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

**Draft report of the Commission**

Rapporteur: Mr. Frederico Duque Estrada Meyer (Brazil)

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\* Documents E/CN.4/2002/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/2002/L.11 and addenda.

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## **2002/19. Situation of human rights in Afghanistan**

*The Commission on Human Rights,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 for the protection of victims of war and the Additional Protocols thereto of 1977,

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

*Recalling* that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and International Labour Organization Conventions No. 100 on equal remuneration and No. 105 on the abolition of forced labour, and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,

*Recalling also* all relevant resolutions of the General Assembly, as well as resolutions and presidential statements of the Security Council, decisions of the Economic and Social Council, its own resolutions and decisions and resolutions of the Commission on the Status of Women,

*Recalling* the resolution adopted by the Commission on the Status of Women on the situation of women and girls in Afghanistan,

*Recalling* Security Council resolutions 1296 (2000) of 19 April 2000 on the protection of civilians and 1379 (2001) of 20 November 2001 on children and armed conflict, and resolution 1325 (2000) of 31 October 2000 and the statement by the President of the Security Council of 31 October 2001 (S/PRST/2001/31) on women, peace and security,

*Recalling also* Security Council resolutions 1383 (2001) of 6 December 2001, 1386 (2001) of 20 December 2001 and 1401 of 28 March 2002,

*Warmly welcoming* the appointment by the Secretary-General of a special representative for Afghanistan and endorsing the approach outlined by the Special Representative of the Secretary-General to the Security Council at its 4414th meeting on 13 November 2001,

*Warmly welcoming* also the conclusion of the Bonn Agreement of 5 December 2001 on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions, which promotes national reconciliation, lasting peace and respect for human rights, and stressing the important role entrusted to the United Nations in this new framework,

*Affirming* the essential role of the United Nations in supporting the action of the Interim Authority, leading to the formation of a government, through the Loya Jirga, both of which:

(a) Should be gender-sensitive, broad-based, multi-ethnic, fully representative of all Afghans, and committed to peace and friendship with all countries, including its neighbours,

(b) Should respect the human rights of all Afghans, without distinction of any kind such as of gender, ethnicity or religion,

(c) Should facilitate the urgent delivery of humanitarian assistance and the voluntary and orderly return in safety and dignity of refugees and internally displaced persons, when the situation permits,

(d) Should respect Afghanistan's international obligations, including by cooperating fully in international efforts to combat illicit drug trafficking within and from Afghanistan,

*Expressing grave concern:*

(a) At recent reports of human rights abuses in some areas which still lack effective law enforcement mechanisms,

(b) At the severity of the humanitarian crisis still affecting the country,

*Recognizing* that the accountability of perpetrators, including their accomplices, for grave human rights violations and violations of international humanitarian law is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

*Stressing* the importance of ensuring the full and effective participation, and integration, of women in all decision-making processes regarding the future of Afghanistan, including, in particular, in all national bodies envisaged in the Bonn Agreement,

*Stressing also* the important contribution to the promotion and protection of human rights of an early start to the economic reconstruction and development process, and the need to ensure that it takes place in a coordinated and non-discriminatory manner,

1. *Welcomes* the interim report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/2002/43) and the report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Afghanistan (E/CN.4/2002/68/Add. 4) and the conclusions and recommendations contained therein;

2. *Warmly welcomes* the report of the Secretary-General on the situation in Afghanistan, and its implications for international peace and security (A/56/875-S/2002/1278), in which a new structure is proposed for the United Nations Assistance Mission in Afghanistan;

3. *Also warmly welcomes* the important role assigned to the United Nations in Annex II to the Bonn Agreement, in particular that of investigating human rights violations and, where necessary, recommending corrective action, and of developing and implementing a programme of human rights education to promote understanding of and respect for human rights;

4. *Strongly encourages* the early establishment, with the assistance of the United Nations, of the independent human rights commission, foreseen in the Bonn Agreement;

5. *Invites* the relevant bodies of the United Nations, in particular the Office of the United Nations High Commissioner for Human Rights, within the framework of United Nations Assistance Mission in Afghanistan;

(a) To assist in the full implementation of the human rights provisions of the Bonn Agreement, including through the establishment of an active human rights component in Afghanistan;

(b) To develop a national strategy on human rights addressing, in particular, issues of accountability, transitional justice, a national programme for human rights education, women's rights - as emphasized at the National Human Rights Workshop held in Kabul on 9 March 2002 - and the rights of the child, and to consider establishing a national commission or ombudsperson for children;

(c) To provide close coordination with the independent human rights commission foreseen in the Bonn Agreement;

6. *Commends* the steps already taken by the Interim Authority to promote and protect human rights, in order to guarantee, in particular, the rights of children, women and minorities, the rights to education, to employment and to freedom of religion and expression, the recent appointment of special commissions responsible for investigating the most recent human rights violations and abuses and the holding of the National Human Rights Workshop in Kabul, and urges the Interim Authority and its successors to continue efforts in this respect;

7. *Notes* with deep concern:

(a) Recent cases of arbitrary arrest and detention and of summary trials in some areas of the country;

(b) Recent abuses and violations of the human rights of women and girls, including rape and other forms of sexual violence, abductions and kidnappings, as well as forced marriage and trafficking;

(c) Reports of human rights abuses directed, in particular, against certain ethnic groups where they are a minority, in areas still lacking rule of law and its enforcement machinery;

8. *Calls upon* the Interim Authority, its successors and all Afghan groups, in application of the Bonn Agreement:

(a) To respect fully all human rights and fundamental freedoms without discrimination of any kind, including gender, ethnicity or religion, in accordance with international law;

(b) To adhere strictly to their obligations under human rights instruments and international humanitarian law, inter alia in relation to the treatment of prisoners;

(c) To take all necessary measures for the demobilization and social reintegration of war-affected children;

(d) To facilitate the provision of efficient and effective remedies to the victims of grave violations and abuses of human rights and of international humanitarian law and to bring the perpetrators to justice, in accordance with international standards;

(e) To treat all suspects and convicted or detained persons in accordance with relevant international law and to refrain from arbitrary detention in violation of international law;

(f) To facilitate the voluntary and orderly return and reintegration of Afghan refugees and internally displaced persons;

9. *Calls upon* the Interim Authority and its successors to initiate rapid demobilization and disarmament and to facilitate the reintegration of adults who have participated in or otherwise been affected by war into society and work;
10. *Welcomes* the Report of the Secretary-General to the Commission on the Status of Women on discrimination against women and girls in Afghanistan (E/CN.6/2002/5);
11. *Welcomes* the establishment of the Ministry of Women's Affairs and encourages the Interim Authority and its successors to provide the necessary support and resources to enable the Ministry to function effectively;
12. *Commends* the action already taken by the Interim Authority to ensure the reopening of schools for girls and the return of women to their jobs;
13. *Calls upon* the Interim Authority and its successors to give high priority to the ratification of the Convention on the Elimination of All Forms of Discrimination against Women and to respect fully the human rights and fundamental freedoms of women and girls in accordance with international human rights law, to bring to an end, without delay, all violations of the human rights of women and girls, and to take urgent measures to ensure:
  - (a) The repeal of any legislative and other measures in place that discriminate against women and girls and those that impede the realization of all their human rights and fundamental freedoms;
  - (b) The full, equal and effective participation of women in civil, cultural, economic, political and social life throughout the country at all levels;
  - (c) Respect for the equal right of women to work and their reintegration into employment in all segments and at all levels of Afghan society;
  - (d) The equal right of women and girls to education without discrimination, the reopening of schools throughout the country and the admission of women and girls to all levels of education;
  - (e) Respect for the equal right of women and girls to personal physical security, and that those responsible for physical attacks on women are brought to justice;
  - (f) Respect for the freedom of movement of women and girls;

(g) Respect for the effective and equal access of women and girls to the facilities necessary to protect their rights to achieve the highest attainable standard of physical and mental health;

14. *Appeals to Member States, organizations and programmes of the United Nations system, specialized agencies and other international organizations:*

(a) To ensure that all United Nations operations integrate a gender perspective, including in the selection of personnel for management, and that women will benefit equally with men from such programmes;

(b) To implement the recommendations of the inter-agency gender mission to Afghanistan under the leadership of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women and to provide specific programmes for all Afghan women and girls to address their special needs and promote their human rights;

(c) To support structures of civil society active in the field of human rights, in particular women's rights;

15. *Notes with appreciation* that the security situation in Kabul has greatly improved and the useful role played by the International Security Assistance Force to this end, while noting with concern that insecurity persists elsewhere in the country;

16. *Strongly condemns:*

(a) The past widespread violations and abuses of human rights and international humanitarian law in Afghanistan, by the Taliban and others, including the right to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement, and the recruitment and use of children in hostilities, contrary to international standards;

(b) The civilian massacres involving reprisal killings and summary executions following, in recent years, the taking and retaking of particular areas by warring parties;

(c) The killings of foreign correspondents which have occurred in Afghanistan since November 2001;

(d) The past gross violations of the human rights of women and girls, including all forms of discrimination against them;



(e) The attacks on, and the killings of, United Nations personnel and other humanitarian personnel in territories of Afghanistan;

(f) The killings of Iranian diplomats and the correspondents of the Islamic Republic News Agency by the Taliban in 1998;

17. *Warmly welcomes* the intention of the Interim Authority to establish a “Truth Commission” in order to investigate human rights violations and atrocities that have been committed in Afghanistan and calls upon the international community, as appropriate, and all Afghan groups to cooperate with it with a view to bringing those responsible, wherever they may be, to justice;

18. *Notes* with deep concern the existence of millions of Afghan refugees, and that despite the accelerating return of many, there is evidence of a new outflow of refugees from certain ethnic groups, where they are a minority, fleeing reprisals;

19. *Recognizes* the huge burden shouldered by neighbouring countries, especially the Islamic Republic of Iran and Pakistan, appreciates the efforts undertaken in these host countries to ease the plight of Afghan refugees and encourages them to continue cooperating with the Office of the United Nations High Commissioner for Refugees towards this end;

20. *Calls upon* the Office of the United Nations High Commissioner for Refugees to continue to provide protection and assistance to refugees and to continue implementing its plan for the voluntary and orderly repatriation of refugees, and also appeals to the international community to provide additional assistance for a durable solution to this problem;

21. *Underlines* the importance of the fulfilment of obligations under international law, including human rights law, with regard to refugees and asylum-seekers;

22. *Expresses* its concern at the still large number of internally displaced persons in Afghanistan and their situation, and encourages continued coordinated efforts to meet their protection and assistance needs in Afghanistan;

23. *Urges* all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan, to refrain from interfering in its internal affairs and to end any support for armed groups in Afghanistan from any quarter;

24. *Urges* the Interim Authority, its successors and all Afghan groups, to ensure the safety, security and free movement of all diplomatic personnel, United Nations and associated personnel, as well as of the personnel of humanitarian and non-governmental organizations, and their safe and unimpeded access to all affected populations, and to guarantee the access of all Afghans to aid deliveries, education and health facilities without discrimination of any kind, including discrimination on the grounds of gender, ethnicity or religion;

25. *Also urges* the Interim Authority, its successors and all Afghan groups to cooperate with the United Nations and with the international community in order to defend the cultural heritage of Afghanistan by safeguarding its historic, cultural and religious sites in order to preserve them for future generations;

26. *Notes with appreciation* the activities carried out by the United Nations system, international and non-governmental organizations and the International Committee of the Red Cross throughout the territory of Afghanistan;

27. *Calls upon* the Interim Authority, its successors and all Afghan groups to cooperate fully with the Special Rapporteur on the situation of human rights in Afghanistan and all other special rapporteurs who request invitations to visit Afghanistan, and to facilitate their access to all sectors of society and to all parts of the country;

28. *Requests* the Secretary-General:

(a) To give all necessary assistance to the Special Rapporteur;

(b) To ensure the integration of a human rights capacity in the context of United Nations activities in Afghanistan, in consultation with the United Nations High Commissioner for Human Rights, and to ensure that the promotion and protection of human rights will be central to the purposes and functions of United Nations Assistance Mission in Afghanistan, and that the Mission is fully equipped to implement effectively its human rights responsibilities under the terms of the Bonn Agreement;

(c) To include a child protection adviser in the Mission;

29. *Invites* the Special Rapporteur to provide updates, as appropriate, of his reports on the situation of human rights in Afghanistan to the General Assembly and the Commission on Human Rights;

30. *Decides:*

(a) To extend the mandate of the Special Rapporteur for one year and requests the Special Rapporteur to report on the situation of human rights in Afghanistan to the General Assembly at its fifty-seventh session and to the Commission on Human Rights at its fifty-ninth session and to provide updates, as appropriate;

(b) To continue its consideration of the situation of human rights in Afghanistan at its fifty-ninth session.

