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DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT

ADOPTION OF THE REPORT ON THE FIFTY-THIRD SESSION

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

Rapporteur: Mr. Godfrey Bayour Preware

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A. Resolutions

2001/3. The effects of the working methods and activities of transnational corporations on the enjoyment of human rights

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

Recalling that, under the Charter of the United Nations, one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969, the Declaration and Programme of Action on the Establishment of a New International Economic Order proclaimed by the General Assembly in its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, the Charter of Economic Rights and Duties of States adopted by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, the Declaration of the Principles of International Cultural Cooperation proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966, General Assembly resolution 1803 (XVII) of 14 December 1962, entitled "Permanent sovereignty over natural resources", and General Assembly resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Mindful that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights, reaffirmed that the human person was the central subject of development and underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Noting that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Deeply concerned at the preponderance of the transnational corporations in all spheres of life and at the impact of their activities and working methods on human rights,

Bearing in mind the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy adopted by the Governing Body of the International Labour Organization in November 1977,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Recalling in particular its resolution 1998/8 of 20 August 1998,

Recalling Commission on Human Rights resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992, 1993/12 of 26 February 1993, 1994/11 of 25 February 1994, 1995/13 of 25 February 1995, 1996/15 of 11 April 1996, 1997/9 of 3 April 1997, 1998/24 of 17 April 1998, 1998/72 of 22 April 1998, 1999/22 of 23 April 1999, 1999/79 of 28 April 1999, 2000/5 of 13 April 2000, 2000/82 of 26 April 2000, 2001/25 and 2001/27 of 20 April 2001, and 2001/32, 2001/33 and 2001/35 of 23 April 2001 concerning the right to development and economic, social and cultural rights,

Taking into account the background document (E/CN.4/Sub.2/1995/11), the report (E/CN.4/Sub.2/1996/12 and Corr.1) submitted by the Secretary-General in accordance with its resolution 1995/31 of 24 August 1995, and the background document (E/CN.4/Sub.2/1998/6) prepared by Mr. El-Hadji Guissé in accordance with its resolution 1997/11 concerning transnational corporations,

1. *Thanks* the Chairman of the sessional working group on the working methods and activities of transnational corporations, Mr. El-Hadji Guissé, for his report on the third session of the working group (E/CN.4/Sub.2/2001/9);

2. *Also thanks* Mr. Asbjørn Eide and Mr. David Weissbrodt for the important work they have done and requests them to continue their research and submit their research documents to the working group and the Sub-Commission, taking into account the comments and contributions from experts and any other sources, particularly the specialized agencies of the United Nations system, including the International Labour Office, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization, so that a binding instrument can be drafted;

3. *Supports* the Declaration on the Right to Development and underlines the multidimensional, integrated and dynamic character of this right which favours a partnership for development and constitutes a relevant framework for international cooperation and national action aiming at universal and effective respect for all human rights in their universality, indivisibility and interdependence;

4. *Decides* to extend, for a three-year period, the mandate of the sessional working group of the Sub-Commission established to examine the working methods and activities of transnational corporations, so that it can fulfil its mandate, in particular:

(a) Examine, receive and gather information on the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights;

(b) Compile a list of the various relevant instruments and norms concerning human rights and international cooperation that are applicable to transnational corporations;

(c) Contribute to the drafting of relevant norms concerning human rights and transnational corporations and other economic units whose activities have an impact on human rights;

(d) Analyse the possibility of establishing a monitoring mechanism in order to apply sanctions and obtain compensation for infringements committed and damage caused by transnational corporations, and contribute to the drafting of binding norms for that purpose;

(e) Compile a list of the various existing regional and international agreements on investment, agriculture, trade and services, in relation to the activities of transnational corporations, and their impact on human rights, and analyse their compatibility with the various international human rights instruments;

(f) Study the effects of competition among transnational corporations, such as mergers, purchase and resale of companies, and the oligopoly system, on the enjoyment of human rights and on the development choice of peoples, together with their compatibility with international human rights law, particularly with regard to the sovereignty of States and the right to development;

(g) Request the secretariat to prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product and financial turnover, respectively;

(h) Consider the scope of the obligation of States to regulate the activities of transnational corporations, where their activities have or are likely to have a significant impact on the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights of all persons within their jurisdiction;

5. *Requests* the working group to submit its report on its fourth session to the Sub-Commission at its fifty-fourth session.

*25th meeting
15 August 2001*

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

2001/4. Liberalization of trade in services, and human rights

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

Affirming the fundamental importance of the delivery of basic services, particularly in the areas of health and education, as a means of promoting the realization of human rights,

Emphasizing the responsibility of Governments to ensure the realization of all human rights, including those to which the provision of such basic services is relevant,

Recognizing the potential human rights implications of liberalization of trade in services, including under the framework of the General Agreement on Trade in Services (GATS),

Acknowledging and emphasizing the entitlement of Governments to regulate to achieve legitimate policy objectives such as to ensure the availability, accessibility, acceptability and quality of basic services such as medical services, education services and other necessary social services,

Noting that in its General Comment 14 the Committee on Economic, Social and Cultural Rights defined the accessibility of a service as having four dimensions: non-discrimination, physical accessibility, economic accessibility and information accessibility,

1. *Calls upon* Governments and international economic policy forums actively to ensure that, in the formulation, interpretation and implementation of policies in relation to the liberalization of trade in services, the liberalization of trade in services does not negatively impact on the enjoyment of human rights by all persons without discrimination;

2. *Requests* the United Nations High Commissioner for Human Rights to submit a report on the human rights implications of liberalization of trade in services, particularly in the framework of the General Agreement on Trade in Services (GATS), to the Sub-Commission at its fifty-fourth session;

3. *Encourages* other relevant United Nations agencies, in particular the World Health Organization and the United Nations Educational, Scientific and Cultural Organization, to undertake analyses, within their respective competencies, of the implementation of GATS on the provision of basic services such as health and education services;

4. *Recommends*, through the High Commissioner for Human Rights, that the World Trade Organization and its Council for Trade in Services, in conducting its assessments of the impact of GATS in its current and future forms, include consideration of the human rights implications of the international trade in basic services (such as, *inter alia*, the provision of affordable and accessible health and education services) and the further liberalization thereof;

5. *Also recommends*, through the High Commissioner for Human Rights, that the World Trade Organization take into account in assessments of the implementation of GATS the report to be prepared by the United Nations High Commissioner for Human Rights and any analyses prepared by other United Nations agencies;

6. *Encourages* the United Nations High Commissioner for Human Rights and other relevant United Nations agencies that have not already done so to request observer status with the Council for Trade in Services of the World Trade Organization;

7. *Decides* to continue its consideration of this matter under the same agenda item at its fifty-fourth session.

*25th meeting
15 August 2001*

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

2001/5. Globalization and its impact on the full enjoyment of all human rights

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

Guided by the purposes and principles of the Charter of the United Nations and expressing in particular the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Realizing that globalization is not merely an economic process but also has social, political, environmental, cultural and legal dimensions which have an impact on the full enjoyment of all human rights,

Reaffirming that, as declared in article 28 of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration can be fully realized and that, as declared in article 25, paragraph 1, everyone has the right to a standard of living adequate for the full realization of economic, social and cultural rights,

Stressing that the progressive realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights is a binding obligation upon States parties,

Emphasizing the undertaking contained in article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights requiring each State party to cooperate internationally for achieving progressively the full realization of the rights recognized in the Covenant,

Recalling that the Vienna Declaration and Programme of Action confirmed that the promotion and protection of human rights and fundamental freedoms is the first responsibility of Governments and that the human person is the central subject of development,

Considering that attention to the human rights obligations of Governments participating in international economic policy formulation will help to ensure socially just outcomes in the formulation, interpretation and implementation of those policies,

Welcoming the participation of the World Trade Organization, the International Monetary Fund and the World Bank in its discussions and hoping for their continued participation in such dialogue,

