigating enforced or involuntary disappearances;

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

11. *Requests* the Chairperson of the fifty-seventh session of the Commission on Human Rights, after consultations with the Bureau and the regional groups, to appoint an independent expert to examine the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, taking into account relevant legal instruments at the international and regional levels, intergovernmental arrangements on judicial cooperation, the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex) transmitted by the Sub-Commission in its resolution 1998/25 of 26 August 1998, and also comments of States and intergovernmental and non-governmental organizations, with a view to identifying any gaps in order to ensure full protection from enforced or involuntary disappearance and to report to the Commission on Human Rights at its fifty-eighth session and to the working group established under paragraph 12 at its first session;

12. *Decides* to establish, at its fifty-eighth session, an inter-sessional open-ended working group of the Commission on Human Rights, with the mandate to elaborate, in the light of the findings of the independent expert, a draft legally binding normative instrument for the protection of all persons from enforced disappearance, taking into account, *inter alia*, the draft international convention on the protection of all persons from enforced disappearance transmitted by the Sub-Commission in its resolution 1998/25, for consideration and adoption by the General Assembly;

13. *Requests* the Secretary-General:

(a) To ensure that the Working Group on Enforced Disappearances receives all the assistance and resources it requires to perform its function, including supporting the principles of the Declaration, carrying out and following up on missions and holding sessions in countries that are prepared to receive it;

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

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

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

15. *Recommends* to the Economic and Social Council the adoption of the following draft decision:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2001/46 of 23 April 2001, endorses the Commission’s decisions:

(a) To renew, for a three-year period, the mandate of the Working Group of five independent experts entrusted with the task of investigating enforced or involuntary disappearances;

(b) To request the Chairperson of the fifty-seventh session of the Commission on Human Rights, after consultations with the Bureau and the regional groups, to appoint an independent expert to examine the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, taking into account relevant legal instruments at the international and regional levels, intergovernmental arrangements on judicial cooperation, the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex) transmitted by the Sub-Commission in its resolution 1998/25 of 26 August 1998, and also comments of States and intergovernmental and non-governmental organizations, with a view to identifying any gaps in order to ensure full protection from enforced or involuntary disappearance and to report to the Commission on Human Rights at its fifty-eighth session and to the working group established under paragraph 12 of Commission resolution 2001/46 at its first session;

(c) To establish, at its fifty-eighth session, an inter-sessional open-ended working group of the Commission on Human Rights, with the mandate to elaborate, in

the light of the findings of the independent expert, a draft legally binding normative instrument for the protection of all persons from enforced disappearance, taking into account, *inter alia*, the draft international convention on the protection of all persons from enforced disappearance transmitted by the Sub-Commission in its resolution 1998/25, for consideration and adoption by the General Assembly.”

*73rd meeting
23 April 2001*

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

2001/47. The right to freedom of opinion and expression

The Commission on Human Rights,

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

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice and noting that these rights and freedoms are among those which give meaning to the right to participate effectively in a free society,

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

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

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

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

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

Deeply concerned at numerous reports of detention, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information as well as other persons exercising their right to freedom of opinion and expression, including human rights defenders,

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

Taking note of the joint statement on racism and the media issued by the Special Rapporteur of the Commission, the Special Rapporteur on Freedom of Expression of the Organization of American States and the Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe as a contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

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

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and recognizing that their contributions to these efforts are often constrained by the lack of full and effective enjoyment of their right to freedom of expression,

1. *Reaffirms* the rights contained in the International Covenant on Civil and Political Rights;
2. *Welcomes* the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2001/64 and Add.1) and welcomes in particular his ongoing and increasing cooperation with other thematic and country-specific mechanisms and with other organizations;
3. *Expresses its continuing concern* at the extensive occurrence of detention, long-term detention and extrajudicial killing, persecution and harassment, including through the abuse of legal provisions on criminal libel, of threats and acts of violence and of discrimination

directed at persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, as well as at persons who seek to promote the rights affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and seek to educate others about them, or who defend those rights and freedoms, including legal professionals and others who represent persons exercising those rights;

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

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

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

7. *Also recalls* that the primary responsibility for promoting and protecting the right to freedom of opinion and expression rests with the State, notes with concern increasing reports of actions, as described in the report of the Special Rapporteur, which are having a negative impact on the ability of individuals and groups fully to enjoy their right to freedom of expression;