*49th meeting  
22 April 2002*

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

### **2002/20. Situation of human rights in Sierra Leone**

*The Commission on Human Rights,*

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

*Mindful* that Sierra Leone is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and has ratified its optional Protocols, the Geneva Conventions of 12 August 1949, as well as to the African Charter on Human and Peoples' Rights, and that Sierra Leone has ratified the Convention on the Elimination of All Forms of Discrimination against Women and signed its Optional Protocol, and has ratified the Rome Statute of the International Criminal Court and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

*Recalling* Security Council resolutions 1265 (1999) of 17 September 1999, 1270 (1999) of 22 October 1999, 1289 (2000) of 7 February 2000, 1296 (2000) of 19 April 2000, Council resolutions 1313 (2000) of 4 August 2000, 1315 (2000) of 14 August 2000, 1343 (2001) of 7 March 2001, 1346 (2001) of 30 March 2001, 1370 (2001) of 18 September 2001, 1389 (2002) of 16 January 2002 and 1400 (2002) of 28 March 2002, and recalling its own resolutions 2000/24 of 18 April 2000 and 2001/20 of 20 April 2001,

*Welcoming* the significant progress made in the peace process in Sierra Leone, as well as the progress in the regional dialogue, notably the recent summit of the heads of States of the Mano River Union, but concerned that the situation in Sierra Leone and the Mano River subregion continues to constitute a threat to peace and security in the region and could have repercussions for the progress achieved,

*Stressing* the importance of free, fair, inclusive and credible elections in May 2002 to the long-term stability of Sierra Leone and stressing also the responsibility of all participants to promote the protection, safety and effective security of civilians in the forthcoming elections, in accordance with international standards,

*Expressing deep concern* regarding all violations and abuses of human rights and international humanitarian law over the past year perpetrated in Sierra Leone and in the Mano River subregion against civilians, including abducted women and children,

*Welcoming* the voluntary return of Sierra Leonean refugees from Guinea and Liberia and of internally displaced persons to their communities, while reaffirming that many refugees continue to need protection and assistance, and mindful that instability in the Mano River subregion continues to create displacements,

*Expressing deep concern* regarding reports of sexual exploitation of and sexual violence against refugee minors and women in the Mano River subregion,

*Welcoming* Security Council resolutions 1306 (2000) of 5 July 2000 and 1343 (2001) of 7 March 2001 on combating the illicit trade in rough diamonds that contributed to fuelling the armed conflict, and on the trafficking and illegal supply of small arms and light weapons that adversely affected human rights abuses in Sierra Leone,

*Taking note* of the imminent establishment of a Truth and Reconciliation Commission,

*Recognizing* that the Sierra Leone Human Rights Manifesto of June 1999 contains an important basic framework for the promotion of human rights and encourages its continued implementation as well as the creation of an independent national commission for democracy and human rights,

*Recognizing* the importance of technical cooperation for the promotion and protection of human rights, which will contribute to achieving stability and security and foster cooperation among States in the region,

1. *Welcomes:*

(a) The report of the United Nations High Commissioner for Human Rights to the General Assembly (A/56/281), the report of the High Commissioner to the Commission on the situation of human rights in Sierra Leone (E/CN.4/2002/37) and the tenth to thirteenth reports of the Secretary-General on the United Nations Mission in Sierra Leone (S/2001/627, S/2001/857 and Add.1, S/2001/1195, S/2002/267), in particular those findings and recommendations relating to the human rights and humanitarian situation in Sierra Leone, as well as in neighbouring countries;

(b) The activities of the United Nations Mission in Sierra Leone, which was established by Security Council resolution 1270 (1999) and expanded by Council resolution 1299 (2000) of 19 May 2000 and Security Council resolution 1389 (2002) with the mandate, *inter alia*, to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, to assist the Government of Sierra Leone in its efforts to address the country's human rights needs, to afford protection to civilians under imminent threat of physical violence, taking into account the responsibilities of the Government of Sierra Leone, including the Sierra Leone Police, and to assist in election-related tasks, in particular assisting the National Electoral Commission;

(c) The deployment of the Mission throughout the country and reiterates the importance of the restoration of government authority to facilitate the full and unimpeded movement of humanitarian workers, goods and people throughout the entire territory of the country;

(d) The steps taken by the Government of Sierra Leone to extend its authority throughout the country, but notes with concern that it continues to face serious resource constraints in restoring civil administration and public services throughout the country;

(e) The work of the Human Rights Section of the Mission and the assistance by the High Commissioner and the international community to the Government of Sierra Leone aimed at promoting a culture of human rights protection in Sierra Leone, including activities with all forces that had been engaged in the conflict;

(f) The completion of the disarmament and demobilization process and the lifting of the national state of emergency, which has resulted in an improvement of the human rights situation in Sierra Leone and the creation of a more secure environment for the holding of free, fair, inclusive and credible elections;

(g) The special community programme conducted by the Sierra Leone Police for the voluntary collection of illegal arms held by the civilian population;

(h) The release of over 3,000 child soldiers, abductees, and separated children by the Revolutionary United Front and pro-Government civil defence militias as one of the most positive developments of the year, while calling for the release of any persons held against their will;

(i) The initiatives and steps being taken by the Government of Sierra Leone and Sierra Leonean civil society in concert with the international community to build the human rights infrastructure in the country, including the continued efforts undertaken for the establishment of an effectively functioning Truth and Reconciliation Commission and Special Court, particularly those related to the sensitization of communities on the objectives of the Special Court and the Commission and reiterates the continued need for further efforts in this regard to promote peace, justice and national reconciliation and to foster accountability and respect for human rights;

(j) The signature of the agreement between the United Nations and the Government of Sierra Leone for the creation of an independent Special Court, pursuant to Security Council resolution 1315 (2000), to bring to justice those persons who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone since 30 November 1996;

(k) The voluntary contributions already provided and the pledges made to the United Nations Trust Fund for the Special Court and urges States to make available the necessary resources to ensure that there is no shortfall in the budget set out in the Secretary-General's proposal;

(l) The report of the Planning Mission on the Establishment of the Special Court for Sierra Leone (S/2002/246, annex);

(m) The recent efforts by the heads of State and other high-level officials of the Mano River Union to ease tensions in the subregion and urges them to take collective action to disarm and demobilize all non-State armed groups operating in the Mano River subregion;

(n) The work done by the National Commission on Disarmament, Demobilization and Reintegration, together with participating agencies, in facilitating measures that have helped end the conflicts and are continuing to facilitate reintegration and reconciliation within Sierra Leonean society;

(o) The human rights training, including specialized gender and child rights training, provided to national human rights monitors, police officers and military personnel of the United Nations Mission in Sierra Leone;

(p) The report of the assessment mission jointly initiated by the Office of the United Nations High Commissioner for Refugees and Save the Children-UK into alleged sexual violence and exploitation of refugee children in the countries of the Mano River subregion, notes with grave concern the allegations contained therein and welcomes the commitment of the Secretary-General to zero tolerance and his intention to have the allegations in the report expeditiously and transparently investigated, demands that appropriate remedial measures be taken, including disciplinary measures against those who may prove to be implicated, and requests the Secretary-General to report the findings of the investigation led by the Office for Internal Oversight Services to the General Assembly at its fifty-seventh session;

(q) The visit by the Special Rapporteur on violence against women, its causes and consequences to Sierra Leone and her report (E/CN.4/2002/83/Add.2) and takes note with appreciation of the recommendations contained therein;

(r) The continued deployment of child protection advisers within the Mission to help to ensure the protection of children's rights, which is a priority throughout the peacekeeping process and the consolidation of peace in Sierra Leone, as well as the efforts of the United Nations Children's Fund in responding to the protection and assistance needs of children, and stresses the need to improve protection in camps and settlements for refugees and internally displaced persons;

(s) The activities carried out by the International Committee of the Red Cross and humanitarian organizations, especially those related to promoting respect for international humanitarian law, in the field of medical assistance, relief activities, visits to detained persons and efforts to rehabilitate the country's infrastructure to allow resettlement and reintegration of internally displaced persons and returning refugees;

2. *Expresses its deep concern:*

(a) At abuses of human rights and violations of international humanitarian law committed in Sierra Leone and in this regard welcomes the efforts to bring to justice the perpetrators of crimes and atrocities against civilians, including women and children, committed by warring factions, including summary and extrajudicial executions, mutilations, abductions, arbitrary detention, hostage-taking, forced recruitment, forced labour, forced displacement, harassment, looting, destruction of property, attacks on and killings of journalists, and the detention of abductees;

(b) At recent revelations and evidence of abuses of human rights and serious breaches of international humanitarian law committed in certain areas of Sierra Leone until recently occupied by rebel forces, in particular atrocities against civilians, including women and children, including summary and extrajudicial executions, mutilations and torture, and stresses the need to preserve the evidence until forensic analysis is undertaken;

(c) At the targeting and abuse of women and girls that have been committed in Sierra Leone, including rape, gang rape, sexual servitude and other sexual abuse, and notes with concern the low percentage of girls released so far and urges that the necessary conditions be provided for those women and girls who had been forced into matrimonial or other relationships and any other girls held in captivity by ex-combatants to be released immediately if they so wish, and calls for measures that take into account the special needs and particular vulnerabilities of girls affected by armed conflict in the implementation of reintegration programmes;

(d) At reports of abducted children working in the diamond mines and the denial of their expressed wish to be reunited with their families;

(e) At the continued slow pace of the reintegration phase of the disarmament, demobilization and reintegration programme because of serious shortfalls in funding;

(f) At the continuing reports of trafficking and illegal supply of small arms and related material, especially across international borders, in contravention of Security Council resolution 1171 (1998) of 5 June 1998;

(g) At the dire humanitarian situation affecting the population, including refugees and internally displaced persons in Sierra Leone and neighbouring States, caused by recent and ongoing violence and tensions in border regions, and at impediments to the safe and voluntary return of affected populations to their homes;



3. *Calls upon* parties that were involved in the conflict in Sierra Leone:
  - (a) To respect human rights and international humanitarian law, including the human rights of women and the rights of the child;
  - (b) To continue to provide full cooperation with the Mission, including its Human Rights Section, and continued unconditional access for the Mission throughout the country;
  - (c) To continue to work together to ensure full and early reintegration of ex-combatants in all areas, and to give special attention to former child combatants in the reintegration process;
  - (d) To continue to ensure safe and unhindered access to all affected populations in accordance with international humanitarian law and that the status of the United Nations and associated personnel, including locally engaged staff, as well as humanitarian personnel, is fully respected by providing guarantees for their safety, security and freedom of movement;
  - (e) To cooperate with the Special Court for Sierra Leone and the Truth and Reconciliation Commission, once established;
4. *Urges* all States in the Mano River subregion to assist and cooperate with the Special Court for Sierra Leone, to work constructively for the restoration of peace and security in the region and to make early progress in confidence-building measures as agreed at the Rabat Summit;
5. *Also urges* all relevant parties in the region to ensure full respect for human rights and fundamental freedoms in, and the civilian character of, camps for refugees and internally displaced persons and to work towards the establishment of conditions which would permit the safe and voluntary return of affected populations to their homes;
6. *Stresses* the need to ensure cooperation between the Special Court and the Truth and Reconciliation Commission through recognition of their complementary roles, and respect for the independent nature of both institutions and the setting of their priorities, including with respect to the involvement of juvenile offenders and child witnesses in their processes, and to ensure that a gender perspective is integrated into the work of the Truth and Reconciliation Commission and the Special Court;