Noting with appreciation the ongoing work of the Committee on Economic, Social and Cultural Rights, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on the right to food, the Special Rapporteur on the effects of structural adjustment and foreign debt on the full enjoyment of human rights, particularly economic, social and cultural rights, the independent expert on the right to development and other special procedures of the Commission on Human Rights in addressing the human rights implications of globalization,

Also noting with appreciation the ongoing work of the Governing Body Working Party on the Social Dimension of Globalization of the International Labour Office,

Concerned about the impact of liberalization of trade in agricultural products upon the promotion and protection of the right to food for members of vulnerable communities,

Wishing to highlight the relevance and importance of addressing human rights obligations in the formulation and periodic review of national Poverty Reduction Strategy Papers,

1. *Welcomes* the progress report submitted by J. Oloka-Onyango and D. Udagama on globalization and its impact on the full enjoyment of human rights (E/CN.4/Sub.2/2001/11);
2. *Reaffirms* the importance and relevance of human rights obligations in all areas of governance and development, including international and regional trade, investment and financial policies and practices, while confirming that this in no way implies the imposition of conditionalities upon aid to development;
3. *Urges* all Governments and international economic policy forums to take international human rights obligations and principles fully into account in international economic policy formulation, including during the forthcoming Fourth Ministerial Conference of the World Trade Organization (Doha, 9-13 November 2001);
4. *Encourages* the Special Rapporteurs on globalization and its impact on the full enjoyment of human rights to examine further the relationship between international human rights law and international economic law, particularly in relation to the functioning of multilateral and plurilateral economic institutions; to focus on guidelines and mechanisms necessary to deal effectively with the phenomenon of globalization and its varied impacts on the full enjoyment of human rights; and to propose further measures necessary to ensure that the United Nations human rights regime is strengthened to address the challenges presented;
5. *Recommends* that Governments engaged in the preparation of Poverty Reduction Strategy Papers include in them reference to applicable human rights obligations and ensure that the realization of such obligations is incorporated in the objectives defined in their Poverty Reduction Strategy Papers;
6. *Encourages* the Special Rapporteur on the right to food to explore, within his mandate, the implications for the realization of the right to food of liberalization of the international trade in agricultural products, particularly in the framework of the Agreement on Agriculture of the World Trade Organization;
7. *Also encourages* the Committee on Economic, Social and Cultural Rights and other bodies monitoring the implementation of human rights treaty obligations in the area of economic, social and cultural rights to explore, in the course of reviewing States parties' reports,

the implications for the realization of the right to food of liberalization of the international trade in agricultural products, particularly in the framework of the Agreement on Agriculture of the World Trade Organization;

8. *Recommends* that the Commission on Human Rights consider requesting that an expert consultation be convened on economic globalization and human rights, involving special rapporteurs and other special mechanisms of the Commission having relevant mandates, members of the Sub-Commission, United Nations agencies with relevant competencies, the World Bank and the International Monetary Fund, other international economic institutions, including the World Trade Organization and the Organisation for Economic Cooperation and Development, academics and relevant civil society representatives.

*25th meeting
15 August 2001*

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

2001/6. Optional protocol to the International Covenant on Economic, Social and Cultural Rights

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

Guided by the principles relating to economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Reaffirming the need to reinforce the realization of economic, social and cultural rights through the provision of adequate mechanisms and remedies when they are violated,

Recalling its call for the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights to consider communications from individuals made in its resolution 1996/13 of 23 August 1996,

Recalling also its resolution 2000/9 of 17 August 2000 in which it suggested that the Commission on Human Rights should establish an open-ended working group entrusted with the further study of a draft optional protocol and decided to monitor progress towards the further elaboration and the adoption of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights,

Noting the comments made in 2000 by States and intergovernmental and non-governmental organizations on the report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1997/105, annex) and on the options relating to the proposal for a draft optional protocol contained in the reports of the United Nations High Commissioner for Human Rights (E/CN.4/2000/49),

Welcoming the report of the High Commissioner for Human Rights on the workshop on the justiciability of economic, social and cultural rights, with particular reference to the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, held on 5 and 6 February 2001 (E/CN.4/2001/62/Add.2),

Welcoming also the decision of the Commission on Human Rights in resolution 2001/30 of 20 April 2001 to appoint an independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights,

Considering, however, that an inter-sessional open-ended working group of the Commission on Human Rights is the appropriate mechanism to examine the question of a legally binding instrument such as a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights,

1. *Urges* the Commission on Human Rights to give high priority to the consideration of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights to consider communications from individuals;

2. *Reiterates* its suggestion that the Commission on Human Rights establish at its fifty-eighth session an inter-sessional open-ended working group entrusted with the further study of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights;

3. *Decides* to continue to follow progress towards the further elaboration and the adoption of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights at its fifty-fourth session under the same agenda item.

25th meeting
15 August 2001
[Adopted without a vote. See chap. VI.]

2001/7. The right to food, and the World Food Summit: five years later

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

Noting that the world's leaders will meet in Rome in November 2001 to review progress and follow-up to the Rome Declaration and Plan of Action for Food Security adopted by the World Food Summit in November 1996,

Recalling its resolution 1996/25, in which it appealed to the world's leaders who were to assemble in Rome for the World Food Summit in 1996 to reaffirm the fundamental right of every man, woman and child to be free from hunger, and to propose ways in which the right to food could be further clarified and implemented,

Noting with satisfaction that the World Food Summit responded positively to that appeal, both through the Rome Declaration on World Food Security and the Plan of Action adopted by the Summit, in particular its objective 7.4 which invited the United Nations High Commissioner for Human Rights, in cooperation with Governments, other international organizations and civil society, to clarify the right to adequate food and the steps needed to implement it,

Acknowledging the vigorous process that has taken place to follow up this mandate during the five years that have passed since the World Food Summit, implying contributions by various United Nations human rights and development institutions and inter-agency arrangements, non-governmental organizations and civil society,

Noting in particular General Comment No. 12 on the right to food adopted by the Committee on Economic, Social and Cultural Rights in 1999 which clarified the content of the right to food and to be free from hunger and recommended steps for its progressive implementation by States and the international community,

Noting with satisfaction the appointment by the Commission on Human Rights of a Special Rapporteur on the right to food,

Taking into account the three consultations held by the High Commissioner, in Geneva in 1997, in Rome in 1998 hosted by the Food and Agriculture Organization, and in Bonn in March 2001, hosted by the Government of Germany, the latter with special emphasis on issues of country-level implementation,

Appeals to the world's leaders, through the Commission on Human Rights, when they assemble in Rome in November 2001 for the World Food Summit: five year later:

(a) To reaffirm the right of everyone to adequate food and to be free from hunger, as firmly established in international human rights law and further clarified by the Committee on Economic, Social and Cultural Rights in its General Comment No. 12 on the right to food;

(b) To call on States to develop, consistent with their resources and capacities, a national strategy to implement progressively the right of all to adequate food and to be free from hunger, in order to achieve their individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action of the World Food Summit;

(c) To promote the explicit incorporation of the right to adequate food and to be free from hunger in poverty reduction strategies;

(d) To manifest their solidarity with all peoples and to encourage further clarification of States' international responsibilities in implementing the right to adequate food and to be free from hunger, considering both international human rights legal provisions and other international instruments relevant to the right to food and the relationships between them;

(e) To mobilize and optimize the allocation and utilization of technical, human and financial resources from all sources in order to reinforce national actions to implement sustainable food security policies.