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

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

10. *Recognizes* that effective participation depends on the ability to express oneself freely and the freedom to seek, receive and impart information and ideas of all kinds, and urges Governments to facilitate the effective participation of women in decision-making levels in national, regional and international institutions, including in mechanisms for the prevention, management and resolution of conflicts;

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

12. *Appeals* to all States:

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

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

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

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

13. *Invites* States to submit to the Special Rapporteur comments on their programmes and policies with respect to access to information for the purposes of education on and prevention of HIV infection, and invites the Special Rapporteur, within the framework of his mandate, to consider these comments with a view to sharing best practices;

14. *Draws the attention* of Governments to the Principles on Freedom of Information Legislation (The Public's Right to Know) appended to the Special Rapporteur's previous report (E/CN.4/2000/63, annex II), welcomes the submission of comments on these Principles by several governments and invites other Governments to reflect upon them and to submit their comments to the Special Rapporteur;

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

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

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

(b) In cooperation with the Special Rapporteur on violence against women, its causes and consequences, to continue to pay particular attention to the situation of women and the relationship between the effective promotion and protection of the right to freedom of opinion and expression and incidents of discrimination based on sex, creating obstacles for women with regard to their right to seek, receive and impart information, to consider how these obstacles

impede the ability of women to make informed choices in areas of particular importance to them, as well as in areas related to the general decision-making processes in the societies in which they live and to consider joint reports with the Special Rapporteur on violence against women;

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

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

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

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

17. *Stresses* the importance of a diversity of sources of information, including mass media, at all levels, and the importance of the free flow of information, as a way to promote full enjoyment of the freedom of opinion and expression;

18. *Affirms* the vital importance for the promotion and protection of the rights to freedom of opinion and expression of compliance by each State with the obligations established under the International Convention on the Elimination of All Forms of Racial Discrimination, in particular article 4;

19. *Looks forward* to the Special Rapporteur's submission to the United Nations High Commissioner for Human Rights in response to the request contained in paragraph 13 (g) of resolution 2000/38, to be presented as an official document to the Preparatory Committee for

the World Conference at its second session as an effective contribution to the process, and encourages the Special Rapporteur to attend the World Conference in order fully to contribute to the proceedings arising from his mandate;

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

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

73rd meeting

23 April 2001

[Adopted by a roll-call vote of 44 to none,
with 8 abstentions. See chap. XI.]

2001/48. Traffic in women and girls

The Commission on Human Rights,

Recalling the United Nations Millennium Declaration, particularly the resolve expressed by heads of State and Government to intensify efforts to fight transnational organized crime in all its dimensions, including trafficking in human beings,

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

Reaffirming the provisions pertaining to the traffic in women and children adopted by the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women, the Ninth and Tenth United Nations Congresses on the Prevention of Crime and the Treatment of Offenders, the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century” and the twenty-fourth special session of the General Assembly entitled “World Summit on Social Development and beyond: achieving social development for all in a globalizing world”,

Stressing once again the urgent need to eliminate all forms of sexual violence and trafficking, including for prostitution, which both violate and impair or nullify the enjoyment by women and girls of their human rights and fundamental freedoms and are incompatible with the dignity and worth of the human person, through the adoption of effective measures nationally, regionally and internationally,

Welcoming the adoption by the General Assembly of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,

Welcoming also the adoption by the General Assembly of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,

Recognizing the importance of bilateral, subregional and regional cooperation mechanisms and initiatives to address the problem of trafficking in women and children, in particular girls, and taking note of the recently established Task Force on Trafficking in Human Beings of the Stability Pact for South-Eastern Europe, as well as the draft convention for preventing and combating trafficking in women and children for purposes of prostitution of the South Asian Association for Regional Cooperation and the regional action plan of the Asian Regional Initiative against Trafficking in Persons, Especially Women and Children,