7. *Urges* the Government of Sierra Leone:

(a) To continue to work closely and to strengthen its cooperation in the area of human rights with the United Nations Mission in Sierra Leone and the Office of the United Nations High Commissioner for Human Rights, including by extending a standing invitation to its special mechanisms;

(b) To sign a memorandum of understanding with the Office of the High Commissioner for Human Rights with regard to the Truth and Reconciliation Commission;

(c) To facilitate the effective functioning of the Truth and Reconciliation Commission in order to address the question of violations of human rights and international humanitarian law since the beginning of the conflict in Sierra Leone in 1991;

(d) To give priority attention, in cooperation with the international community, to the special needs of all mutilated victims and of women and children in its care, in particular those sexually abused, gravely traumatized and displaced as a result of the conflict;

(e) To continue to work for the restoration of civil authority to provide basic public and social services, including security and the administration of justice, throughout Sierra Leone;

(f) To encourage the cooperation of Sierra Leonean civil society in the functioning of the Special Court and the Truth and Reconciliation Commission;

8. *Reiterates its call* upon the Government of Sierra Leone to investigate reports of human rights violations and abuses and to end impunity, and its requests that the Secretary-General and the High Commissioner respond favourably to any requests from the Government of Sierra Leone for assistance with its investigation of reports of human rights abuses;

9. *Decides*:

(a) To reiterate its request that the High Commissioner and the international community continue to assist the Government of Sierra Leone to establish and maintain an effectively functioning Truth and Reconciliation Commission as soon as possible as an important healing process to contribute to peace and reconciliation in the country;

(b) To request the international community to participate in the strengthening of the courts and judicial system, in particular the juvenile justice system, of Sierra Leone, as well as the national human rights commission as soon as possible;

(c) To urge the international community to make available the necessary funds to ensure that the budget set out in the Secretary-General's appeal for funds, personnel, equipment and services for the functioning and maintenance of the Special Court is fully covered so that the Court may bring to justice those who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law, committed within the territory of Sierra Leone since 30 November 1996;

(d) To encourage the international community to respond to the appeal made by the Office of the High Commissioner for Human Rights and make available the necessary funds to ensure the establishment and functioning of the Truth and Reconciliation Commission;

(e) To request the Secretary-General to take all necessary measures to facilitate the activities of the Special Court, including those undertaken by the Management Committee;

(f) To request the High Commissioner and the international community to make relevant technical assistance available to personnel of the Special Court, in particular to judicial, prosecutorial and protection personnel, and requests the Office of the High Commissioner for Human Rights to dispatch a forensic team without delay to investigate mass graves and other evidence of atrocities in Sierra Leone that will be important for the work of the Truth and Reconciliation Commission and the Special Court;

(g) To request the Secretary-General, the High Commissioner and the international community to give all necessary assistance to the Human Rights Section of the United Nations Mission in Sierra Leone, including ensuring that the Section is fully integrated into the work of the Mission, to enable it to fulfil its mandate to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, assist the Government of Sierra Leone in its efforts to address the country's human rights needs, including:

- (i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy programmes;
- (ii) To strengthen its support for, and to continue and expand its cooperation with, human rights non-governmental organizations and other groups doing human rights work in Sierra Leone, including within the framework of the National Forum on Human Rights;

(h) To request the High Commissioner to report to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session on the human rights situation in Sierra Leone, including with reference to reports from the Human Rights Section of the Mission;

(i) To consider this question at its fifty-ninth session under the same agenda item, as a matter of high priority.

*49th meeting  
22 April 2002*

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

**2002/21. Adequate housing as a component of the right  
to an adequate standard of living**

*The Commission on Human Rights,*

*Recalling* its resolution 2000/9 of 17 April 2000, in which it decided to appoint, for a period of three years, a special rapporteur whose mandate would focus on adequate housing as a component of the right to an adequate standard of living, and resolution 2001/28 of 20 April 2001 on adequate housing as a component of the right to an adequate standard of living, as well as resolution 2001/34 of 23 April 2001 on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing,

*Noting* the work of the United Nations treaty bodies, in particular of the Committee on Economic, Social and Cultural Rights, in the promotion of the rights related to adequate housing,

*Concerned* that any deterioration in the general housing situation disproportionately affects the poor, as well as women and children, and members of groups requiring special protection,

1. *Takes note* of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (E/CN.4/2002/59 and Corr.1) and of relevant parts of the report of the Secretary-General on economic, social and cultural rights (E/CN.4/2002/50);

2. *Welcomes* the attendance of the Special Rapporteur at the five-year review of the Habitat Agenda in June 2001, takes note of his contributions to the Third United Nations Conference on the Least Developed Countries in May 2001, to the World Conference against Racism in September 2001, and to the preparatory process of the International Conference on

Financing for Development held in March 2002, and in this connection encourages the Special Rapporteur, in accordance with his mandate, to bring the issue of adequate housing to the attention of relevant review processes of United Nations conferences and summits, such as the World Summit on Sustainable Development, the World Food Summit: “five years later” and the special session of the General Assembly on children, including, where possible, through contributing to and participating in these events;

3. *Encourages* the Special Rapporteur to strengthen the integration of the rights relevant to his mandate into the Global Campaign for Secure Tenure launched by the United Nations Human Settlements Programme and into other operational activities of the United Nations system, notably into processes and initiatives that are oriented towards poverty reduction, and to develop to this effect a dialogue with Governments, relevant United Nations bodies, in particular the Programme and the Office of the United Nations High Commissioner for Refugees, specialized agencies, international organizations, non-governmental organizations and international financial institutions;

4. *Also encourages* the Special Rapporteur to cooperate, in accordance with his mandate, with other rapporteurs, representatives, experts, notably the independent expert on the question of human rights and extreme poverty, members and chairpersons of working groups of the Commission and United Nations bodies, including human rights treaty bodies;

5. *Requests* the Special Rapporteur, in the fulfilment of his mandate:

(a) To give particular emphasis to practical solutions with regard to the implementation of the rights relevant to his mandate, on the basis of pertinent information, notably on best practices, including on domestic legal enforcement of these rights, from Governments, relevant United Nations agencies and non-governmental organizations;

(b) To facilitate the provision of technical assistance;

6. *Also requests* the Special Rapporteur, within the limits of his mandate, further to review the interrelatedness of adequate housing as a component of the right to an adequate standard of living with other human rights;

7. *Further requests* the Special Rapporteur to report to the Commission at its fifty-ninth session;

8. *Requests* the United Nations High Commissioner for Human Rights to support cooperation between the Special Rapporteur and other rapporteurs, representatives, experts, members and chairpersons of working groups of the Commission and United Nations bodies, including human rights treaty bodies, that are relevant to the mandate of the Special Rapporteur;

9. *Requests* the Office of the United Nations High Commissioner for Human Rights and the United Nations Human Settlements Programme to strengthen their cooperation and to continue to develop a joint housing rights programme;

10. *Calls upon* all States:

(a) To give full effect to housing rights, including through domestic development policies at the appropriate level of government and with international assistance and cooperation, giving particular attention to the individuals, most often women and children, and communities living in extreme poverty, and to security of tenure;

(b) To ensure the observance of all their legally binding national standards in the area of housing;

(c) To cooperate with the Special Rapporteur;

(d) To submit to the Special Rapporteur information on different experiences, notably on best practices, in areas related to his mandate;

(e) Without distinction of any kind, such as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status:

(i) To counter social exclusion and marginalization of people who suffer from discrimination on multiple grounds, in particular by ensuring non-discriminatory access to adequate housing for indigenous people and persons belonging to minorities;

(ii) To promote participation in decision-making processes, in particular at the local level, when developing an adequate standard of living and housing;

11. *Invites* the United Nations Human Settlements Programme and the Office of the High Commissioner further to explore possibilities to support the Special Rapporteur;

12. *Requests* the Secretary-General to provide the Special Rapporteur with the assistance necessary for the execution of his mandate.

*49th meeting  
22 April 2002*

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

**2002/22. Human Rights and unilateral coercive measures**

*The Commission on Human Rights,*

*Recalling* the purposes and the principles of the Charter of the United Nations,

*Reaffirming* the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32, which declares that no State may use or encourage the use of economic, political or any type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

*Recalling* its resolution 2001/26 of 20 April 2001 and noting General Assembly resolution 56/148 of December 2001,

*Taking note with interest* of the report of the Secretary-General on human rights and unilateral coercive measures (E/CN.4/2002/51 and Add.1),

*Recognizing and reiterating* the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

*Expressing its concern* about the negative impact of unilateral coercive measures in the field of international relations, trade, investment and cooperation,

*Recalling* that the World Conference on Human Rights called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights, and also severely threatens the freedom of trade,

*Regretting* that, despite the recommendations adopted on this issue by the General Assembly, the United Nations conferences held in the 1990s and their five-year reviews and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

*Reaffirming* that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development,

1. *Urges* all States to refrain from adopting or implementing unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Calls upon* all Member States neither to recognize these measures nor apply them, as well as to consider adopting administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;

3. *Rejects* the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all human rights of vast sectors of their populations, inter alia children, women, the elderly, disabled and ill people;

4. *Reiterates* its call upon Member States that have initiated such measures to abide by the principles of international law, the Charter of the United Nations, the declarations of the United Nations and world conferences and relevant resolutions and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by revoking such measures at the earliest possible time;

5. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

6. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970, no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

7. *Reaffirms* that essential goods such as food and medicines should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;



8. *Underlines* that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws which run counter to the principles of free trade and hamper the development of developing countries, as recognized by the Intergovernmental Group of Experts on the Right to Development in its report (E/CN.4/1998/29);

9. *Requests once again* the open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development, which will meet after the fifty-eighth session of the Commission on Human Rights, to give due consideration to the question of human rights and the negative impact of unilateral coercive measures;

10. *Invites* all special rapporteurs and existing thematic mechanisms of the Commission in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

11. *Decides* to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

12. *Requests:*

(a) The United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

(b) The Secretary-General to bring the present resolution to the attention of all Member States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Commission on Human Rights at its fifty-ninth session;

13. *Decides* to examine this question, on a priority basis, at its fifty-ninth session under the same agenda item.

*49th meeting  
22 April 2002*

[Adopted by a recorded vote of 38 votes to 6,  
with 9 abstentions. See chap. X.]