*25th meeting
15 August 2001*

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

**2001/8. Implementation of existing human rights norms and standards
in the context of the fight against extreme poverty**

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

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights,

Recalling in particular that article 25 of the Universal Declaration of Human Rights stipulates that everyone has the right to a standard of living adequate for the health and well-being of him/herself and of his/her family, including food, clothing, housing and medical

care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his/her control,

Reaffirming the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, reaffirmed during the twenty-fourth special session of the General Assembly on the follow-up to the World Summit, held in Geneva in June 2000, which provide the substantive framework for eradicating poverty by setting specific targets, drawing up plans and implementing programmes,

Recalling also Commission resolution 2001/31 on human rights and extreme poverty, in which the Commission expressed its deep concern that 53 years after the adoption of the Universal Declaration of Human Rights, extreme poverty continued to spread in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations, such as hunger, disease, lack of adequate shelter, illiteracy and hopelessness were particularly severe in developing countries, while acknowledging the achievements made in many parts of the world,

Mindful that in its resolution 2001/31 the Commission also requested the Sub-Commission to consider the need to develop, on the basis of the various relevant international instruments, the ongoing work in other forums, the conclusions and recommendations of the Expert Seminar on Human Rights and Extreme Poverty organized in accordance with Commission resolution 2000/12 and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty and to report to the Commission at its fifty-ninth session,

Recalling its own resolutions 1999/15 on women and the right to development and 1996/23 on human rights and extreme poverty, as well as resolution 1996/22 and decision 1998/105 on the right to development and the follow-up thereto contained in resolution 1999/9,

Expressing its appreciation once more for the final report and addendum on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution (E/CN.4/Sub.2/1997/9 and E/CN.4/Sub.2/1998/8) prepared by Mr. José Bengoa,

Taking note of the report of the Expert Seminar on Human Rights and Extreme Poverty (E/CN.4/2001/54/Add.1 and Corr.1), organized by the High Commissioner for Human Rights in accordance with Commission on Human Rights resolution 2000/12, and its conclusions,

Recalling the report of the Secretary-General (E/CN.4/Sub.2/2000/14 and Add.1) on promoting the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006), submitted in accordance with Sub-Commission resolution 1999/9,

Noting that a global study on poverty must consider regional specificities and approach the issues from a juridical, legal, institutional and socio-economic perspective, and using a human rights framework,

Taking into account the importance of international programmes against poverty, the “new poverty agenda” indicated by the International Monetary Fund and other international agencies, the projects and policies of the World Bank and other international financial bodies, and other relevant declarations and international programmes,

Taking into account also that the fight against poverty is one of the agreed international development goals and the importance of placing this issue at the centre of discussions in the forthcoming new Sub-Commission body, the Social Forum,

Aware of the need to explore possibilities for the implementation of existing human rights norms and standards in the context of the fight against extreme poverty,

Welcoming the request of the Commission expressed in its resolution 2001/31 in this regard,

1. *Reaffirms* that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and might, in some situations, constitute a threat to the right to life, and that its immediate alleviation and eventual eradication must remain a high priority for the international community;

2. *Re-emphasizes* that extreme poverty is a major issue to be addressed by Governments, civil society organizations and the organs and agencies of the United Nations system, including international trade and financial institutions, and in this context reaffirms that political commitment is a prerequisite for the eradication of poverty;

3. *Requests* Mr. Paulo Sérgio Pinheiro, Mr. Yozo Yokota, Mr. El-Hadji Guissé and Mr. José Bengoa to prepare a joint working paper, without financial implications, on the need to develop, on the basis of the various relevant international instruments, the ongoing work in other

forums, the conclusions and recommendations of the Expert Seminar on Human Rights and Extreme Poverty and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty, to be submitted to the Sub-Commission at its fifty-fourth session so that it may be considered and thereafter forwarded to the Commission for consideration at its fifty-ninth session;

4. *Also requests* that the authors specifically consider the situations of poverty in Asia, Africa and Latin America in the light of international jurisprudence, treaties, covenants and other relevant instruments, in order to alleviate the situation of poverty, and that the authors also consider the policies of the World Bank, the World Trade Organization, the International Monetary Fund and other international bodies in order to fight poverty;

5. *Further requests* further that the authors present conclusions and recommendations in order to contribute to work on a draft declaration on extreme poverty and human rights and other international and regional initiatives;

6. *Invites* the Secretariat to assist in the preparation of the study;

7. *Asks* Governments to provide data, including statistical information and information pertaining to the legal, economic or other measures they have taken to address the issue of poverty;

8. *Requests* regional specialized bodies from Asia, Africa and Latin America and international agencies such as the United Nations Conference on Trade and Development, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization and others to collaborate and provide information for the study.

*25th meeting
15 August 2001*

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

2001/9. The rights of minorities

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

Noting Commission on Human Rights resolution 2001/55 of 24 April 2001 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Having considered the report of the Working Group on Minorities on its seventh session (E/CN.4/Sub.2/2001/22) and in particular the conclusions and recommendations contained therein,

Disturbed at the continued widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered and exploited by one or more of the parties to the conflict,

Reiterating the need for States, minorities and majorities to search for peaceful and constructive solutions to problems affecting minorities,

Emphasizing the need for system-wide cooperation within the United Nations to facilitate peaceful solutions to situations involving minorities,

1. *Endorses* the conclusions and recommendations of the Working Group on Minorities at its seventh session as contained in its report (E/CN.4/Sub.2/2001/22);
2. *Welcomes* the Working Group's practice of requesting its members, and of encouraging the Working Group's partners, to prepare, without financial implications, papers on thematic issues;
3. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights with a view to publishing a United Nations guide for minorities containing an overview of relevant procedures and mechanisms of regional and international organizations, as well as the text of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the final text of the commentary to the Declaration, prepared by the Chairperson of the Working Group on Minorities;
4. *Notes with satisfaction* the work undertaken by the Chairperson of the Working Group to prepare a statement for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance focusing on the relationship between the elimination of racial discrimination and the protection of minorities;
5. *Notes* that 2002 will be the year of the tenth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and in this regard recommends that consideration be given to: an international year for the world's minorities; the possible appointment of a special rapporteur on minority issues; and the possible establishment of a voluntary trust fund to facilitate the participation in the Working Group of minority representatives and experts from developing countries and for the organization of other activities relating to the protection of minorities;

6. *Takes note with satisfaction* of the second African workshop on multiculturalism in Africa, held in Kidal, Mali from 8 to 13 January 2001 and the intention of the Working Group to hold other regional seminars, and recommends that the participation in such meetings of minority experts from developing countries be facilitated;

7. *Recommends* that the High Commissioner for Human Rights, when inviting *inter alia*, Governments to submit their views on how best to protect the rights of persons belonging to minorities, also request them: to provide their views on the possible drafting of a convention on the rights of minorities, including regional standard setting, as well as on the possibility of establishing regional institutions for conflict prevention and resolution, such as that of the High Commissioner for National Minorities of the Organization for Security and Cooperation in Europe, to consider providing the names of experts with a view to facilitating their participation in regional and international meetings and in advisory services, and to consider providing information about recent cases relating to minority rights considered in the highest courts of the country;

8. *Takes note* of the future thematic discussions planned in the Working Group on autonomy and integrative measures for the better protection of the rights of minorities and for the mainstreaming of the human rights of persons belonging to minorities in national development plans and international development cooperation, and requests the Secretary-General to invite United Nations funds and programmes, including the United Nations Development Fund, as well as the World Bank and the regional development banks, to provide information on their policies concerning the protection of minority rights and on the incorporation of such concerns in their country programmes;

9. *Requests* Mr. Asbjørn Eide to update, without financial implications, his study on peaceful and constructive approaches to situations involving minorities (E/CN.4/Sub.2/1993/34), and to submit a progress report on the update to the Sub-Commission at its fifty-fourth session and the final report at its fifty-fifth session;

10. *Appeals* to all States, specialized agencies, non-governmental organizations and scholars to continue to participate actively in the work of the Working Group;

11. *Recommends* that the Office of the United Nations High Commissioner for Human Rights be further strengthened to provide additional regional expertise and services to the Working Group for the undertaking of relevant studies, evaluation and action.

25th meeting
15 August 2001
[Adopted without a vote. See chap. VII.]