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

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

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

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

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

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

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

1. *Takes note with appreciation* of the report of the Secretary-General (E/CN.4/2001/72) on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls;
2. *Takes note* of the report of the Special Rapporteur on violence against women, its causes and consequences, notably the addendum thereto on the issue of trafficking in women and girls (E/CN.4/2001/73/Add.2), and acknowledges the full cooperation and assistance extended to the Special Rapporteur by the Governments of countries visited, the actions being taken by these countries to address the problem as well as the political commitment expressed to eradicate trafficking;
3. *Invites* Governments as well as donor countries, the Office of the United Nations High Commissioner for Human Rights and international, regional and non-governmental organizations to consider the recommendations of the Special Rapporteur on the issue of trafficking, in particular on the need for greater allocation of resources and better coordination of programmes and activities in tackling this problem;
4. *Takes note* of the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2001/78 and Add.1-2);
5. *Invites* human rights treaty bodies, the special rapporteurs and subsidiary bodies of the Commission, the Office of the United Nations High Commissioner for Human Rights, other United Nations bodies and international organizations to continue to address within their mandates the problem of trafficking in women and girls, and to share their knowledge and best practices as widely as possible;

6. *Urges* Governments to take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and children, in particular girls, for prostitution and other forms of commercialized sex, forced marriages and forced labour, so as to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures;

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

8. *Calls upon* Governments to criminalize trafficking in women and children in all its forms and to condemn and penalize traffickers and intermediaries, while ensuring protection and assistance to the victims of trafficking with full respect for their human rights;

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

10. *Urges* Governments to consider signing and ratifying the United Nations Convention against Transnational Organized Crime and its protocols, particularly the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

11. *Also urges* Governments to consider signing and ratifying the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and International Labour Organization Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

12. *Invites* Governments to encourage Internet service providers to adopt or strengthen self-regulatory measures to promote the responsible use of the Internet with a view to eliminating trafficking in women and children, in particular girls;

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

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

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

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

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

*75th meeting
24 April 2001*

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

2001/49. Elimination of violence against women

The Commission on Human Rights,

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

Reaffirming the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights and the Declaration on the Elimination of Violence against Women,

Recalling all its previous resolutions on the elimination of violence against women, in particular its resolution 1994/45 of 4 March 1994, in which it decided to appoint a special rapporteur on violence against women, its causes and consequences,

Recalling the Beijing Declaration and Platform for Action of the Fourth World Conference on Women and follow-up action such as the agreed conclusions adopted by the Commission on the Status of Women on violence against women, and welcoming the outcome of the twenty-third special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”,

Welcoming the resolve expressed at the highest levels to combat all forms of violence against women, as contained in the United Nations Millennium Declaration,

Taking note of the Agenda for War-Affected Children adopted on 17 September 2000 at the International Conference on War-Affected Children and the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations,

Noting Security Council resolution 1325 (2000) on women and peace and security of 31 October 2000,

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

Reaffirming the responsibility of all States to put an end to impunity and prosecute those responsible for genocide, crimes against humanity and war crimes,

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

1. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note with appreciation of her report (E/CN.4/2001/73 and Add.1-2);

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

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

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

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

6. *Reminds* Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be implemented fully with regard to violence against women, taking into account General Recommendation No. 19 adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, reaffirms the commitment to accelerate the achievement of universal ratification of the Convention, and urges all States that have not yet ratified or acceded to the Convention to do so;

7. *Welcomes* the entry into force of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 22 December 2000;

8. *Urges* States parties to consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

9. *Welcomes* the adoption by the General Assembly of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime, and urges Governments to consider signing and ratifying or acceding to the Protocol;

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

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

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

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

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

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

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

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

11. *Condemns* violence against women committed in situations of armed conflict, such as murder, rape, including systematic rape, sexual slavery and forced pregnancy, and calls for effective responses to these violations of international human rights and humanitarian law;

12. *Welcomes* efforts to eliminate impunity for violence against women in situations of armed conflict including by prosecuting gender-related crimes and crimes of sexual violence in the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda;

13. *Also welcomes* the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court and its Elements of Crimes document, and urges States to consider ratifying or acceding to the Rome Statute of the International Criminal Court;

14. *Urges* the integration of a gender perspective in all future efforts to eliminate impunity;

15. *Urges* States to integrate a gender perspective into commissions of inquiry and commissions for achieving truth and reconciliation, and invites the Special Rapporteur to report, as appropriate, on these mechanisms;

16. *Also urges* States to provide gender-sensitive training to all actors, as appropriate, in peacekeeping missions in dealing with victims, particularly women and girls, of violence, including sexual violence, and in this regard acknowledges the important role of peace support operations personnel in eliminating violence against women, and calls upon States to promote, and relevant agencies of the United Nations system and regional organizations to ensure, implementation of the Ten Rules Code of Personal Conduct for Blue Helmets;