### **2002/23. The right to education**

*The Commission on Human Rights,*

*Recalling* its resolution 2001/29 on the right to education,

*Recalling also* that everyone shall enjoy the human right to education, which is enshrined, inter alia, in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, 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 the Convention on the Rights of the Child,

*Recalling further* the Convention against Discrimination in Education adopted on 14 December 1960 by the United Nations Educational, Scientific and Cultural Organization, which prohibits any discrimination which has the purpose or effect of nullifying or impairing equality of treatment in education,

*Welcoming* the Dakar Framework for Action adopted at the World Education Forum held in Dakar in April 2000, and the goals agreed upon at its adoption,

*Noting* the United Nations Millennium Declaration in which it is resolved that children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education by 2015,

*Affirming* that the realization of the right to education, especially for girls, contributes to the eradication of poverty,

*Welcoming* the attention given to education in the preparatory process for the General Assembly special session on children and in the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

*Deeply concerned* that some 120 million children, two thirds of whom are girls, have no access to education,

*Welcoming* the General Assembly's decision to proclaim the 10-year period beginning on 1 January 2003 the United Nations Literacy Decade,

1. *Notes with interest* the report of the Special Rapporteur on the right to education (E/CN.4/2002/60 and Add.1 and 2) and the report of the Secretary-General on economic, social and cultural rights (E/CN.4/2002/50);

2. *Also notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child in the promotion of the right to education and their general comments, notably General Comment No. 11 (1999) on plans of action for primary education (art. 14 of the International Covenant on Economic, Social and Cultural Rights) and No. 13 (1999) on the right to education (art. 13 of the Covenant) adopted by the Committee on Economic, Social and Cultural Rights, and General Comment No. 1 (2001) on the aims of education (art. 29, para. 1, of the Convention on the Rights of the Child) adopted by the Committee on the Rights of the Child;

3. *Welcomes* the holding by the Committee on the Rights of the Child of a day of general discussion on 28 September 2001 on violence against children in schools and the Committee's recommendations to address such violence;

4. *Urges* all States:

(a) To give full effect to the right to education and to guarantee that this right is recognized and exercised without discrimination of any kind;

(b) To take all appropriate measures to eliminate obstacles limiting effective access to education, notably by girls, including pregnant girls, children living in rural areas, children belonging to minority groups, indigenous children, migrant children, refugee children, internally displaced children, children affected by armed conflicts, children with disabilities, children with HIV/AIDS and children deprived of their liberty:

(i) Taking all necessary legislative measures to prohibit explicitly discrimination in education on the basis of race, colour, descent, national, ethnic or social origin, sex, language, religion, political or other opinion, property, disability, birth or other status which has the purpose or effect of nullifying or impairing equality of treatment in education;

(c) To improve all aspects of the quality of education aimed at ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills, and, in this regard, to emphasize the development of quality indicators and monitoring instruments, to promote a sound school environment, school health, preventive education against HIV/AIDS and drug abuse, and science and technology education, and to carry out surveys and build up a knowledge base in order to provide advice on the use of information and communication technologies in education;

(d) To promote the renewal and expansion of basic formal education of good quality, which includes both early childhood care and education and primary education, using inclusive and innovative approaches to increase access and attendance for all;

(e) To mainstream human rights education in educational activities, in order to strengthen respect for human rights and fundamental freedoms;

(f) To enhance the status, morale and professionalism of teachers;

(g) To recognize and promote lifelong learning for all, both in formal and in informal settings;

(h) To ensure progressively and on the basis of equal opportunity that primary education is compulsory, accessible and available free to all;

(i) To adopt all necessary measures to close the gap between the school-leaving age and the minimum age for employment, including by raising the minimum age for employment and/or raising the school-leaving age when necessary, and to ensure access to free basic education and, wherever possible and appropriate, vocational training for all children liberated from the worst forms of child labour;

(j) To adopt effective measures to encourage regular attendance at school and reduce school drop-out rates;

(k) To support domestic literacy programmes, including vocational education components and non-formal education, in order to reach marginalized children, youth and adults, especially girls and women, to ensure that they enjoy the right to education and acquire the life skills necessary to overcome poverty and exclusion;

(l) To support the implementation of plans and programmes of action to ensure quality education and improved enrolment and retention rates for boys and girls and the elimination of gender discrimination and gender stereotypes in educational curricula and materials, as well as in the process of education;

(m) To take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse in schools, and to incorporate in their legislation appropriate sanctions for violations and the provision of redress and rehabilitation for victims; and

- (i) In this context to take measures to eliminate corporal punishment in schools;
- (n) To submit information on best practices for the elimination of discrimination in access to education, as well as for the promotion of quality education, to the Special Rapporteur;
5. *Invites* the Special Rapporteur to continue to work in accordance with her mandate and, in particular, to intensify her efforts to identify ways and means to overcome obstacles and difficulties in the realization of the right to education;
6. *Encourages* the Special Rapporteur to pursue her collaboration with the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child and her cooperation with the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization and the Office of the United Nations High Commissioner for Refugees and her dialogue with the World Bank;
7. *Reaffirms* the importance of developing further the regular dialogue between the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization and the Special Rapporteur, invites them to pursue that dialogue and reiterates its invitation to the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization to submit to the Commission information pertaining to their activities in promoting primary education, with specific reference to women and children, particularly girls;
8. *Requests* all States to continue their cooperation with and to assist the Special Rapporteur in the performance of her tasks and duties and to consider favourably the requests for information and visits;
9. *Requests* the Special Rapporteur to report to the Commission at its fifty-ninth session;
10. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of her mandate;
11. *Decides* to consider the right to education at its fifty-ninth session under the same agenda item.

**2002/24. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights**

*The Commission on 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,

*Recalling* that in the Vienna Declaration and Programme of Action of the World Conference on Human Rights, the World Conference on Human Rights encouraged the Commission on Human Rights to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

*Recalling also* previous resolutions of the Commission on Human Rights and of the Sub-Commission for the Promotion and the Protection of Human Rights on the realization of economic, social and cultural rights,

*Taking note with interest* of ongoing new efforts towards the realization of economic, social and cultural rights, and considering that, to ensure the realization of economic, social and cultural rights and the removal of obstacles thereto at all levels, additional efforts should be examined,

*Taking note with interest also* of the report of the round table organized on 30 November 2001 by the International Commission of Jurists on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights,

*Welcoming* the organization by the Office of the United Nations High Commissioner for Human Rights of workshops worldwide on the promotion of economic, social and cultural rights, which examined, inter alia, the question of the justiciability of these rights, and in this respect taking note of the workshops held in New Delhi, Buenos Aires, Botswana and Melbourne, Australia,

1. *Takes note with interest* of the report of the Secretary-General on the implementation of its resolution 2001/30 of 20 April 2001 (E/CN.4/2002/50), the report of the independent expert on the question of an optional protocol to the International Covenant on

Economic, Social and Cultural Rights (E/CN.4/2002/57) and the recommendations it contains, as well as all other relevant reports of the High Commissioner for Human Rights on economic, social and cultural rights and the activities of intergovernmental and non-governmental organizations in that regard;

2. *Also takes note with interest* of the entry into force of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography and of the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization and of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

3. *Notes with interest:*

(a) The work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through:

- (i) The development and adoption of general comments, in order to assist in clarifying the content and scope of the articles of the International Covenant on Economic, Social and Cultural Rights;
- (ii) The adoption of statements;
- (iii) The holding of international consultations, such as the one held on 7 May 2001 on economic, social and cultural rights in the development activities of international institutions; and
- (iv) The convening of days of general discussion, such as the one on article 3 of the Covenant to be held during the Committee's twenty-eighth session;

(b) The work of the Committee on the Rights of the Child in the promotion of the economic, social and cultural rights of children;

(c) Efforts of the High Commissioner within the United Nations Development Group to promote economic, social and cultural rights;

(d) The elaboration of training programmes in the Office of the High Commissioner to develop in-house expertise in incorporating economic, social and cultural rights in technical cooperation projects, and encourages the Office to enhance the incorporation of economic, social and cultural rights in its technical cooperation programmes;

4. *Welcomes:*

(a) Ongoing efforts by the Economic and Social Council and the General Assembly towards a coordinated follow-up to relevant United Nations conferences and summits, notably the World Food Summit, held in 1996, the second United Nations Conference on Human Settlements (Habitat II) held in 1996, the World Summit for Social Development, held in 1995, the Fourth World Conference on Women, held in 1995, the International Conference on Population and Development, held in 1994, the World Conference on Education for All, held in 1990 and the World Summit for Children, held in 1990, which should provide a framework for setting goals, outlining new approaches and developing supportive partnerships for the promotion and protection of all human rights, notably economic, social and cultural rights; their follow-up processes, such as the World Education Forum held in Dakar in April 2000, the special session of the Assembly on the implementation of the World Summit for Social Development held in June 2000, the special session of the Assembly on the implementation of the Beijing Declaration and Programme for Action adopted by the Fourth World Conference on Women, also held in 2000, and the special session of the Assembly on the problem of the human immunodeficiency virus and acquired immunodeficiency syndrome (HIV/AIDS), the special session of the Assembly on the implementation of the second United Nations Conference on Human Settlements (Habitat II) and the Third United Nations Conference on the Least Developed Countries as well as the holding of forthcoming events, such as the special session of the General Assembly on children, the World Food Summit: five years later, the World Summit on Sustainable Development and the Second World Assembly on Ageing;

(b) Regional initiatives to promote the further realization of economic, social and cultural rights;

(c) The inclusion of the issue of the realization of economic, social and cultural rights in the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, from 31 August to 7 September 2001, in which States underscored, inter alia, the need to design, promote and implement at the national, regional and international levels strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance;



5. *Reaffirms:*

(a) That, in accordance with the Universal Declaration of Human Rights, 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;

(b) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

(c) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(d) The universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and that promoting and protecting one category of rights should therefore never exempt or excuse States from the promotion and protection of other rights;

(e) The importance of international cooperation in assisting Governments to fulfil their obligation to protect and promote all human rights, including economic, social and cultural rights;

(f) That the realization of all human rights and fundamental freedoms, and particularly economic, social and cultural rights, is a dynamic process and that, as is evident in today's world, a great deal remains to be accomplished;

6. *Calls upon* all States:

(a) To give full effect to economic, social and cultural rights;

(b) To consider signing and ratifying, and the States parties to implement, the International Covenant on Economic, Social and Cultural Rights;

(c) To consider signing and ratifying the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour, the Optional

Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, and the States parties to implement them fully;

(d) To guarantee that economic, social and cultural rights will be exercised without discrimination of any kind;

(e) To address the issue of economic, social and cultural rights during the special session of the General Assembly on children;

(f) To secure progressively, through national development policies and with international assistance and cooperation, full realization of economic, social and cultural rights, giving particular attention to the individuals, most often women and children, especially girls, and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(g) To consider in this context, as appropriate, the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific benchmarks designed to give effect to minimum essential levels of enjoyment of economic, social and cultural rights;

(h) To help alleviate the unsustainable external debt burden of countries that meet the criteria of the Heavily Indebted Poor Countries Initiative, which should further strengthen the efforts of the Governments of these countries to realize economic, social and cultural rights, inter alia through the development and implementation of programmes, as well as the prevention of the spread of the HIV/AIDS pandemic in Africa and the reconstruction of countries affected by natural disasters;

(i) To promote the effective and wide participation of representatives of civil society in decision-making processes related to the promotion and protection of economic, social and cultural rights;

7. *Calls upon* the States parties to the International Covenant on Economic, Social and Cultural Rights:

(a) To withdraw reservations incompatible with the object and purpose of the Covenant and to consider reviewing other reservations with a view to withdrawing them;

(b) To promote a concerted national effort to ensure the participation of representatives of all sectors of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

(c) To submit their reports to the Committee in a regular and timely manner;

(d) To ensure that the Covenant is taken into account in all of their relevant national and international policy-making processes;

8. *Recalls* that international cooperation in solving international problems of an economic, social and cultural character and in promoting and encouraging respect for human rights and fundamental freedoms for all is one of the purposes of the United Nations, and affirms that wider international cooperation would contribute to lasting progress in implementing economic, social and cultural rights;

9. *Decides*:

(a) To encourage the Committee on Economic, Social and Cultural Rights to continue its efforts towards the promotion, protection and full realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights, at the national and international levels, notably by:

(i) Enhancing its cooperation with United Nations specialized agencies, programmes and other bodies working on issues that bear upon the Covenant;

(ii) Drafting further general comments to assist and promote the further implementation by States parties of the Covenant, and making the experience gained through the examination of States parties' reports available for the benefit of all States parties;