2001/10. Working Group on Indigenous Populations

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

Recalling its resolution 2000/14 of 17 August 2000,

Reaffirming the urgent need to recognize, promote and protect more effectively the rights of indigenous peoples, including their human rights and fundamental freedoms,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations,

Taking note with deep appreciation of the report of the Working Group on Indigenous Populations on its nineteenth session (E/CN.4/Sub.2/2001/17) and, in particular, of its conclusions and recommendations,

Recalling Commission on Human Rights resolution 1993/30 of 5 March 1993, in which the Commission recommended to all thematic rapporteurs, special representatives, independent experts and working groups to pay special attention, within the framework of their mandates, to the situation of indigenous people,

Welcoming the discussions in the Working Group on Indigenous Populations during its nineteenth session on the principal theme “Review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples: indigenous peoples and their right to development including participation in development affecting them”, and the fruitful debate on standard-setting, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the International Decade of the World’s Indigenous People,

Welcoming also the contribution made by the workshop on indigenous children and development, convened by non-governmental organizations at the United Nations Office at Geneva from 19 to 21 July 2001, to the debate on the principal theme of the nineteenth session,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, in particular those contained in Part I, paragraph 20, and Part II, paragraphs 28 to 32, of the Vienna Declaration and Programme of Action,

1. *Expresses its deep appreciation* to all members of the Working Group on Indigenous Populations, and in particular to its Chairperson-Rapporteur, Ms. Erica-Irene Daes, for the important and constructive work accomplished during its nineteenth session;
2. *Requests* the Secretary-General to transmit the report of the Working Group on its nineteenth session (E/CN.4/Sub.2/2001/17) to the United Nations High Commissioner for Human Rights, indigenous organizations, Governments and intergovernmental and non-governmental organizations concerned, as well as to all thematic rapporteurs, special representatives, independent experts and working groups;
3. *Requests* that the above-mentioned report of the Working Group be made available to the Commission on Human Rights at its fifty-eighth session;
4. *Recommends* that the Working Group, upon request, cooperate as a body of experts in any conceptual clarification or analysis which might assist the open-ended inter-sessional working group established by the Commission on Human Rights in its resolution 1995/32 of 3 March 1995 to elaborate further the draft United Nations declaration on the rights of indigenous people;
5. *Also recommends* that the Working Group at its twentieth session adopt as the principal theme “Indigenous peoples and their right to development, including their right to participate in development affecting them”, as decided by the Working Group (E/CN.4/Sub.2/17, para. ...), in order to continue its consideration of that important matter, and that the Office of the High Commissioner for Human Rights invite the United Nations Development Programme and other relevant United Nations organizations to provide information and, if possible, to participate in the meetings of the Working Group;
6. *Requests* the Commission on Human Rights to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data, in particular on the principal theme, to the Working Group at its twentieth session;
7. *Requests* the High Commissioner for Human Rights, in consultation with interested Governments, to continue efforts to organize meetings on indigenous issues in

different parts of the world, in particular in Africa, Asia and Latin America, to provide greater opportunity for participation of peoples from these regions and to raise public awareness about indigenous peoples;

8. *Requests* the High Commissioner to encourage studies with respect to the rights to food and adequate nutrition of indigenous peoples and indigenous peoples and poverty, stressing the linkage between their present general situation and their land rights, and to develop further cooperation with the Food and Agriculture Organization of the United Nations and the World Food Programme on indigenous issues;

9. *Calls upon* the organizers of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to ensure that a mechanism exists for the full and active participation of representatives of indigenous peoples in all preparatory meetings as well as the World Conference itself, as a further measure to implement the theme of the International Decade of the World's Indigenous People, "Partnership for action";

10. *Recommends* that the organizers of the World Conference invite indigenous representatives to address its plenary session, in the spirit of General Assembly resolution 50/157 of 21 December 1995, and as a further measure to implement the theme of the International Decade;

11. *Also recommends* that the Office of the High Commissioner for Human Rights organize a parallel activity on indigenous issues during the World Conference and that funds be set aside for this purpose as well as for the participation of indigenous peoples at the Conference;

12. *Further recommends* that a chapter in both the declaration and the programme of action of the World Conference be dedicated to indigenous peoples and that the World Conference recognize that indigenous peoples, when referred to collectively, are "peoples";

13. *Suggests* that the High Commissioner for Human Rights organize a workshop for indigenous peoples in the context of the International Year of Ecotourism in 2002;

14. *Requests* the Chairperson-Rapporteur or other members of the Working Group to inform the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations that the Working Group at its twentieth session will highlight the issue "The Working Group on Indigenous Populations: achievements in the United Nations system and a vision for the future", so that the Board can bear this in mind when it meets for its fourteenth session;

15. *Appeals* to all Governments, organizations, including non-governmental organizations and indigenous groups, and individuals in a position to do so to consider

contributing to the United Nations Voluntary Fund for Indigenous Populations in order to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations and the open-ended inter-sessional working group on the draft United Nations declaration on the rights of indigenous people;

16. *Recommends* that the Commission on Human Rights invite the United Nations Development Programme and the World Bank to present their new policy guidelines on indigenous peoples at the twentieth session of the Working Group so that indigenous peoples and communities can be better informed about initiatives in this area;

17. *Invites* Ms. Iulia Antoanella Motoc to prepare a working paper for its twentieth session containing proposals and suggestions for possible future standard-setting activities that might be undertaken, as well a second working paper on the consequences of biotechnology on indigenous peoples;

18. *Requests* Ms. Erica-Irene Daes to prepare a working paper on indigenous peoples' permanent sovereignty over natural resources, which is relevant to her study on indigenous peoples and their relationship to land (E/CN.4/Sub.2/2001/21);

19. *Requests* the Secretary-General to prepare an annotated agenda for the twentieth session of the Working Group in accordance with the decision of the Working Group (E/CN.4/Sub.2/17, para. ...);

20. *Requests* the Commission on Human Rights to request the Economic and Social Council to authorize the Working Group on Indigenous Populations to meet for five working days prior to the fifty-fourth session of the Sub-Commission in 2002;

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

“The Commission on Human Rights, taking note of resolution 2001/... of ... August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the Sub-Commission's request that the Economic and Social Council authorize the Working Group on Indigenous Populations to meet for five working days prior to the fifty-fourth session of the Sub-Commission in 2002.”

25th meeting
15 August 2001
[Adopted without a vote. See chap. VII.]

**2001/11. World Conference against Racism, Racial Discrimination,
Xenophobia and Related Intolerance**

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

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

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

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

Bearing in mind the broad definition of racial discrimination provided in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination,

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

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

Sharing the grave concern of the Commission on Human Rights, expressed in resolution 2001/5 of 18 April 2001, that despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and racist acts of violence are on the increase,

Aware that the World Conference should carefully consider the relationship between discrimination based on race and discrimination based, *inter alia*, on gender and religion, as well as economic marginalization and social exclusion,

Concerned at the increase in contemporary forms of slavery,

Noting that the preparatory process for the World Conference included the second session of the Preparatory Committee, held from 21 May to 1 June 2001, and the third session, which met from 30 July to 10 August 2001,

Noting also its resolution 2001/1 of 6 August 2001, in which the Sub-Commission emphasizes the historic responsibility for slavery and colonialism and requests all countries concerned to take initiatives, notably through debate on the basis of accurate information, in the raising of public awareness of the disastrous consequences of periods of slavery and colonialism,

Encouraging all measures necessary, including facilitation of speedy accreditation, for the effective participation of non-governmental organizations from all parts of the world and diverse and representative sections of civil society, as accepted by the Preparatory Committee for the World Conference,

Noting that in resolution 1998/26 of 17 April 1998 the Commission on Human Rights invited the Sub-Commission to carry out studies without delay, within the framework of the objectives laid down in General Assembly resolution 52/111, and to transmit its recommendations to the Commission and, through the Commission, to the Preparatory Committee,

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

(a) The working paper on the concept and practice of affirmative action (E/CN.4/Sub.2/1998/5) submitted by Mr. Marc Bossuyt and his preliminary (E/CN.4/Sub.2/2000/11 and Corr.1) and progress (E/CN.4/Sub.2/2001/15) reports on the same topic;

(b) The working paper and preliminary report on the rights of non-citizens submitted by Mr. David Weissbrodt (E/CN.4/Sub.2/1999/7 and Add.1 and E/CN.4/Sub.2/2001/20 and Add.1);

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

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

(e) The working papers on proposals, and further proposals, for the work of the World Conference submitted by Mr. Paulo Sérgio Pinheiro (A/CONF.189/PC.1/13/Add.1 and A/CONF.189/PC.2/19/Add.1);

