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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)

CONTENTS*

<i>Chapter</i>	<i>Page</i>
II. Resolutions and decisions adopted by the Commission at its fifty-eighth session	
A. <i>Resolutions</i>	
2002/68. Racism, racial discrimination, xenophobia and related intolerance	
2002/69. The right to development.....	

* 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.

CONTENTS (continued)

<i>Chapter</i>	<i>Page</i>
II. A. <u>Resolutions (continued)</u>	
2002/70. Human rights defenders	
2002/71. Promotion of the right of peoples to peace.	
2002/72. Promotion of a democratic and equitable international order	
2002/73. Human rights and international solidarity	
2002/74. United Nations Decade for Human Rights Education (1995-2004).....	
2002/75. Human rights and the environment as part of sustainable development	
2002/76. The role of good governance in the promotion of human rights	
2002/77. The question of the death penalty	
2002/78. Status of the International Covenants on Human Rights.....	
2002/79. Impunity	
2002/80. Composition of the staff of the Office of the United Nations High Commissioner for Human Rights.....	

2002/68. Racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Recalling its resolution 2001/5 of 18 April 2001,

Welcoming the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001 in Durban, South Africa,

Stressing that the Durban Declaration and Programme of Action provide a solid basis for combating the contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance,

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

Stressing the need for maintaining continued political will and momentum, at the national, regional and international levels, in order to combat racism, racial discrimination, xenophobia and related intolerance, taking into account commitments under the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to this end,

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

Deeply concerned that, despite continued efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Particularly alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result of resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Reaffirming general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination concerning article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, which holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention,

Reaffirming also that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for promoting equality and non-discrimination in the world,

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

Emphasizing that adequate resources at the national, regional and international levels are necessary for the effective implementation of the Durban Declaration and Programme of Action,

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

Emphasizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices which in turn generate more poverty,

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

Noting with grave concern that despite the efforts of the international community, the principal objectives of the three Decades for Action to Combat Racism and Racial Discrimination have not been attained and that countless human beings continue to the present day to be victims of racism, racial discrimination, xenophobia and related intolerance,

**I. COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO
THE DURBAN DECLARATION AND PROGRAMME OF ACTION**

1. *Calls upon* all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;
2. *Invites* States to give widespread publicity to the Durban Declaration and Programme of Action;
3. *Invites* all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the Conference and invites specialized agencies and related organizations of the United Nations system to strengthen and adjust, within their respective mandates, their activities, programmes and medium-term strategies to implement and follow up the Durban Declaration and Programme of Action;
4. *Emphasizes* that remembering the crimes and wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity;
5. *Requests* the Secretary-General, the Economic and Social Council, the Commission on Human Rights and other relevant organs and bodies of the United Nations system to take further action with a view to the full implementation of all the recommendations of the Conference and to reflect progress in this regard in their reports;
6. *Invites* all human rights treaty monitoring bodies and all mechanisms and subsidiary bodies of the Commission on Human Rights to consider the Durban Declaration and Programme of Action, in the discharge of their respective mandates;
7. *Decides* to establish an intergovernmental working group, with the following mandate:
 - (a) To make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action;
 - (b) To prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects;

8. *Decides* to establish a working group of five independent experts on people of African descent, appointed on the basis of equitable geographical representation by the Chairman of the fifty-eighth session of the Commission on Human Rights, in consultation with regional groups, to meet for two sessions of five working days each prior to the fifty-ninth session of the Commission, in closed and public meetings, with a mandate:

(a) To study the problems of racial discrimination faced by people of African descent living in the Diaspora and to this end gather all relevant information from Governments, non-governmental organizations and other relevant sources, including through holding public meetings with them;

(b) To propose measures to ensure full and effective access to the justice system by people of African descent,

(c) To submit recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent;

(d) To elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, including proposals for a mechanism to monitor and promote all their human rights, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system to promote the human rights of people of African descent, *inter alia* through:

- (i) Improving the human rights situation of people of African descent by devoting special attention to their needs, *inter alia* through the preparation of specific programmes of action;
- (ii) Designing special projects, in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;
- (iii) Developing programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives, within the human rights framework;

9. *Requests* the Working Group of Experts on People of African Descent to submit a report to the Commission at its fifty-ninth session;

10. *Requests* States, non-governmental organizations, relevant human rights treaty bodies, special procedures and other mechanisms of the Commissions, national institutions, international, financial and development institutions, and specialized agencies, programmes and funds of the United Nations to collaborate with the Working Group of Experts on People of African Descent by providing it with the necessary information and, where possible, reports in order to enable the Working Group to carry out its mandate;

11. *Emphasizes* the importance of the appointment of the five independent eminent experts by the Secretary-General to follow the implementation of the provisions of the Durban Declaration and Programme of Action, with the following terms of reference:

(a) To receive reports from States, non-governmental organizations, and all relevant institutions within the United Nations system on the implementation of and follow-up to the Durban Declaration and Programme of Action and make recommendations to States for their national plans of action, bearing in mind the resource constraints of the developing countries,

(b) To make recommendations to the Intergovernmental Working Group on measures for effective and coordinated implementation of the Durban Declaration and Programme of Action, including regional perspectives;

(c) To make recommendations to the Secretary-General, the Office of the High Commissioner for Human Rights and the Commission on Human Rights on ways and means of mobilizing the resources necessary for anti-racism activities,

(d) To assist the Intergovernmental Working Group in its preparation of complementary standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects;

(e) To cooperate with the Committee on the Elimination of Racial Discrimination, the Commission on Human Rights and the Office of the High Commissioner for Human Rights in the comprehensive implementation of the Durban Declaration and Programme of Action;

12. *Decides* to keep the mandate of the independent eminent experts under constant review;

13. *Welcomes* the efforts of the High Commissioner for Human Rights undertaken within framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including highlighting the plight of victims and initiating consultations

with various international sporting and other organizations, enabling them to contribute to the struggle against racism and racial discrimination, as well as the establishment in her Office of the Anti-Discrimination Unit;

14. *Recognizes* that the success of the Durban Programme of Action requires political will on the part of all countries, adequate funding at the national, regional and international levels and international cooperation;

15. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the High Commissioner for Human Rights to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

16. *Decides* to establish a voluntary fund to provide additional resources for:

(a) The effective implementation of the Durban Declaration and Programme of Action, in particular in developing countries;

(b) The participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts in the open-ended sessions of the Working Group on People of African Descent;

(c) The activities of the Committee on the Elimination of Racial Discrimination;

(d) National, regional and international activities to counter racism, racial discrimination, xenophobia and related intolerance, including the holding of seminars;

(e) The anti-racial discrimination activities of the Anti-Discrimination Unit.

17. *Requests* the High Commissioner for Human Rights to appoint goodwill ambassadors from all regions of the world with a view to mobilizing additional resources for the Voluntary Fund and raising awareness about the scourge of racism, as well as the need for effective implementation of the Durban Declaration and Programme of Action;

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

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

initiatives to encourage contributions, bearing in mind that the activities of the Third Decade will extend beyond 2003 and will now include the implementation of and follow-up to the Durban Declaration and Programme of Action;

19. *Requests* the High Commissioner for Human Rights to submit an analytical report to the Commission at its next session on the extent of implementation of the Programme of Action for the Third Decade prior to its ending in 2003;

20. *Decides*, in this context, to review the extent of implementation of the Programme of Action for the Third Decade prior to its ending in 2003 and to transmit recommendations to the General Assembly at its fifty-eighth session;

21. *Recommends* that the General Assembly request the Secretary-General to assign high priority to the activities of the Programme of Action for the Third Decade and to earmark adequate resources from the regular budget to finance the activities of the Programme;

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

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

23. *Urges* all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to intensify their efforts for the implementation of the obligations they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights and to article 5 of the Convention;

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

25. *Welcomes* the general recommendation adopted by the Committee on the Elimination on Racial Discrimination on 18 March 2002 emphasizing the importance of follow up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related

Intolerance and recommending measures to strengthen the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination as well as the functioning of the Committee;

26. *Urges* States that have not yet done so to accede to or ratify the International Convention on the Elimination of All Forms of Racial Discrimination as a matter of urgency, with a view to universal ratification by the year 2005;

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

28. *Urges* States parties to withdraw all reservations contrary to the object and purpose of the Convention;

29. *Invites* States parties to ratify the amendment to article 8 of the Convention on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully;

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

30. *Welcomes with satisfaction* the report of the Special Rapporteur (E/CN.4/2002/24 and Add.1) and expresses its full support and appreciation for the work of the Special Rapporteur and for its continuation;

31. *Reiterates* its call to all Governments, intergovernmental organizations and relevant organizations of the United Nations system, as well as non-governmental organizations, to cooperate fully with the Special Rapporteur;

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

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

34. *Commends* those States that have invited and received the Special Rapporteur so far, and requests all States to issue a standing invitation to the Special Rapporteur;

35. *Urges* Governments to implement the recommendations contained in the reports of the Special Rapporteur;

36. *Requests* the Special Rapporteur to include in his report to the Commission at its fifty-ninth session, under the same agenda item, information on measures to implement those recommendations, in particular those contained in documents E/CN.4/2002/24 and Add.1, and to undertake follow-up visits if necessary;

37. *Urges* the High Commissioner to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

38. *Decides* to renew the mandate of the Special Rapporteur for three years and to appoint Mr. Doudou Diène as Special Rapporteur, in order to take advantage of his expertise in this field;

V. GENERAL

39. *Reaffirms* that all human beings are born free, equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies;

40. *Stresses* that the prohibition of racial discrimination is a peremptory norm of international law from which no derogation is permitted;

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

42. *Reaffirms* that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous, and must be rejected;

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

44. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin and urges all States to rescind or refrain from all forms of racial profiling;

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

46. *Also calls upon* all States to review and revise, where necessary, their immigration laws and policies and practices so that they are free of racial discrimination and compatible with States' obligations under international human rights instruments;

47. *Decides* to include in its rationalized agenda a separate item entitled "Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action".