(b) To encourage all United Nations specialized agencies and programmes, relevant special mechanisms of the Commission on Human Rights and other United Nations bodies, including human rights treaty bodies, whose activities bear upon economic, social and cultural rights to enhance their cooperation and, as appropriate, increase coordination with the Committee in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

(c) To renew, for a period of one year, the mandate of the independent expert on the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights appointed pursuant to Commission on Human Rights resolution 2001/30, and to request him to submit a report to the Commission at its fifty-ninth session which would further address:

- (i) The question of the nature and scope of States parties' obligations under the International Covenant on Economic, Social and Cultural Rights;
- (ii) Conceptual issues on the justiciability of economic, social and cultural rights, with particular reference to the experience gained in recent years from the application of universal, regional and national human rights instruments and mechanisms;
- (iii) The question of the benefits and the practicability of a complaint mechanism under the Covenant and the issue of complementarity between different mechanisms;

(d) To request States, intergovernmental organizations, including United Nations specialized agencies and non-governmental organizations, to submit their comments and views on the above-mentioned questions to the independent expert;

(e) To request the independent expert, in carrying out his mandate, to take into account those comments and views, as well as the views of experts and academics on the matter, and to draw from the experience gained by the relevant special mechanisms of the Commission, the Committee on Economic, Social and Cultural Rights and the United Nations specialized agencies;

(f) To establish, at its fifty-ninth session, an open-ended working group of the Commission with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights;

(g) To encourage the High Commissioner for Human Rights to strengthen the research and analytical capacities of her Office in the field of economic, social and cultural rights and to share her expertise, inter alia through the holding of expert meetings;

(h) To encourage the High Commissioner to continue to ensure better support for the Committee on Economic, Social and Cultural Rights, in particular under the Programme of

Action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1997/22-E/C.12/1996/6, annex VII) adopted by the Committee at its fifteenth session;

(i) To encourage the High Commissioner to continue to provide or to facilitate practical support aimed at building capacities for the full realization of economic, social and cultural rights;

(j) To support the efforts by the High Commissioner to implement the proposed Programme of Action designed to enhance the ability of the Committee to assist interested Governments in their reporting obligations and its capacity to process and follow up the examination of States parties' reports and, accordingly, to request States parties to the International Covenant on Economic, Social and Cultural Rights to make voluntary financial contributions to ensure the adequate implementation of that Programme of Action;

10. Requests the Secretary-General to submit to the Commission at its fifty-ninth session a report on the implementation of the present resolution.

*49th meeting  
22 April 2002*

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

### **2002/25. The right to food**

*The Commission on Human Rights,*

*Recalling* the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her/his health and well-being, including food,

*Recalling also* the provisions of the International Covenant on Economic, Social and Cultural Rights in which the fundamental right of every person to be free from hunger is recognized,

*Recalling further* the Universal Declaration on the Eradication of Hunger and Malnutrition,

*Bearing in mind* the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit, held in Rome from 13 to 17 November 1996,

*Recalling* all its previous resolutions in this regard, in particular resolution 2001/25 of 20 April 2001, as well as General Assembly resolution 56/155 of 19 December 2001,

*Reaffirming* that all human rights are universal, indivisible and interdependent and interrelated,

*Recognizing* that the problem of hunger and food insecurity has global dimensions and that they are likely to persist and even to increase dramatically in some regions, unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the strain on natural resources,

*Reaffirming* that a peaceful, stable and enabling political, social and economic environment, both at a national and an international level, is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

*Reiterating*, as did the Rome Declaration, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures not in accordance with international law and the Charter of the United Nations which endanger food security,

*Convinced* that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action of the World Summit and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

*Stressing* the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and, therefore, requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

3. *Considers* it intolerable that there are around 815 million undernourished people in the world and that every year 36 million people die, directly or indirectly, as a result of hunger and nutritional deficiencies, most of them women and children, particularly in developing countries, in a world that already produces enough food to feed the whole global population;

4. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, to reinforce national actions to implement sustainable food security policies;

5. *Invites* all international financial and developmental institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide necessary funding to realize the aim to halve by the year 2015 the proportion of people who suffer from hunger, as well as the right to food;

6. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and as soon as possible enjoy fully the right to food, as well as to elaborate and adopt national plans to combat hunger;

7. *Recalls* *The State of the World's Children 2001* report on early childhood of the United Nations Children's Fund and, in this context, that the nurturing of young children merits the highest priority;

8. *Takes note with appreciation* of the report of the Special Rapporteur on the right to food (E/CN.4/2002/58 and Add.1), and commends the Special Rapporteur for his valuable work in promoting the right to food;

9. *Reiterates* the request to the Special Rapporteur to contribute effectively to the medium-term review of the implementation of the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit, to be held in Rome from 10 to 13 June 2002, by submitting to the United Nations High Commissioner for Human Rights his recommendations on all aspects of the right to food, and to attend this event in order to contribute fully to the proceedings in the light of his mandate;

10. *Welcomes* the three expert consultations on the right to food convened by the High Commissioner and her personal commitment to the promotion and realization of the right to food and, pursuant to Objective 7.4 of the 1996 World Food Summit Plan of Action, requests the High Commissioner to submit to the forthcoming World Food Summit a comprehensive report, building on the work already done by the Special Rapporteur of the Commission and the outcome of the three expert consultations convened by her Office in relation with this matter;

11. *Encourages* the Special Rapporteur to mainstream a gender perspective in the fulfilment of his mandate;

12. *Requests* the High Commissioner to provide all necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

13. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its General Comment No. 12 (1999) on the right to adequate food (art. 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

14. *Requests* the Special Rapporteur to submit a report to the General Assembly at its fifty-ninth session and to report to the Commission at its fifty-ninth session on the implementation of the present resolution;

15. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, as well as non-governmental organizations to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia through the submission of comments and suggestions on ways and means of realizing the right to food.

*49th meeting  
22 April 2002*

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



**2002/26. Promotion of the enjoyment of the cultural rights of everyone  
and respect for different cultural identities**

*The Commission on Human Rights,*

*Recalling* the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, as well as other pertinent human rights instruments,

*Noting* that numerous declarations within the United Nations system promote respect for cultural diversity, as well as for international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and 2001 respectively,

*Stressing* the importance of the promotion of the cultural rights of everyone and of respect for different cultural identities,

*Convinced* that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on a profound understanding of the variety of problems existing in different societies, on full respect for their economic, social and cultural realities and on the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

*Reaffirming* that cultural diversity is a cherished asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature which enriches our societies,

*Noting* the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 17 November 1970, and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, adopted on 24 June 1995,

*Aware* of the importance attached by the countries of origin to the return of cultural property which is of fundamental spiritual and cultural value to them, so that they may constitute collections representative of their cultural heritage,

*Expressing concern* about the illicit traffic of cultural property and its damage to the cultural heritage of nations,

*Expressing our determination* to prevent and mitigate cultural homogenization in the context of globalization, through increased intercultural exchange guided by the promotion and protection of cultural diversity,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible and interdependent;
2. *Reiterates* that everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits;
3. *Also reiterates* that everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he/she is the author;
4. *Affirms* that each culture has a dignity and value which must be respected and preserved and that every people has the right and the duty to develop its culture;
5. *Recognizes* that States have the primary responsibility for the promotion of the full enjoyment of cultural rights by everyone and for the enhancement of respect for different cultural identities;
6. *Also recognizes* that the promotion and protection of the full enjoyment of cultural rights by everyone and the respect for different cultural identities is a vital element for the protection of cultural diversity in the context of the ongoing process of globalization;
7. *Reaffirms* that all peoples have the right of self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;
8. *Underlines* the importance of cultural cooperation for all peoples and all nations, which should share with one another their knowledge and skills, and that international cooperation, while promoting the enrichment of all cultures through its beneficent action, should respect the distinctive character of each;

9. *Emphasizes* that cultural cooperation is specially concerned with the moral and intellectual education of young people in a spirit of friendship, international understanding and peace and should foster awareness among States of the need to stimulate talent and promote the training of the rising generations in the most varied sectors;

10. *Recognizes* that the promotion and protection of cultural diversity implies a commitment to human rights and fundamental freedoms guaranteed by international law and advances the application and the enjoyment of cultural rights by everyone;

11. *Also recognizes* that the promotion of the cultural rights of every one, of respect for the distinct cultural identities of peoples and of protection of the cultural diversity of humanity advances the implementation and enjoyment of all human rights by all;

12. *Stresses* that, in the face of current imbalances in flows and exchanges of cultural goods and services at the global level, it is necessary to reinforce international cooperation and solidarity aimed at enabling all countries, especially developing countries and countries in transition, to establish cultural industries that are viable and competitive at national and international level;

13. *Underlines* that market forces alone cannot guarantee the preservation and promotion of cultural diversity, which is the key to sustainable human development, and from this perspective, recognizes that the pre-eminence of public policy, in partnership with the private sector and civil society, must be reaffirmed;

14. *Requests* the United Nations High Commissioner for Human Rights to consult States, intergovernmental and non-governmental organizations on the implementation of the present resolution and on the possibility of appointing a special rapporteur the basis of whose mandate would be the comprehensive implementation of the present resolution;

15. *Also requests* the High Commissioner for Human Rights to report on the results of the consultations requested in paragraph 14 to the Commission at its fifty-ninth session under the agenda item entitled "Economic, social and cultural rights".

*49th meeting*  
*22 April 2002*

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

**2002/27. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights**

*The Commission on Human Rights,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action (A/CONF.157/23), particularly on the question of the human rights of everyone to life and the enjoyment of the highest attainable standard of physical health,

*Recalling* its earlier resolutions on the subject, in particular, its resolution 2001/35 of 23 April 2001, General Assembly resolution 46/126 of 17 December 1991 and Economic and Social Council decision 1995/288 of 25 July 1995,

*Recalling also* General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989 and 45/13 of 7 November 1990,

*Recalling further* the existing international framework on the movement of toxic and hazardous substances and wastes, in particular the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, including its Ban Amendment adopted in 1995, and the regional instruments and arrangements in this regard,

*Affirming* that the illicit movement and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and the enjoyment of the highest attainable standard of physical health, particularly of individuals in developing countries that do not have the technologies to process them,

*Reaffirming* that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

*Reaffirming also* General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

*Mindful* of the call by the World Conference on Human Rights on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping,

*Aware* of the increasing rate of illicit movement and dumping by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes in developing countries that do not have the national capacity to deal with them in an environmentally sound manner,

*Aware also* that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and the enjoyment of the highest attainable standard of physical health,

1. *Takes note* of the report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (E/CN.4/2002/61);

2. *Appreciates* the efforts made by the Special Rapporteur in carrying out her mandate in the face of very limited financial resources;

3. *Categorically condemns* the illicit dumping of toxic and dangerous products and wastes in developing countries;

4. *Reaffirms* that illicit traffic in and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and the enjoyment of the highest attainable standard of physical health;

5. *Urges* all Governments to take appropriate legislative and other measures, in line with their international obligations, to prevent the illegal international trafficking in toxic and hazardous products and wastes, the transfer of toxic and hazardous products and wastes through fraudulent waste-recycling programmes, and the transfer of polluting industries, industrial activities and technologies, which generate hazardous wastes, from developed to developing countries;

6. *Invites* the United Nations Environment Programme, the secretariat for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Commission on Sustainable Development, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization and regional organizations to continue to intensify their coordination and international cooperation and technical assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. *Requests* the Governments of developed countries, together with international financial institutions, to provide financial assistance to African countries for the implementation of the Programme of Action adopted at the First Continental Conference for Africa on the Environmentally Sound Management of Unwanted Stocks of Hazardous Wastes and their Prevention, held in Rabat, from 8 to 12 January 2001;