(f) The working paper on proposals for the work of the World Conference relating to discrimination against indigenous peoples submitted by Ms. Erica-Irene Daes (E/CN.4/Sub.2/2001/2);

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

2. *Also declares* that human rights principles relating to racism and racial discrimination are at the core and foundation of all human rights, and that racism and racial discrimination must therefore be eliminated with respect to the full spectrum of human rights, be they social, cultural, economic, civil, or political;

3. *Commends* all States that have ratified or acceded to the international instruments with the objective, *inter alia*, of putting an end to racism, racial discrimination, discrimination against migrants and slavery, and invites all States that have not yet done so to ratify or accede to them as soon as possible, as well as to accept provisions for individual communications;

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

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

6. *Welcomes* the recommendations of the regional preparatory conferences for the World Conference held in the Islamic Republic of Iran for Asia, Senegal for Africa, France for the Council of Europe and Chile for Latin America and the Caribbean;

7. *Expresses its gratitude* to the Government of South Africa for hosting the World Conference, to be held from 31 August to 7 September 2001;

8. *Recommends* that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the human rights of migrants play an integral role in all processes regarding the World Conference;

9. *Expresses its gratitude* to Mr. Paulo Sérgio Pinheiro for his participation in the Preparatory Committee as the representative of the Sub-Commission;

10. *Expresses its conviction* that the draft declaration and programme of action to be adopted by the World Conference, will focus on action-oriented and practical steps to eradicate racism, including measures of prevention, education and protection, and the provision of effective remedies;

11. *Encourages* the active and effective participation in the World Conference of all organs of society from all parts of the world and non-governmental organizations representing victims of racism, racial discrimination, xenophobia and related intolerance, including those representing indigenous peoples;

12. *Suggests* that the World Conference focus, *inter alia*, on situations of racism, racial discrimination, xenophobia, related intolerance and ethnic conflict and other patterns of discrimination, such as contemporary forms of slavery, that are based on, *inter alia*, race, colour, social class, minority status, descent, national or ethnic origin or gender, including topics such as:

(a) The link between contemporary forms of slavery and racial and other discrimination based on descent;

(b) The impact of massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, colonialism and wars of conquest;

(c) The current realities in the aftermath of slavery and colonialism, including the legal implications of the slave trade and the conditions of persons of African descent in all continents, including Europe;

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

(e) The need to implement effectively activities and programmes to combat racism, racial discrimination, xenophobia and related intolerance in development programmes and for donors to provide additional resources for these activities;

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

(g) The reasons for the non-ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

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

(i) Recognition, remedies, redress mechanisms and reparations for racial discrimination for victims and descendants of victims of racism, including for example affirmative action and compensation, accurate textbooks on historical events, memorials and truth commissions, as well as independent mechanisms for monitoring the effectiveness of remedies and redress mechanisms;

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

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

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

- (m) The incompatibility between freedom of speech and campaigns promoting hate, intolerance and violence on the basis of racism, racial discrimination and xenophobia, particularly in the digital age;
 - (n) The implications of multiple identities (race, colour, descent, minority status, national or ethnic origin and gender);
 - (o) The need to take necessary constitutional, legislative and administrative measures, including forms of affirmative action, to prohibit and redress all forms of discrimination;
 - (p) The need for States and human rights mechanisms to recognize any discriminatory element in situations involving other alleged violations of human rights;
 - (q) Policies to be implemented to eradicate the discrimination endured by indigenous peoples;
 - (r) Encouraging States to ratify without reservations the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and also encouraging States parties to withdraw reservations under these treaties;
 - (s) Also encouraging States to declare that they recognize, in accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within their jurisdiction;
 - (t) Racism, racial discrimination and other forms of intolerance, including discrimination and intolerance against indigenous peoples, within criminal justice systems;
13. *Recommends* that the World Conference define a global and system-wide strategy to combat racism and racial discrimination which could lead to concrete results for the populations affected, and that it adopt effective follow-up procedures and mechanisms;
14. *Decides* to discuss the follow-up to the World Conference at its next session.

25th meeting
15 April 2001
[Adopted without a vote. See chap. VII.]

2001/12. International Decade of the World's Indigenous People

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

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

Recalling General Assembly resolution 48/163 of 21 December 1993, in which the Assembly proclaimed the International Decade of the World's Indigenous People,

Recalling also that the goal of the Decade is the strengthening of international cooperation for the solution of problems faced by indigenous peoples in such areas as human rights, the environment, development, education and health, as well as with regard to their lands and their resources,

Recalling further General Assembly resolution 50/157 of 21 December 1995, in which the Assembly adopted the comprehensive programme of activities for the International Decade of the World's Indigenous People,

Recalling the requests by the General Assembly, in its resolutions 50/157 and 52/108 of 12 December 1997, to assess the objectives of the Decade by quantifiable outcomes that will improve the lives of indigenous peoples and to evaluate the objectives halfway through the Decade and at its end,

Bearing in mind the most recent report of the Secretary-General on the programme of activities of the International Decade (A/55/268),

Recalling its resolution 2000/15 of 17 August 2000,

Noting with particular concern the delay in the work on the elaboration of the draft United Nations declaration on the rights of indigenous people, one of the main objectives of the Decade,

Having considered the report of the Working Group on Indigenous Populations on its nineteenth session (E/CN.4/Sub.2/2001/17),

1. *Welcomes* the observance of the International Day of the World's Indigenous People on 26 July 2001;

2. *Recommends* that the celebration of the International Day of the World's Indigenous People be held on the fourth day of the twentieth session of the Working Group on Indigenous Populations in order to ensure as large a participation of indigenous peoples as possible;

3. *Welcomes* the decision by the General Assembly in its resolution 52/108 of 12 December 1997 to appoint the United Nations High Commissioner for Human Rights as Coordinator for the International Decade of the World's Indigenous People;

4. *Recommends* that the Coordinator for the Decade hold, preferably before the end of 2001, a special fund-raising meeting with the permanent missions in Geneva of interested States and the members of the Advisory Group for the Voluntary Fund for the Decade to encourage financial contributions to the Voluntary Fund for the Decade and the United Nations Voluntary Fund for Indigenous Populations, as well as the appointment of qualified staff, including indigenous persons, from within the regular budget of the United Nations, to assist with the work of the Office of the High Commissioner for Human Rights relating to the indigenous programme, and submit to the Sub-Commission at its fifty-fourth session and its Working Group on Indigenous Populations at its twentieth session a report on the results of initiatives taken to those effects;

5. *Urges* Governments and intergovernmental and non-governmental organizations and individuals to contribute to the Voluntary Fund for the Decade established by the Secretary-General and invites indigenous organizations to do likewise;

6. *Recommends* that attention continue to be given to improving the extent of the participation of indigenous peoples in planning and implementing the activities of the Decade in order to implement fully the Decade's theme, "Indigenous people: partnership in action";

7. *Strongly recommends* that, in accordance with General Assembly resolution 50/157 of 21 December 1995, the draft United Nations declaration on the rights of indigenous people be adopted as early as possible and not later than the end of the International Decade in 2003 and, to this end, appeals to all participants in the inter-sessional working group of the Commission on Human Rights and to all others concerned to put into practice new, more dynamic ways and means of consultation and consensus-building, in order to accelerate the preparation of the draft declaration;

8. *Welcomes* Commission on Human Rights resolution 2000/87 of 27 April 2000 and Economic and Social Council resolution 2000/22 of 28 July 2000, in which the Commission and the Council respectively decided to establish the Permanent Forum on Indigenous Issues;

9. *Notes* the view expressed by many indigenous participants during its fifty-third session and during the twentieth session of the Working Group on Indigenous Populations that the establishment of the Permanent Forum should not necessarily be construed as grounds for the abolition of the Working Group, which should continue to carry out the ample, flexible mandate conferred upon it by the Economic and Social Council in resolution 1982/34 of 7 May 1982;

10. *Congratulates* the Advisory Group for the Voluntary Fund for the Decade for the work it has accomplished, for its initiatives and for the transparency of its working methods and decisions;