17. *Further urges* all States and the relevant organs, bodies and agencies of the United Nations system, and encourages regional organizations and humanitarian organizations, including the International Committee of the Red Cross, to ensure that a gender perspective is integrated into international humanitarian law awareness programmes;

18. *Calls upon* all parties to armed conflict to respect the civilian and humanitarian character of camps and settlements for refugees and internally displaced persons and to improve and strengthen the capacity of women affected by situations of armed conflict, including women refugees and displaced women, by, *inter alia*, involving them in the design and management of humanitarian activities so that they benefit from these activities on an equal basis with men;

19. *Urges* States to mainstream a gender perspective into national immigration and asylum policies, regulations and practices, as appropriate, in order to promote and protect the rights of all women, including the consideration of steps to recognize gender-related persecution and violence when assessing grounds for granting refugee status and asylum;

20. *Urges* Governments to include women in all peace, reconciliation and reconstruction activities and to ensure that all repatriation and resettlement programmes, as well as rehabilitation, reintegration and post-conflict reconstruction, address the special needs of women and take into account their specific, relevant experiences in formulating programmes;

21. *Stresses* the importance of mainstreaming a gender perspective into the preparations for and the work and the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and urges the inclusion of women in delegations to the Conference;

22. *Encourages* Governments and the United Nations system to ensure greater international cooperation in, and national attention to, acquiring data and developing indicators on the extent, nature and consequences of violence against women and girls, and on the impact and effectiveness of policies and programmes for combating this violence, and calls upon States to include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments sex-disaggregated data and, whenever possible, information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women and the Beijing Platform for Action;

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

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

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

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

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

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

29. *Decides* to continue consideration of the question as a matter of high priority at its fifty-eighth session.

*75th meeting
24 April 2001*

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

2001/50. Integrating the human rights of women throughout the United Nations system

The Commission on Human Rights,

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

Recalling all previous resolutions on this subject,

Recalling also that, in the Vienna Declaration and Programme of Action adopted in June 1993, the World Conference on Human Rights affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity,

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

Bearing in mind that the Fourth World Conference on Women, held in Beijing in September 1995, in its Platform for Action, and the General Assembly, in the outcome document of its twenty-third special session, entitled “Women 2000: gender equality, development and peace for the twenty-first century”, called upon all relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates,

Welcoming the entry into force of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 22 December 2000,

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

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

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

Reaffirming the need to implement fully international humanitarian and human rights law in order to protect fully the human rights of women and girls,

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

1. *Welcomes* the report of the Secretary-General (E/CN.4/2001/71);
2. *Emphasizes* that the goal of mainstreaming a gender perspective is to achieve gender equality and that this includes ensuring that all United Nations activities integrate the human rights of women;
3. *Recognizes* the importance of examining the intersection of multiple forms of discrimination, including their root causes from a gender perspective, and their impact on women's advancement, in order to develop and implement strategies, policies and programmes aimed at the elimination of all forms of discrimination against women and to increase the role that women play in the design, implementation and monitoring of gender-sensitive anti-discrimination policies;
4. *Invites* the Economic and Social Council to give attention to the implementation of its agreed conclusions 1997/2 on mainstreaming the gender perspective and 1998/2 related to the coordinated follow-up and implementation of the Vienna Declaration and Programme of Action, in particular point II.B.3 on the equal status and human rights of women, *inter alia* through the conference reviews, in the promotion of an integrated and coordinated implementation of and follow-up to major United Nations conferences and summits in the economic, social and related fields;
5. *Welcomes* the resolution of the Commission on the Status of Women (E/CN.6/2001/L.6) which, *inter alia*, requests the Economic and Social Council to devote a future coordination segment, by 2005, to the review and appraisal of the system-wide implementation of agreed conclusion 1997/2 on mainstreaming a gender perspective into all

policies and programmes in the United Nations system and to identify further strategies to accelerate their implementation, and, as part of this review and appraisal, to invite the functional Commissions to report on progress made to implement the agreed conclusions in their work;

6. *Encourages* the continued commitment of the United Nations High Commissioner for Human Rights to integrating the human rights of women throughout the United Nations system, including through continued cooperation with the Special Adviser on Gender Issues and Advancement of Women;