8. *Welcomes* the ongoing work of the secretariat for the Basel Convention and also welcomes the cooperation between the secretariat and:

(a) The International Criminal Police Organization, in the monitoring and prevention of cases of illegal trafficking in toxic and dangerous products and wastes through the exchange of information;

(b) The World Customs Organization, in the training of customs officers and the harmonization of classification systems for effective control at customs border posts;

9. *Expresses its appreciation* to the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, for the support extended to the Special Rapporteur and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

10. *Urges* the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to continue to give appropriate support to developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and the enjoyment of the highest attainable standard of physical health of everyone;

11. *Urges* all Governments to ban the export of toxic and dangerous products, substances, chemicals, pesticides and persistent organic pollutants that are banned or severely restricted in their own countries;

12. *Urges* the Special Rapporteur to continue to undertake, in consultation with the relevant United Nations bodies and organizations and the secretariats of relevant international conventions, a global, multidisciplinary and comprehensive study of existing problems of and solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, in particular in developing countries, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena;

13. *Reiterates its request* to the Special Rapporteur to continue to consult all relevant United Nations bodies, organizations and secretariats, in particular the Chemical Division of the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations and the secretariat for the Basel Convention, and to take duly into account the progress made in other forums and to identify loopholes;

14. *Invites* the Special Rapporteur, in accordance with her mandate, to include in her report to the Commission at its fifty-ninth session comprehensive information on:

- (a) Persons killed, maimed or otherwise injured in developing countries through the illicit movement and dumping of toxic and dangerous products and wastes;
- (b) The question of the impunity of the perpetrators of these heinous crimes, including racially motivated discriminatory practices, and to recommend measures to bring them to an end;
- (c) The question of rehabilitation of and assistance to victims;
- (d) The scope of national legislation in relation to transboundary movement and dumping of toxic and dangerous products and wastes;
- (e) The question of fraudulent waste-recycling programmes, the transfer of polluting industries, industrial activities and technologies from the developed to developing countries, ambiguities in international instruments that allow illegal movement and dumping of toxic and dangerous products and wastes, and any gaps in the effectiveness of the international regulatory mechanisms;

15. *Encourages* the Special Rapporteur, in accordance with her mandate and with the support and assistance of the Office of the High Commissioner for Human Rights, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report, and to have their observations reflected in her report to the Commission;

16. *Reiterates its call* to the Secretary-General to continue to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and, in particular:

- (a) To provide her with adequate financial and human resources, including administrative support;

(b) To provide her with the necessary specialized expertise to enable her to carry out her mandate fully;

(c) To facilitate her consultations with specialized institutions and agencies, in particular with the United Nations Environment Programme and the World Health Organization, with a view to improving the provision by such institutions and agencies of technical assistance to Governments which request it and appropriate assistance to victims;

17. *Decides* to continue consideration of this question at its fifty-ninth session, under the same agenda item.

*49th meeting*

*22 April 2002*

[Adopted by a recorded vote of 37 votes to 14,  
with 2 abstentions. See chap. X.]

### **2002/28. Globalization and its impact on the full enjoyment of human rights**

*The Commission on 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,

*Reaffirming* its resolutions 2001/32 of 23 April 2001 and 1999/59 of 28 April 1999 and General Assembly resolutions 56/165 of 19 December 2001 and 55/102 of 4 December 2000,

*Affirming* that, while globalization offers great opportunities, at present its benefits are very unevenly shared and costs are unevenly distributed, and that developing countries face difficulties in responding to this central challenge,

*Reaffirming* the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and taking note of the conclusions adopted by consensus by the open-ended Working Group on the Right to Development at its third session,

*Recognizing* that globalization should be guided by the fundamental principles that underpin the corpus of human rights, such as equality, participation, accountability, non-discrimination, at both the national and international levels, respect for diversity and international cooperation and solidarity,



*Affirming* in this regard that multilateral institutions have a unique role to play in meeting the challenges and opportunities presented by globalization,

*Taking note* of the Doha Declaration adopted by the fourth Ministerial Conference of the World Trade Organization and the Monterrey Declaration adopted by the United Nations Conference on Financing for Development,

*Taking note with appreciation* of the results of the intersessional regional workshop on the impact of globalization on the full enjoyment of economic, social and cultural rights organized by the Office of the United Nations High Commissioner for Human Rights within the framework of its technical cooperation programme in the Asian and Pacific region, held in May 2001 in Kuala Lumpur,

*Deeply concerned* at the widening gap between the developed and the developing countries, which adversely affects the full enjoyment of human rights, particularly in the developing countries,

1. *Recognizes* that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;
2. *Reaffirms* that, in addition to States' separate responsibilities to their individual societies, they have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;
3. *Also reaffirms* the commitment to create an environment at both the national and international levels that is conducive to development and to the elimination of poverty through, inter alia, good governance within each country and at the international level, transparency in the financial, monetary and trading systems and commitment to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system;
4. *Further reaffirms* that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political developments in which all human rights and fundamental freedoms can be fully realized;

5. *Welcomes* the report of the High Commissioner for Human Rights on globalization and its impact on the full enjoyment of human rights (E/CN.4/2002/54), which focuses on the liberalization of agricultural trade and its impact on the realization of the right to development, including the right to food, and takes note of the conclusions and recommendations contained therein;

6. *Underlines* that, in the absence of a framework based on the fundamental principles which underpin the corpus of human rights, such as equality, participation, accountability, non-discrimination, respect for diversity and international cooperation and solidarity, globalization will continue on its inherently asymmetrical course;

7. *Requests*, therefore, the High Commissioner for Human Rights, taking fully into account the present resolution and in cooperation with the United Nations Conference on Trade and Development, the World Trade Organization and other relevant international financial and economic institutions, to study and clarify the fundamental principle of non-discrimination and its application at the global level with a view to recommending measures for its integration and effective implementation in the debate on and process of globalization, and to submit a comprehensive analytical study on that subject to the Commission at its fifty-ninth session;

8. *Welcomes* the progress report of the Special Rapporteurs of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/2000/13) and requests them to take into account the content of the present resolution in finalizing their study on globalization and its impact on the full enjoyment of all human rights for consideration by the Commission at its fifty-ninth session;

9. *Underlines once again*, the need for the treaty bodies, special rapporteurs/representatives, independent experts and working groups of the Commission, within their mandates and where appropriate, to take into consideration the content of the present resolution and the report of the High Commissioner for Human Rights on globalization and its impact on the full enjoyment of human rights;

10. *Requests* the High Commissioner for Human Rights to integrate the theme of globalization and its impact on the enjoyment of human rights in the programmes of her Office concerning regional arrangements for the promotion and protection of human rights and, in this

context, convene intersessional workshops during the year to gather relevant data and opinions with a view to evaluating the varied impact of globalization on the enjoyment of human rights in various regions/parts of the world, and to report to the Commission at its next session;

11. *Decides* to consider this issue again at its fifty-ninth session.

*49th meeting  
22 April 2002*

[Adopted by a recorded vote of 38 votes to 15.  
See chap. X.]

**2002/29. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights**

*The Commission on Human Rights,*

*Recalling* that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms,

*Reaffirming* the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and the resolutions and decisions adopted by the United Nations in connection with the problem of the foreign debt of the developing countries, particularly Commission resolution 2001/27 of 20 April 2001,

*Deeply convinced* of the need to create a new spirit of international cooperation based on the principle of achieving shared benefits, but also based on common but differentiated responsibilities, between the developing and industrialized countries,

*Bearing in mind* that the absolute amounts attained by the foreign debt and debt service of the developing nations indicate the persistent seriousness of this situation, that the episodes of financial crisis in Asia and other regions have caused this situation to deteriorate further and that the foreign debt burden is becoming increasingly unbearable for a considerable number of developing countries,

*Aware* that the serious problem of the foreign debt burden remains one of the most critical factors adversely affecting economic, social, scientific and technical development and living standards in many developing countries, with serious effects of a social nature,

*Stressing* that the benefits of globalization are very unevenly shared while its costs are unevenly distributed, and that it creates new challenges, risks and uncertainties for the implementation and consolidation of development strategies,

*Expressing its concern* that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

*Acknowledging* that, in spite of the fact that debt reduction schemes have helped to reduce debt, many highly indebted poor countries are still left with the bulk of their debt,

*Considering* that the measures for alleviating the debt problem, of both official and private origin, have not achieved an effective, equitable, development-oriented and durable solution to the outstanding debt and debt service of a large number of developing countries, especially the poorest and heavily indebted countries,

*Bearing in mind* the relationship between the heavy foreign debt burden and the considerable increase in poverty which is apparent at the global level and is especially large in Africa,

*Recognizing* that foreign debt constitutes one of the main obstacles preventing the developing countries from fully enjoying their right to development,

1. *Stresses* that structural adjustment policies have serious implications for the ability of the developing countries to abide by the Declaration on the Right to Development and to formulate national development policies that aim to improve the economic, social and cultural rights of their citizens;

2. *Deeply aware* that the structural adjustment programmes give inadequate attention to the provision of social services and that only a few countries manage to achieve sustainable higher growth under these programmes;

3. *Expresses its concern* at the persistence of the external debt problem, that the vicious cycle of debt and underdevelopment has become further entrenched, that debt service has grown at a much greater rate than the debt itself and that the burden of payments has become heavier in many developing countries, including those with low and middle incomes, despite repeated rescheduling, and that the current debt and poverty reduction and growth initiatives lack sufficient funding and have several conditions attached;

4. *Also expresses its concern* at the external debt overhang that affects most least developed countries and remains a main obstacle to their development;
5. *Recalls* the pledge, contained in the political declaration contained in the annex to resolution S-24/2 of 1 July 2000 adopted by the General Assembly at its twenty-fourth special session, to find effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing burdens of developing countries;
6. *Welcomes* the conclusion of the statement on poverty adopted by the Committee on Economic, Social and Cultural Rights on 4 May 2001 that some of the structural obstacles confronting developing States' anti-poverty strategies lie beyond their control in the contemporary international order and that it is imperative that measures be taken urgently to remove these global structural obstacles, such as unsustainable foreign debt, the widening gap between rich and poor, and the absence of an equitable multilateral trade, investment and financial system; otherwise, the national anti-poverty strategies of some States have limited chance of success;
7. *Reiterates* that the permanent solution to the foreign debt problem lies in the establishment of a just and equitable international economic order based, inter alia, on open, equitable, secure, non-discriminatory, predictable, transparent and multilateral rule-based international financial and trading systems, which guarantees the developing countries, inter alia, better market conditions and commodity prices, stabilization of exchange rates and interest rates, easier access to financial and capital markets, adequate flows of new financial resources and easier access to the technology of the developed countries;
8. *Stresses* the need for the economic programmes arising from foreign debt to be country-driven and for their macroeconomic and financial policy issues to be integrated, on an equal footing and a consistent way, with the realization of the broader social development goals, taking into account the specific characteristics, conditions and needs of the debtor countries;
9. *Affirms* that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies, growth programmes and economic reforms arising from the debt;

10. *Emphasizes* the important need for initiatives on foreign debt, in particular in the enhanced Heavily Indebted Poor Countries Initiative and the decision of the Paris Club to go beyond the Naples terms, to be extended, expedited, implemented completely and made more flexible, and at the same time notes with concern the rigidity of the eligibility criteria approved by the international creditor community in the context of those initiatives, which is becoming a source of greater concern in the light of the latest symptoms of the international financial crisis;

11. *Also emphasizes* the need for new financial flows to debtor developing countries from all sources, in addition to debt relief measures that include debt cancellation, and urges creditor countries and the international financial institutions to increase concessional financial assistance on favourable terms, as a means of supporting the implementation of the economic reforms, combating poverty and achieving sustained economic growth and sustainable development;