11. *Recommends* that the High Commissioner, in consultation with interested Governments, organize meetings and other activities in all regions of the world within the framework of the International Decade in order, *inter alia*, to raise public awareness about indigenous issues;

12. *Recommends* that the High Commissioner for Human Rights organize a seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples, to discuss possible follow-up to the study completed by the Special Rapporteur, Mr. Miguel Alfonso Martinez, and to explore ways and means of implementing the recommendations included in his final report (E/CN.4/Sub.2/1999/20);

13. *Also recommends* that the High Commissioner organize, not later than the end of 2002, in collaboration with the United Nations Conference on Trade and Development, the International Labour Organization, the World Trade Organization and other relevant organizations, a workshop on indigenous peoples, private sector natural resource, energy and mining companies and human rights in order to contribute to the ongoing work of the sessional working group on the working methods and activities of transnational corporations;

14. *Further recommends* that the High Commissioner take the necessary action in order to promote the establishment, within the Office of Legal Affairs of the Secretariat, of a database on national legislation on matters of relevance to indigenous peoples, as well as a

compilation of treaties and agreements between States and indigenous peoples, and to establish, in coordination with the Department of Public Information, a global public awareness programme with respect to indigenous issues;

15. *Invites* the High Commissioner to authorize the convening of a conference on indigenous peoples issues with the theme “Rio+10”;

16. *Invites* the Commission on Human Rights to recommend that the Economic and Social Council authorize the convening of an international conference on indigenous issues during the last year of the International Decade of the World’s Indigenous People (2003) with a view to evaluating the Decade and considering future national and international policies and programmes which may contribute to effective action by States in order to promote better relations between the indigenous and non-indigenous segments of their population;

17. *Recommends* the following draft decision of the Commission on Human Rights for adoption:

“The Commission on Human Rights, taking note of resolution 2001/12 of 15 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to recommend to the Economic and Social Council that it request the United Nations High Commissioner for Human Rights to organize, before the end of the International Decade of the World’s Indigenous People in 2003, a seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples to explore possible ways and means of implementing the recommendations included in the final report of the Special Rapporteur, Mr. Miguel Alfonso Martinez (E/CN.4/Sub.2/1999/20).”

25th meeting
15 August 2001
[Adopted without a vote. See chap. VII.]

2001/13. Traditional practices affecting the health of women and the girl child

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

Recalling its resolution 2000/10 of 17 August 2000 and welcoming the extension of the mandate of the Special Rapporteur,

Affirming once again that female genital mutilation is a cultural practice which profoundly affects the physical and mental health of the girl child and of the women who are its victims,

Stressing that other practices equally harmful to the health of women and the girl child exist and are being perpetuated,

Recalling that the Universal Declaration of Human Rights, in its article 5, and the International Covenant on Civil and Political Rights, in its article 7, proclaim that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Emphasizing the centrality of the Plan of Action adopted by the Sub-Commission (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1) to the elimination of harmful traditional practices and the relevance of the conclusions reached at the regional seminars held in Burkina Faso (E/CN.4/Sub.2/1991/48) and Sri Lanka (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1),

Deeply regretting that the Special Rapporteur is still encountering serious difficulties in performing her important task because of the absence of replies from numerous Governments concerned by harmful traditional practices on measures taken to implement the Plan of Action for the Elimination of Harmful Traditional Practices,

Recalling with satisfaction General Assembly resolution 54/133 on traditional or customary practices affecting the health of women and girls,

Strongly encouraging the specialized agencies and organs of the United Nations, in particular the United Nations Children's Fund, the United Nations Population Fund and the World Health Organization, to continue to devote particular attention to the question of harmful traditional practices affecting the health of women and girls, particularly in the context of their regional and national programmes,

Expressing its satisfaction to national and international non-governmental organizations for the numerous activities they are undertaking in the field to develop the awareness of the populations concerned with a view to the eradication of harmful traditional practices such as female genital mutilation,

Considering that efforts to combat harmful traditional practices should be continued through, *inter alia*, further development of the awareness of Governments and all national protagonists concerned by these practices,

1. *Takes note with satisfaction* of the fifth report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child

(E/CN.4/Sub.2/2001/27) submitted by the Special Rapporteur, Ms. Halima Embarek Warzazi, and shares her concern about the perpetuation of certain harmful traditional practices, in particular dowry-related violence and crimes of honour;

2. *Appeals* to all States concerned to intensify efforts to develop awareness of, and mobilize national public opinion concerning, the harmful effects of all forms of harmful traditional practices, in particular through education, information and training, in order to achieve the total eradication of these practices;

3. *Requests* all non-governmental organizations dealing with women's issues to continue to devote part of their activities to the study of the various harmful traditional practices and ways and means of eradicating them, and to inform the Special Rapporteur of any situation which merits the attention of the international community;

4. *Welcomes* the progress made in combating harmful traditional practices, including female genital mutilation, through the impetus of non-governmental organizations, in particular the Inter-African Committee, which should be given maximum encouragement;

5. *Appeals* to the international community to provide material, technical and financial support to the non-governmental organizations and groups working with dedication to achieve the total elimination of these cultural practices which are harmful to girl children and women;

6. *Calls upon* all Governments to give their full attention to the implementation of the Plan of Action and requests the Secretary-General to invite them to submit information regularly to the Sub-Commission on the situation regarding harmful traditional practices in their country;

7. *Considers* that one of the most effective means of developing the awareness of the Governments concerned regarding the problems of harmful traditional practices and appropriate solutions would be to organize regional seminars on the question;

8. *Reiterates* its proposal that three seminars be held in Africa, Asia and Europe in order to review progress achieved since 1985, and ways and means of overcoming the obstacles encountered in the implementation of the Plan of Action for the Elimination of Harmful Traditional Practices, and appeals for funding for these activities;

9. *Requests* the High Commissioner to assist the mandate by raising funds for the organization of the seminars;

10. *Requests* the Special Rapporteur to submit an updated report to the Sub-Commission at its fifty-fourth session;

11. *Decides* to continue consideration of the question at its fifty-fourth session, under the same agenda item.

25th meeting
15 August 2001
[Adopted without a vote. See chap. VIII.]

2001/14. Report of the Working Group on Contemporary Forms of Slavery

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

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twenty-sixth session (E/CN.4/Sub.2/2001/30) and in particular the recommendations contained in chapter VII,

Deeply concerned at the information it contains relating to the traffic in persons, the exploitation of the prostitution of others, the exploitation of domestic and migrant workers, slave and child labour, the sexual exploitation of children, the abusive use of the Internet for the purpose of sexual exploitation, the sale of children, child prostitution and child pornography and the role of corruption in the perpetuation of slavery and related practices,

Noting that poverty, ignorance and discrimination in all its forms are the main causes of contemporary forms of slavery,

Noting also that the status of ratification of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

1. *Expresses its appreciation* to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued attention to the problems submitted to it;

2. *Welcomes* the priority attention devoted by the Working Group to the issue of traffic in persons at its twenty-sixth session;

I. TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

3. *Urges* States to ensure that their policies and laws do not legitimize prostitution as victims' choice of work;

4. *Calls upon* Governments to provide protection and assistance to victims that is based on humanitarian considerations and is not contingent on their cooperation with the prosecution of their exploiters, as articulated in articles 6, 7 and 8 of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

5. *Expresses its conviction* that the adoption of a resolution by the General Assembly on the elaboration of an additional protocol to the three conventions on slavery and slavery-like practices would strengthen the effectiveness of these conventions through the establishment of an efficient monitoring mechanism;

6. *Recommends* the creation of special observatories at the national and regional levels to gather information from non-governmental organizations and individuals with relevant expertise in order to further the goals of the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others;

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

8. *Invites* States, United Nations bodies, specialized agencies and intergovernmental, regional and non-governmental organizations to provide information to the Working Group at its twenty-seventh session on aspects of trafficking and the exploitation of the prostitution of others, as well as the measures taken or necessary to implement the 1996 Programme of Action;