7. *Welcomes* the continued cooperation between the Commission on the Status of Women and the Commission on Human Rights, including through joint bureau meetings and the participation of the Chair of the Commission on the Status of Women in the work of the Commission on Human Rights and, similarly, the participation of the Chair of the Commission on Human Rights in the sessions of the Commission on the Status of Women, and encourages the continuation of this reciprocal collaboration;

8. *Also welcomes* the cooperation and coordination between the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights aimed at mainstreaming the human rights of women and the report of the Secretary-General on the joint work plan for the year 2001 (E/CN.4/2001/70-E/CN.6/2001/3), and encourages the Secretary-General to ensure its implementation, to continue to elaborate this plan, reflecting all aspects of work under way and the lessons learned, to identify obstacles/impediments and areas for further collaboration and to make it available to the Commission on Human Rights at its fifty-eighth session and to the Commission on the Status of Women at its forty-sixth session;

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

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

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

12. *Stresses* the importance of mainstreaming a gender perspective into the preparations, work and the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which will take place in Durban, South Africa, from 31 August to 7 September 2001, and urges the inclusion of women in delegations to the Conference;

13. *Recognizes* that gender mainstreaming will strongly benefit from the enhanced and full participation of women, including at the higher levels of decision-making in the United Nations system, and in this regard strongly encourages Member States to promote gender balance by, *inter alia*, regularly nominating more women candidates for election to the human rights treaty bodies and for appointment to United Nations bodies, including international courts and tribunals, the specialized agencies and other organs, and calls upon all relevant actors to implement General Assembly resolution 55/69 of 4 December 2000 on improvement of the status of women in the United Nations system;

14. *Encourages* United Nations bodies and agencies to increase cooperation with other organizations in developing activities to address, within their respective mandates, violations of the human rights of women and to promote the full enjoyment of all human rights and fundamental freedoms by women, including by developing activities with other organizations;

15. *Requests* all special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission for the Promotion and Protection of Human Rights, and invites human rights treaty bodies, regularly and systematically to take a

gender perspective into account in the implementation of their mandates and to include in their reports information on and qualitative analysis of human rights of women and girls, and encourages the strengthening of cooperation and coordination, welcomes in this regard the adoption by the Committee on the Elimination of Racial Discrimination of its General Recommendation XXV on gender-related dimensions of racial discrimination at its fifty-sixth session in March 2000, and also welcomes General Comment No. 28 of the Human Rights Committee on equality of rights between men and women adopted at its sixty-eighth session in March 2000, and General Comment No. 14 (2000) on the right to the highest attainable standard of health adopted by the Committee on Economic, Social and Cultural Rights at its meeting in July 2000;

16. *Welcomes* the proposal to update the study on integrating a gender perspective into the work of the human rights treaty bodies (HRI/MC/1998/6);

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

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

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

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

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

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

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

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

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

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

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

24. *Urges* all States that have not yet ratified or acceded to the Convention to do so, so that universal ratification of the Convention can be achieved as soon as possible, and urges all States parties that have not yet done so to consider signing, ratifying or acceding to the Optional Protocol to the Convention;

25. *Urges* States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, to formulate any such reservations as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and regularly to review them with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention or which are otherwise incompatible with international treaty law;

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

27. *Notes* the first resolution on women and peace and security adopted by the Security Council, resolution 1325 (2000), which, *inter alia*, calls on actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, *inter alia*, measures that ensure the protection of and respect for the human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

28. *Welcomes* the 1999 Inter-Agency Standing Committee policy statement for the integration of a gender perspective in humanitarian assistance, and encourages the Inter-Agency Standing Committee to evaluate its implementation and impact;

29. *Welcomes* General Assembly resolution 55/71 of 4 December 2000, in which the Assembly, *inter alia*, encouraged the Economic and Social Council to request the regional commissions, within their respective mandates and resources, to build up a database, to be updated regularly, in which all programmes and projects carried out in their respective regions by agencies or organizations of the United Nations system are listed, and to facilitate their dissemination, as well as the evaluation of their impact on the empowerment of women through the implementation of the Beijing Platform for Action;

30. *Requests* the Secretary-General to report, at its fifty-eighth session, on the implementation of the present resolution;

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

32. *Also decides* to continue its consideration of the question at its fifty-eighth session.

75th meeting

24 April 2001

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