12. *Requests* the independent expert to present an analytical report to the Commission, on an annual basis, on the implementation of the present resolution, paying particular attention to:

(a) The effects of the foreign debt and the policies adopted to face them on the full enjoyment of all human rights, in particular economic, social and cultural rights in developing countries;

(b) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

(c) New developments, actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to structural adjustment policies and human rights;

13. *Also requests* the independent expert to provide an advance copy of his annual report to the open-ended working group established to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights, in order to assist the group in the fulfilment of its mandate;

14. *Requests* the Secretary-General to provide the independent expert with all necessary assistance, in particular the staff and resources required to perform his functions;

15. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his mandate;

16. *Calls upon* Governments, international organizations and international financial institutions, as well as non-governmental organizations and the private sector, to take appropriate measures and action for the implementation of the commitments, agreements and decisions of the major United Nations conferences and summits organized since the beginning of the 1990s on developments related to the question of external debt;

17. *Also calls upon* Governments, international financial institutions and the private sector to consider the possibility of cancelling or reducing significantly the debt of the heavily indebted poor countries, giving priority to countries emerging from devastating civil wars or that have been devastated by natural disasters;

18. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), so that more financial resources can be released and used for health care, research and treatment of the population in the affected countries;

19. *Recognizes* that there is a need for more transparency, participation by all States and consideration of the relevant resolutions of the Commission in the deliberations and activities of international and regional financial institutions;

20. *Reiterates* its view that, in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

21. *Requests* the Economic and Social Council to authorize the Working Group on Structural Adjustment to meet for two weeks well in advance of, and at least four weeks prior to, the fifty-ninth session of the Commission with the mandate to: (a) continue working on the

elaboration of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and international financial institutions, and (b) report to the Commission at its fifty-ninth session;

22. *Reiterates its request* to the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, in particular of the least developed countries, and especially the social impact of the measures arising from the foreign debt;

23. *Requests* the High Commissioner to take urgent action to strengthen the responsiveness of the Office of the United Nations High Commissioner for Human Rights in the area of economic, social and cultural rights;

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

*49th meeting*

*22 April 2002*

[Adopted by a recorded vote of 29 votes to 15,  
with 9 abstentions. See chap. X.]

### **2002/30. Human rights and extreme poverty**

*The Commission on 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 himself and of his 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 control,



*Recalling also* that the eradication of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

*Deeply concerned* that, 54 years after the adoption of the Universal Declaration of Human Rights, extreme poverty continues 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, are particularly severe in developing countries, though acknowledging the progress made in many parts of the world,

*Bearing in mind* the relevant provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted in June 1993 by the World Conference on Human Rights,

*Recalling in particular* that the World Conference reaffirmed that least developed countries committed to the process of democratization and economic reforms, many of which are in Africa, should be supported by the international community in order to succeed in their transition to democracy and economic development,

*Bearing in mind* the commitments reaffirmed in the United Nations Millennium Declaration, particularly to spare no effort to fight against extreme poverty,

*Recalling* General Assembly resolution 50/107 of 20 December 1995, in which the Assembly proclaimed the first United Nations Decade for the Eradication of Poverty (1997-2006), and noting the report of the Secretary-General on the implementation of the Decade (A/55/407),

*Recalling also* the resolutions of the General Assembly on human rights and extreme poverty, in particular resolution 55/106 of 4 December 2000, and the importance they attach to giving men and women living in extreme poverty the wherewithal to organize and participate in all aspects of political, economic and social life,

*Stressing* that, in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development held in March 1995 (A/CONF.166/9, chap. I, resolution 1), Governments committed themselves to endeavouring to ensure that all men and women, especially those living in poverty, could exercise the rights, utilize the resources and share the responsibilities that would enable them to lead satisfying lives

and to contribute to the well-being of their families, their communities and humankind and committed themselves to the goal of eradicating poverty throughout the world through national actions and international cooperation, as an ethical, social, political and economic imperative of humankind,

*Recalling* the report of the Secretary-General on women's real enjoyment of their human rights, in particular those relating to the elimination of poverty, economic development and economic resources (E/CN.4/1998/22-E/CN.6/1998/11),

*Noting with satisfaction* resolution 2001/34, on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing, adopted by the Commission on Human Rights at its fifty-seventh session, which recognizes that restrictions on women's equal access to credit and loans and factors preventing them from owning and inheriting land may contribute to the feminization of poverty,

*Recalling* the Declaration of the Microcredit Summit, held in Washington, D.C., in February 1997, which launched a global campaign to reach one hundred million of the world's poorest families, especially women, with credit for self-employment by the year 2005,

*Noting with interest* the statement adopted by the Committee on Economic, Social and Cultural Rights on 4 May 2001, aimed at encouraging the integration of human rights into poverty eradication policies by outlining how human rights generally, and the International Covenant on Economic, Social and Cultural Rights in particular, can empower the poor and enhance anti-poverty strategies,

*Also noting with interest* the report submitted by the independent expert pursuant to Commission resolution 2001/31 of 23 April 2001 (E/CN.4/2002/55) and the recommendations the expert makes, inter alia on the introduction of decentralization policies suited to the needs and particular characteristics of men and women living in extreme poverty, on giving them greater representation on national human rights bodies, on establishing civil registry services where necessary to provide better safeguards for their legal rights, including their right to be recognized as persons before the law, to own property and to inherit, and on giving them better access to the justice system,

*Noting* resolution 2001/8 of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2002/2), which designates experts to prepare a working paper on the need to develop guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty, and encouraging the experts to continue to cooperate with the independent expert,

1. *Reaffirms* that:

(a) Extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

(b) The right to life includes within its existence in human dignity with the minimum necessities of life;

(c) The existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

(d) For peace and stability to endure, national action and international action and cooperation are required to promote a better life for all in larger freedom, a critical element of which is the eradication of poverty;

(e) Political commitment, social justice and equal access to social services are conditions *sine qua non* for the eradication of poverty, and welcomes in this connection the fact that States and international organizations have never been so aware of the urgency of winning the battle against extreme poverty;

(f) It is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live and in the realization of human rights, and for people living in poverty and vulnerable groups to be empowered to help plan, implement and evaluate policies that affect them, thus enabling them to become genuine partners in development;

(g) Special attention must be given to the plight of women, particularly older women and women alone at home, and children, who often bear the greatest burden of extreme poverty;

2. *Recalls* that:

(a) 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, provide the substantive framework for eradicating poverty by setting specific targets, drawing up plans and implementing programmes;

(b) To ensure the protection of the rights of all individuals, non-discrimination towards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what is endured by people living in poverty, including women and children, and that thought must be given to the subject, drawing on the experience and ideas communicated by the poorest themselves and by those committed to working alongside them;

(c) In its resolution 1997/11 of 3 April 1997, it requested the United Nations High Commissioner for Human Rights to give high priority to the question of human rights and extreme poverty, to ensure better cooperation between the institutions and bodies involved, regularly to inform the General Assembly of the evolution of the question and to submit specific information on this question at events such as the evaluation, at the halfway point in 2002 and the end-point in 2007, of the first United Nations Decade for the Eradication of Poverty;

(d) In her report to the General Assembly of 11 September 1998 on the mid-term evaluation of the Vienna Declaration and Programme of Action (A/53/372, annex), the High Commissioner proposed that the Second and Third Committees of the General Assembly should work jointly to implement the right to development by focusing on the elimination of poverty, with particular emphasis placed on basic security, which is necessary to enable individuals and families to enjoy fundamental rights and assume basic responsibilities;

3. *Recognizes* the efforts of developing countries, in particular the commitment and determination of the African leaders, to seriously address the challenges of poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity, through initiatives such as the New Partnership for Africa's Development (formerly known as the New African Initiative) and other innovative mechanisms such as the World Solidarity Fund for the Eradication of Poverty, and calls upon developed countries, the United Nations and its specialized agencies, as well as the international financial institutions, to provide, through their operational programmes, new and additional financial resources, as appropriate, to support these initiatives;

4. *Welcomes* the increasing number of events associated with the celebration, on 17 October of each year, of the International Day for the Eradication of Poverty and the opportunity which these events provide to people and populations living in extreme poverty to make their voices heard;

5. *Expresses its appreciation:*

(a) That an integrated approach is being followed by the United Nations system in addressing the question of extreme poverty, particularly through the adoption and the implementation of the United Nations action strategy for halving extreme poverty by 2015;

(b) That the international financial institutions have developed new policies strengthening the human and social dimension of their action, and encourages them to continue to do so;

(c) For the initiatives taken in many countries by national education authorities to raise awareness among all children and young people of the existence of extreme poverty and the urgent need for united action to enable the poorest people to regain their rights;

(d) For the priority that the independent expert continues to give to enabling men and women living in extreme poverty to express themselves, and the emphasis in her report on the need for States to take account of their demands in shaping State policies;

(e) For the many responses from Governments to the questionnaires sent out by the independent expert to gather views and experiences in the field of human rights and the eradication of extreme poverty;

6. *Calls upon:*

(a) The General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to take into account the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(b) States and intergovernmental and non-governmental organizations to continue to take into account, in the activities to be undertaken within the framework of the United Nations Decade for the Eradication of Poverty, the links between human rights and extreme poverty, as well as efforts to empower people living in poverty to participate in decision-making processes on policies that affect them;

(c) The United Nations to strengthen poverty eradication as a priority throughout the United Nations system;

7. *Urges* States and encourages the private sector and international financial and development institutions, such as the World Bank and regional development banks, to promote

participation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance in economic, cultural and social decision-making at all stages, particularly in the development and implementation of poverty-alleviation strategies, development projects, and trade and market assistance programmes;

8. *Invites:*

(a) The treaty bodies monitoring the application of human rights instruments, especially the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination, to take into account, when considering the reports of States parties, the question of extreme poverty and human rights;

(b) States, international organizations and non-governmental organizations to submit to the Secretary-General, by the fifty-ninth session of the Commission, their views and comments on the recommendations contained in the report of the independent expert on extreme poverty (E/CN.4/2002/55);

9. *Decides* to renew for two years the mandate of the independent expert on the question of human rights and extreme poverty, and requests the expert:

(a) To take into account the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 29 August-8 September 2001), and the conference on sustainable development to be held in Johannesburg from 26 August to 4 September 2002;

(b) To continue to evaluate the relationship between the promotion and protection of human rights and the eradication of extreme poverty, including through the identification of local, national and international good practices;

(c) To continue, including during her visits, her consultations with men and women living in extreme poverty and the communities in which they live on ways of developing their capacity to express their views and organize themselves, and to involve national human rights bodies in this exercise;

(d) To identify good practices by national and local authorities for taking into account while shaping their policies the needs and demands voiced by the least well off;

(e) To continue her cooperation with international organizations, including the financial institutions, with a view to identifying the best programmes for combating extreme poverty;

(f) To contribute to the mid-term evaluation of the first United Nations Decade for the Eradication of Poverty, scheduled for 2002, and the associated events;

(g) To report on her activities to the Commission at its fifty-ninth and sixtieth sessions, and to make those reports available to the Commission for Social Development and the Commission on the Status of Women, as appropriate, for their sessions during the same years;

10. *Also decides* to consider this question at its fifty-ninth session under the same agenda item;

11. *Recommends* the following draft decision to the Economic and Social Council:

“Human rights and extreme poverty

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/30 of 22 April 2002, endorses the Commission’s decision to renew for two years the mandate of the independent expert on the question of human rights and extreme poverty, and requests the expert:

“(a) To take into account the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 29 August-8 September 2001), and the conference on sustainable development to be held in Johannesburg from 26 August to 4 September 2002;

“(b) To continue to evaluate the relationship between the promotion and protection of human rights and the eradication of extreme poverty, including through the identification of local, national and international good practices;

“(c) To continue, including during her visits, her consultations with men and women living in extreme poverty and the communities in which they live into developing their capacity to express their views and organize themselves, and to involve national human rights bodies in this exercise;

“(d) To identify good practices by national and local authorities for taking into account in shaping their policies the needs and demands voiced by the least well-off;

“(e) To continue her cooperation with international organizations, including the financial institutions, with a view to identifying the best programmes for combating extreme poverty;

“(f) To contribute to the mid-term evaluation of the first United Nations Decade for the Eradication of Poverty, scheduled for 2002, and the associated events;

“(g) To report on her activities to the Commission at its fifty-ninth and sixtieth sessions, and to make those reports available to the Commission for Social Development and the Commission on the Status of Women, as appropriate, for their sessions during the same years.”