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

10. *Invites* the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Human Rights Committee to elaborate general

recommendations in order to clarify reporting procedures with regard to victims of trafficking, in particular for purposes of prostitution and exploitation of the prostitution of others, as provided in the 1949 Convention;

11. *Recommends* that the issue of trafficking in persons, prostitution and related practices of sexual exploitation be considered during the preparatory process of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and at the World Conference itself, which will be held in South Africa from 31 August to 7 September 2001, and makes strong recommendations to Governments to prevent and sanction such violations, as well as to provide services, support and restitution to victims;

II. PREVENTION OF THE TRANSBORDER TRAFFIC IN CHILDREN IN ALL ITS FORMS

12. *Invites* States to ratify existing international human rights and labour standards, if they have not already done so, and to ratify in a timely manner International Labour Organization Convention (No. 182) concerning the Prohibition of an Immediate Action for the Elimination of the Worst Forms of Child Labour;

13. *Calls upon* States to set action against trafficking within a human rights framework, so that the victims of child trafficking are fully protected and not treated as illegal immigrants;

14. *Encourages* cooperation among concerned States, as well as with international agencies, and international and national non-governmental organizations, in research and data collection on child trafficking and in the design and implementation of programmes of action to eliminate the practice of child trafficking;

15. *Also encourages* strengthened cooperation between national and international law enforcement agencies, in particular the International Criminal Police Organization (INTERPOL), responsible for detecting and intercepting child traffickers, as well as tracing the families of the trafficked children;

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

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

17. *Encourages* States to take measures aimed at improving the training and professionalism of law enforcement personnel, as well as their respect for human rights;

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

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

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

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

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

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

V. MIGRANT WORKERS AND DOMESTIC MIGRANT WORKERS

23. *Urges* States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

24. *Also urges* States to take the necessary measures to prohibit and punish the confiscation of passports belonging to migrant workers, in particular, migrant domestic workers;

25. *Requests* the Commission on Human Rights to authorize the High Commissioner for Human Rights to organize, in cooperation with the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and other

intergovernmental organizations concerned, a workshop in which all aspects of the smuggling and trafficking in persons and the protection of their human rights will be considered; this workshop should take place not later than July 2002;

26. *Recommends* that non-governmental organizations pay attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

27. *Decides* to continue consideration of this issue at its next session;

VI. ERADICATION OF BONDED LABOUR AND ELIMINATION OF CHILD LABOUR

28. *Urges* States which have not yet done so to introduce comprehensive legislation to prohibit bonded labour in all its forms, as a matter of urgency, including provisions for the punishment of any future employers of bonded labourers, measures for compensation of those subjected to bonded labour and debt bondage and rehabilitation assistance, including at a minimum and where applicable, the grant of enough land to sustain a single family throughout the year and legal provisions to protect their ownership and occupation of such land;

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

30. *Considers* it necessary that the implementation of national programmes of action to prevent the recurrence of bonded labour, including measures to end discrimination, ensure progressive land reform and enforce national minimum wage;

31. *Urges* concerned Governments to carry out independent and comprehensive surveys at the local level to identify the number and location of people held in debt bondage; these surveys should provide a statistical breakdown of the number of men, women and children in bonded labour, and also of their membership of any minority group;

32. *Invites* the International Labour Organization, together with other competent United Nations organs and specialized agencies, to consider the possibility of holding a seminar or a workshop to determine the best practices for the eradication of debt bondage and, in particular, to assess what forms of international support are most appropriate for community

mobilization and to enable bonded labourers to make use of their right to freedom of association, and what techniques have proved most effective in facilitating the rehabilitation and reintegration of victims of debt bondage;

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

34. *Recommends once again* that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

35. *Urges* all States, while attempting ultimately to eliminate child labour, to adopt measures and regulations to protect child labourers, to ensure that they are not exploited and to prohibit their labour in hazardous occupations, in accordance with the provisions of International Labour Organization Convention No. 182, unless national legislation provides more protective standards;

36. *Also urges* States, while attempting ultimately to eliminate child labour and child domestic labour by, *inter alia*, enacting and implementing laws on compulsory and free primary education, to adopt and enforce measures and regulations to eliminate all discrimination against girls in education, skills development and training, to protect child workers, in particular child domestic workers, and to ensure that they are not exploited;

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

38. *Requests* the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour, and report thereon to the Sub-Commission and the Commission on Human Rights at their next sessions;

VII. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

39. *Requests* the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

40. *Decides*, in the context of the commemoration of the tenth anniversary of the adoption of the Programme of Action, to request a non-governmental organization to prepare and submit to the Working Group at its twenty-seventh session (2002) an assessment of the implementation of the Programme of Action;

41. *Requests* the Special Rapporteur, within the framework of his mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography, and invites the Special Rapporteur to participate in the twenty-seventh session of the Working Group, in view of the importance of his contribution to its deliberations;

42. *Invites* States to consider the establishment of a voluntary fund aimed at assisting the Committee on the Rights of the Child in strengthening implementation of the Optional Protocol, in harmony with provisions of the Convention on the Rights of the Child;

43. *Requests* the Working Group to examine, as a matter of priority at its twenty-seventh session in 2002, the issue of the exploitation of children, particularly in the context of prostitution and domestic servitude;

VIII. MISCELLANEOUS

44. *Welcomes* the decision of the Working Group to consider as a matter of priority at its twenty-eighth session (2003) the issue of contemporary forms of slavery related to and generated by discrimination, in particular gender discrimination, focusing attention on abuses against women and girls, such as forced marriages, early marriages and sale of wives;

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

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

47. *Recommends* that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women

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

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

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

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

51. *Requests* the non-governmental organizations to disseminate information about the work of the Working Group as widely as possible;

52. *Recognizes* the advantages of continuity in the membership of the Working Group, while acknowledging that the designation of any member to any working group of the Sub-Commission is the responsibility of the regional groups of the Sub-Commission;

53. *Decides* to make provision for adequate discussion of the report of the Working Group near the beginning of each session, thereby strengthening its involvement in the activities of the Working Group.

*25th meeting
15 August 2001*

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

2001/15. Situation of women and girls in the territories controlled by Afghan armed groups

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

Recalling its resolution 2000/1 of 17 August 2000,

Taking note with appreciation of the report of the Secretary-General

(E/CN.4/Sub.2/2001/28), containing substantive information and recommendations,

Recalling that the fundamental rights of women and girls in the territories controlled by Afghan armed groups must be respected in all circumstances and that deliberate policies discriminating against women and girls in that country on the grounds of sex constitute gross and flagrant violations of the international instruments relating to human rights,

Regretting that, according to the report of the Secretary-General, the situation of women and girls overall has largely remained unchanged,

1. *Condemns* all forms of discrimination and violation affecting women and girls in the territories controlled by Afghan armed groups, who are deprived of the enjoyment of civil and political rights and the rights to health, education, employment, freedom of movement and security;

2. *Notes, in particular, with concern* that the report of the Secretary-General indicates that women and girls are suffering disproportionately from the obstacles to the fulfilment and enjoyment of all their rights and that there is at present little indication that the situation might improve, at any rate in the near future;

3. *Notes* in this connection that this situation is totally at variance with the precepts of Islam, which imposes on Muslims the duty to acquire an education and to pursue knowledge;

4. *Condemns* the official policies discriminating against women;

5. *Considers it essential* that the international community continue to follow very closely the situation of women and girls in the territories controlled by Afghan armed groups and

bring the necessary pressure to bear so that all the restrictions imposed on women, which constitute flagrant and systematic violations of all the internationally recognized economic, social, cultural, civil and political rights, are removed;

6. *Congratulates* the United Nations agencies and non-governmental organizations on the measures and programmes adopted with a view to lending support and assistance to women and girls in the territories controlled by Afghan armed groups and strongly encourages them to continue their efforts despite the difficulties encountered;

7. *Encourages* continued United Nations activities aimed at promoting the fundamental rights of women and girls in the territories controlled by Afghan armed groups, and supports their efforts to create a humanitarian framework within which humanitarian operations can be conducted in a calm environment in the utmost safety and to induce the Taliban to comply with the provisions governing the conduct of such operations;

8. *Considers* that it is the duty of these groups to respect the fundamental rights of the individual and particularly those of women, in conformity with international law and humanitarian law;

9. *Requests* the Commission on Human Rights to insist that the Afghan armed groups abide by international human rights standards in relation to women, which entails the repeal of all edicts and the end to all forms of discrimination on the grounds of sex;

10. *Considers* that any diplomatic recognition and any financial agreement with the Taliban regime would reinforce the discriminatory treatment which the latter is reserving for women, whereas it must be induced to end such treatment;

11. *Requests* the Secretary-General to continue to make available all the information that can be compiled on this question;

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

25th meeting
15 August 2001
[Adopted without a vote. See chap. VIII.]

B. Decisions

2001/106. Appointment of a commentator on the guidelines to be proposed in the final report on globalization and its impact on the full enjoyment of human rights

At its 25th meeting, on 15 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, taking note of the progress report submitted by Mr. J. Oloka-Onyango and Ms. Deepika Udagama on globalization and its impact on the full enjoyment of human rights (E/CN.4/Sub.2/2001/10), decided, without a vote, under guideline No. 5 of the Guidelines for the application by the Sub-Commission of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto (decision 1999/114, annex) to appoint Mr. Fried van Hoof as Commentator on the minimum guidelines which will comprise part of the final report on globalization and its impact on the full enjoyment of human rights to be submitted to the Sub-Commission at its fifty-fourth session.

[See chap. VI.]

2001/107. The concept and practice of affirmative action

At its 25th meeting, on 15 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decisions 2000/104 of 11 August 2000 and 1999/106 of 25 August 1999 as well as its resolution 1998/5 of 20 August 1998, Commission on Human Rights resolution 1999/81 of 28 April 1999 and Economic and Social Council decision 1999/253 of 27 July 1999, expressed its appreciation to the Special Rapporteur, Mr. Marc Bossuyt, for his progress report on the concept and practice of affirmative action (E/CN.4/Sub.2/2001/15), decided, without a vote, to request the Secretary-General to invite Governments, international organizations, the human rights treaty bodies, in particular the Committee on the Elimination of Racial Discrimination, as well as non-governmental organizations to transmit to him their respective comments on the preliminary report (E/CN.4/Sub.2/2000/11 and Corr.1) and the above-mentioned progress report, and also decided to request the Secretary-General to send out immediately a reminder to Governments, international organizations and non-governmental organizations that have received the questionnaire annexed to the progress report to submit their replies before 1 February 2002, including information on relevant national documentation on the

subject of affirmative action, in order to enable the Special Rapporteur to take them fully into account in preparing his final report, to be submitted to the Sub-Commission at its fifty-fourth session.

[See chap. VII.]

2001/108. The rights of non-citizens

At its 25th meeting, on 15 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decision 2000/103 of 1 August 2001 and welcoming the preliminary report of the Special Rapporteur, Mr. David Weissbrodt (E/CN.4/Sub.2/2001/20 and Add.1), decided, without a vote, to request the Secretary-General to transmit a questionnaire of the Special Rapporteur to Governments, intergovernmental organizations, the human rights treaty bodies, in particular the Committee on the Elimination of Racial Discrimination, and non-governmental organizations to solicit any information they may wish to submit in connection with the study, in order that the Special Rapporteur may take them fully into account in preparing his progress report for the fifty-fourth session of the Sub-Commission. The Sub-Commission, taking note of Commission on Human Rights resolution 2001/60 of 24 April 2001, also decided to recommend the following draft decision to the Commission for adoption:

“The Commission on Human Rights, taking note of decision 2001/108 of 15 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights and recalling its own decision 2001/60 of 24 April 2000, decides to approve the request of the Sub-Commission that the Secretary-General disseminate the preliminary report of the Special Rapporteur on the rights of non-citizens to Governments, intergovernmental organizations, the human rights treaty bodies, in particular the Committee on the Elimination of Racial Discrimination, and non-governmental organizations for their comments and solicit any information they may wish to submit in connection with the study, in order that the Special Rapporteur may take them fully into account in preparing his progress report for the fifty-fourth session of the Sub-Commission.”

[See chap. VII.]

**2001/109. Final working paper on indigenous peoples
and their relationship to land**

At its 25th meeting, on 15 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, having considered the final working paper submitted by the Special Rapporteur, Ms. Erica-Irene A. Daes, on indigenous peoples and their relationship to land (E/CN.4/Sub.2/2001/21), having heard the significant and constructive statement by the Special Rapporteur and expressing deepest appreciation and thanks to the Special Rapporteur for her excellent, valuable final working paper, decided:

- (a) To submit the final working paper to the Commission on Human Rights at its fifty-eighth session for its consideration;
- (b) To request the Commission on Human Rights, taking into account the importance, complexity and great usefulness of this working paper, to invite the Special Rapporteur to present her final working paper to the Commission during its discussion on the agenda item entitled "Indigenous issues";
- (c) To request that the working paper be translated into all the official languages of the United Nations, published and widely disseminated;
- (d) To request the Commission on Human Rights to consider the establishment of a pre-sessional working group, to which the Special Rapporteur should be invited to participate, in 2002 to discuss in particular the fundamental guiding principles and the recommendations regarding indigenous peoples and their relationship to land proposed by the Special Rapporteur in paragraphs 144 to 164 of her final working paper;
- (e) To request the Secretary-General to give the necessary assistance to the Special Rapporteur to enable her to be present at the meetings of the Commission on Human Rights during the consideration of the above-mentioned final working paper.

[See chap. VII.]

2001/110. Discrimination based on work and descent

At its 25th meeting, on 15 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, welcoming and expressing its gratitude for the working paper submitted by Mr. Rajendra Kalidas Wimala Goonesekere on the topic of discrimination based on work and descent (E/CN.4/Sub.2/2001/16), decided, without a vote, to entrust Mr. Goonesekere with the preparation, without financial implications, of an expanded working paper on the topic

of discrimination based on work and descent in other regions of the world, taking into account the comments made at the fifty-third session of the Sub-Commission, to be considered by the Sub-Commission at its fifty-fourth session.

[See chap. VII.]

2001/111. A preparatory workshop on implementation of the recommendations relating to indigenous peoples contained in Agenda 21 of the United Nations Conference on Environment and Development

At its 25th meeting, on 15 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, having considered the report of the Working Group on Indigenous Populations on its nineteenth session (E/CN.4/Sub.2/2001/17), decided, without a vote, to recommend that the Office of the High Commissioner for Human Rights organize a preparatory workshop on implementation of the recommendations relating to indigenous peoples contained in Agenda 21 of the United Nations Conference on Environment and Development.

[See chap. VII.]

2001/112. Presentation of the report of the Working Group on Indigenous Populations on its nineteenth session to the Permanent Forum on Indigenous Issues

At its 25th meeting, on 15 August 2001, the Sub-Commission on Promotion and Protection of Human Rights, having considered the report of the Working Group on Indigenous Populations (E/CN.4/Sub.2/2001/17), decided, without a vote, to request the Commission on Human Rights to recommend that the Economic and Social Council invite the Chairperson-Rapporteur of the nineteenth session of the Working Group on Indigenous Populations, Ms. Erica-Irene A. Daes, in recognition of the high esteem in which she is held by the world's indigenous community, to attend the first meeting of the Permanent Forum on Indigenous Issues in May 2002, and to present to it the report of the nineteenth session of the Working Group on Indigenous Populations.

[See chap. VII.]

2001/113. Human rights and bioethics

At its 25th meeting, on 15 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, taking into account resolution 2001/71 of 25 April 2001 of the Commission on Human Rights, decided, without a vote, to entrust Ms. Antoanella Iulia Motoc with the preparation, without financial implications, of a working paper on the Universal Declaration on the Human Genome and Human Rights as its contribution to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration, and requested Ms. Motoc to submit her working paper to the Sub-Commission at its fifty-fourth session so that it might be transmitted to the Commission at its fifty-ninth session, as requested.

[See chap. VIII.]