*49th meeting  
22 April 2002*

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

**2002/31. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

*The Commission on Human Rights,*

*Reaffirming* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, 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 the Convention on the Rights of the Child,

*Reaffirming also* that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right and that such right derives from the inherent dignity of the human person,

*Recalling* the declarations and programmes of action adopted by the major United Nations conferences and summits and their follow-up meetings,

*Recalling also* its previous resolutions on the realization of economic, social and cultural rights, in particular resolutions 2001/30 of 20 April 2001, 2001/33 of 23 April 2001 and 2001/51 of 24 April 2001,



*Taking note with interest* of General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-second session in May 2000,

*Aware* that, for millions of people throughout the world, the full enjoyment of the right to the highest attainable standard of physical and mental health still remains a distant goal and that, in many cases, especially for those living in poverty, this goal is becoming increasingly remote,

*Recognizing* a need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health,

*Welcoming* the recent initiatives by the Secretary-General and relevant United Nations bodies and programmes, such as the World Health Organization and the Joint United Nations Programme on HIV/AIDS, as well as public-private partnership initiatives, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, which contribute to improvements in addressing health issues worldwide, including in developing countries, while noting that further progress should be achieved in this regard, including in the mobilization of resources,

*Mindful* of the need to promote and protect the progressive realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

1. *Urges* States to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources for this purpose, with a view to achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health by all appropriate means, including particularly the adoption of legislative measures;

2. *Calls upon* the international community to continue to assist the developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through financial and technical support as well as training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

3. *Calls upon* States to guarantee that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health will be exercised without discrimination of any kind;

4. *Decides* to appoint, for a period of three years, a special rapporteur whose mandate will focus on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12 of the International Covenant on Economic, Social and Cultural Rights, article 24 of the Convention on the Rights of the Child and article 12 of the Convention on the Elimination of All Forms of Discrimination against Women, as well as on the right to non-discrimination as reflected in article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination;

5. *Requests* the Special Rapporteur:

(a) To gather, request, receive and exchange information from all relevant sources, including Governments, intergovernmental organizations and non-governmental organizations, on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(b) To develop a regular dialogue and discuss possible areas of cooperation with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies and programmes, in particular the World Health Organization and the Joint United Nations Programme on HIV/AIDS, as well as non-governmental organizations and international financial institutions;

(c) To report on the status, throughout the world, of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in accordance with the provisions of the instruments listed in paragraph 4 above, and on developments relating to this right, including on laws, policies and good practices most beneficial to its enjoyment and obstacles encountered domestically and internationally to its implementation;

(d) To make recommendations on appropriate measures to promote and protect the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with a view to supporting States' efforts to enhance public health;

6. *Requests* the Special Rapporteur to avoid in her or his work any duplication or overlapping with the work, competence and mandate of other international bodies active in health issues;
7. *Invites* the Special Rapporteur to apply a gender perspective in her or his work and to pay special attention to the needs of children in the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
8. *Also invites* the Special Rapporteur to take into account in her or his work the relevant provisions of the Durban Declaration and Programme of Action, as well as of the declarations and programmes of action adopted by the major United Nations conferences and summits and their follow-up meetings, and to bear in mind General Comment No. 14 of the Committee on Economic, Social and Cultural Rights and General Recommendation No. 24 of the Committee on the Elimination of Discrimination against Women, as well as any other general comment that treaty bodies adopt on related provisions of relevant instruments;
9. *Requests* the United Nations High Commissioner for Human Rights to provide all the necessary resources for the effective fulfilment of the Special Rapporteur's mandate from within existing resources;
10. *Calls upon* Governments to cooperate fully with the Special Rapporteur in the implementation of her or his mandate, to provide all information requested and to respond promptly to her or his communications;
11. *Requests* the Special Rapporteur to submit an annual report to the Commission on the activities performed under her or his mandate;
12. *Decides* to continue consideration of this matter at its fifty-ninth session under the same agenda item.

*49th meeting  
22 April 2002*

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

**2002/32. Access to medication in the context of pandemics such as HIV/AIDS**

*The Commission on Human Rights,*

*Reaffirming* the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

*Reaffirming also* that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right,

*Recalling* its resolutions 1999/49 of 27 April 1999, 2001/33 of 23 April 2001 and 2001/51 of 24 April 2001,

*Bearing in mind* World Health Assembly resolutions WHA54.10 entitled “Scaling up the response to HIV/AIDS” and WHA54.11 entitled “WHO medicines strategy”, both of them adopted on 21 May 2001, as well as resolution concerning HIV/AIDS and the world of work adopted on 13 June 2000, by the International Labour Conference,

*Acknowledging* that prevention and comprehensive care and support, including treatment and access to medication for those infected and affected by pandemics such as HIV/AIDS, are inseparable elements of an effective response and must be integrated into a comprehensive approach to combat such pandemics,

*Recalling* the guidelines elaborated at the Second International Consultation on HIV/AIDS and Human Rights held in Geneva from 23 to 25 September 1996 (E/CN.4/1997/37, annex I), in particular guideline 6,

*Taking note* of General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-second session in May 2000,

*Noting with great concern* that, according to the Joint United Nations Programme on HIV/AIDS, the HIV/AIDS pandemic claimed 3 million lives in 2001,

*Alarmed* that, according to the same source, about 40 million people were infected with the HIV virus by the end of 2001,

*Alarmed also* at the high levels of prevalence of other infectious diseases, such as tuberculosis and malaria, and acknowledging the significance of HIV/AIDS in the increase in tuberculosis and other opportunistic infections,

*Recognizing* the need to promote prevention and comprehensive care and support, including treatment and access to medication, for those affected by tuberculosis and malaria,

*Welcoming* the recent initiatives by the Secretary-General and relevant United Nations agencies to make HIV/AIDS-related drugs more accessible to developing countries and noting that much more can be done in this regard,

*Welcoming also* the Declaration of Commitment on HIV/AIDS “Global Crisis - Global Action” adopted by the General Assembly at its special session on HIV/AIDS held in June 2001,

*Welcoming further* the creation of the Global Fund to Fight AIDS, Tuberculosis and Malaria, the purpose of which is to attract, manage and disburse additional resources through a new public-private partnership that will make a sustainable and significant contribution to the reduction of infections, illness and death, by making grants for the prevention, treatment, care and support of the infected and directly affected,

*Recognizing* that the spread of HIV/AIDS can have a uniquely devastating impact on all sectors and levels of society and stressing that the HIV/AIDS pandemic, if unchecked, may pose a risk to stability and security, as stated in Security Council resolution 1308 (2000) of 17 July 2000,

*Emphasizing*, in view of the increasing challenges presented by pandemics such as HIV/AIDS, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, including by reducing vulnerability to pandemics such as HIV/AIDS and by preventing related discrimination and stigma,

1. *Recognizes* that access to medication in the context of pandemics such as HIV/AIDS is one fundamental element for achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Calls upon* States to pursue policies, in accordance with applicable international law, including international agreements acceded to, which would promote:

(a) The availability in sufficient quantities of pharmaceuticals and medical technologies used to treat pandemics such as HIV/AIDS or the most common opportunistic infections that accompany them;

(b) The accessibility to all without discrimination, including the most vulnerable sectors of the population, of such pharmaceuticals or medical technologies and their affordability for all, including socially disadvantaged groups;

(c) The assurance that pharmaceuticals or medical technologies used to treat pandemics such as HIV/AIDS or the most common opportunistic infections that accompany them, irrespective of their sources and countries of origin, are scientifically and medically appropriate and of good quality;

3. *Also calls upon* States, at the national level, on a non-discriminatory basis:

(a) To refrain from taking measures which would deny or limit equal access for all persons to preventive, curative or palliative pharmaceuticals or medical technologies used to treat pandemics such as HIV/AIDS or the most common opportunistic infections that accompany them;

(b) To adopt legislation or other measures, in accordance with applicable international law, including international agreements acceded to, to safeguard access to such preventive, curative or palliative pharmaceuticals or medical technologies from any limitations by third parties;

(c) To adopt all appropriate positive measures to the maximum of the resources allocated for this purpose, to promote effective access to such preventive, curative or palliative pharmaceuticals or medical technologies;

4. *Further calls upon* States, in furtherance of the Declaration of Commitment on HIV/AIDS adopted by the General Assembly at its special session in June 2001, to address factors affecting the provision of drugs related to the treatment of pandemics such as HIV/AIDS and the most common opportunistic infections that accompany them, as well as to develop integrated strategies to strengthen health care systems, including laboratory capacities and the training of health-care providers and technicians, in order to provide treatment and monitor the use of medications, diagnostics and related technologies;

5. *Calls upon* States to take all appropriate measures, nationally and through cooperation, to promote the development of new and more effective preventive, curative or palliative pharmaceuticals, in accordance with applicable international law, including international agreements acceded to;

6. *Also calls upon* States, at the international level, to take steps, individually and/or through international cooperation, in accordance with applicable international law, including international agreements acceded to, such as:

(a) To facilitate, wherever possible, access in other countries to essential preventive, curative or palliative pharmaceuticals or medical technologies used to treat pandemics such as HIV/AIDS or the most common opportunistic infections that accompany them, as well as to extend the necessary cooperation, wherever possible, especially in times of emergency;

(b) To ensure that their actions as members of international organizations take due account of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and that the application of international agreements is supportive of public health policies which promote broad access to safe, effective and affordable preventive, curative or palliative pharmaceuticals and medical technologies;

7. Welcomes the Declaration on the TRIPS Agreement and Public Health adopted at the Fourth World Trade Organization Ministerial Conference in November 2001, in which World Trade Organization members:

(a) Recognized the gravity of the public health problems afflicting many developing countries, especially those resulting from HIV/AIDS, tuberculosis, malaria and other epidemics;

(b) Stressed the need for the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) to be part of the wider national and international action to address these problems;

(c) Recognized that intellectual property protection is important for the development of new medicines and also recognized the concerns about its effects on prices;

(d) Agreed that the TRIPS Agreement does not and should not prevent members from taking measures to protect public health; accordingly, while reiterating their commitment to the TRIPS Agreement, they affirmed that the Agreement can and should be interpreted and implemented in a manner supportive of World Trade Organization members' right to protect public health and, in particular, to promote access to medicines for all; in this connection, they reaffirmed the right of World Trade Organization members to use, to the full, the provisions in the TRIPS Agreement, which provide flexibility for this purpose;

8. Calls upon the international community, the developed countries in particular, to continue to assist the developing countries in their fight against pandemics such as HIV/AIDS through financial and technical support, as well as through the training of personnel;

9. Invites the Committee on Economic, Social and Cultural Rights, when considering the human rights dimension of combating pandemics such as HIV/AIDS, to give attention to the issue of access to medication and invites States to include appropriate information thereon in the reports they submit to the Committee;

10. *Takes note with interest* of the report of the Secretary General on access to medication in the context of pandemics such as HIV/AIDS (E/CN.4/2002/52 and Add 1);

11. *Requests* the Secretary-General to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to promote and implement, where applicable, the present resolution, as well as to report thereon to the Commission at its fifty-ninth session;

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

*49th meeting*

*22 April 2002*

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

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