56th meeting

25 April 2002

[Adopted by a recorded vote of 37 votes to 11,
with 5 abstentions. See chap. VI.]

2002/69. The right to development

The Commission on Human Rights,

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

Recalling all its previous resolutions, in particular resolution 1998/72 of 22 April 1998, and those of the General Assembly on the urgent need to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling also that the Declaration on the Right to Development confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, who make up nations, and that the individual is the central object of development,

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

Reaffirming the objective of making the right to development a reality for everyone set out in the Millennium Declaration adopted by the General Assembly on 8 September 2000,

Recalling General Assembly resolution 55/279 of 12 July 2001, in which the Assembly endorsed the Brussels Declaration and the Programme of Action for the Least Developed Countries for the Decade 2001-2010, adopted by the Third United Nations Conference on the Least Developed Countries, held in Brussels from 14 to 20 May 2001, and emphasizing in this regard the importance of implementation and follow-up to the Brussels commitments, whose implementation should contribute to progress in the realization of the right to development,

Reaffirming the solemn commitment expressed at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa in August/September 2001, to promote universal respect for, and observance and protection of all human rights, including the right to development,

Noting the outcomes of the Fourth Ministerial Conference of the World Trade Organization held at Doha, Qatar, from 9 to 14 November 2001 and the International Conference on Financing for Development, held in Monterrey, Mexico, from 18 to 22 March 2002,

Recognizing that international cooperation is one of the commitments recognized in the Declaration on the Right to Development and stressing the importance of multilateral cooperation, including partnerships, commitments, solidarity and South-South cooperation, which should be encouraged,

Having noted all four reports prepared by the independent expert on the right to development,

Noting the ongoing discussion on the question of a suitable permanent follow-up mechanism and the different views expressed thereon in the Open-Ended Working Group on the Right to Development,

1. *Endorses* the agreed conclusions adopted by consensus at the third session of the Open-Ended Working Group on the Right to Development and, in this context, extends its appreciation to the Chairperson of the Working Group for his efforts and guidance of the Working Group towards a successful outcome;

2. *Calls upon* the Office of the High Commissioner for Human Rights to assist effectively in implementing the recommendations contained in the agreed conclusions of the Working Group, including in particular ensuring the meaningful participation and contribution of all relevant international organizations and United Nations specialized agencies, programmes and funds in the next session of the Working Group;

3. *Reaffirms* the need for an international environment which is conducive to the realization of the right to development;

4. *Also reaffirms* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and international levels, recognizes that the promotion and protection of human rights, including the right to development, rests with States, as established in article 3 of the Declaration on the Right to Development, and further reaffirms the inextricable link between the two;

5. *Recognizes* the need for effective implementation and fulfilment of internationally agreed targets adopted by consensus at various international conferences and summits, with particular emphasis on those contained in the Millennium Declaration, within the agreed time frames;

6. *Reaffirms* the commitment to and urging developed countries that have not yet done so, to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on progress achieved in ensuring that official development assistance is used effectively to help meet development goals and targets;

7. *Emphasizes* the international, economic and financial issues that deserve particular attention by the Working Group, such as international trade, access to technology, good governance and equity at the international level, and the debt burden, in order to consider and evaluate their impact on the enjoyment of human rights and, in this context, looks forward to a preliminary study, as requested by the Commission in its resolution 2001/9, for consideration by the Working Group at its next session;

8. *Recognizes* the need to address market access for developing countries, including in agriculture, services and non-agricultural products, in particular those of interest to developing countries;

9. *Also recognizes* that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affect many people in different parts of the world, in particular in developing countries;

10. *Considers* that a desirable pace of meaningful trade liberalization, including in areas under negotiation; implementation of commitments on implementation-related issues and concerns; review of special and differential-treatment provisions with a view to strengthening them and making them more precise, effective and operational; avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries are important issues in making progress towards the effective implementation of the right to development;

11. *Stresses* that the basic responsibility for the realization of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development, and the role of national policies and development strategies cannot be overemphasized;

12. *Recognizes* that poverty eradication is one of the critical elements in the promotion and realization of the right to development and stresses that poverty is a multifaceted problem requiring a multifaceted approach addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the Millennium Declaration goals of halving, by the year 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger, underlines that the international community is far from meeting the target of halving the number of people living in poverty by 2015 and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries;

13. *Affirms* that while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries in a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

14. *Recognizes* the important link between the international, economic, commercial and financial spheres and the realization of the right to development in this regard stresses the need for broadening the base of decision-making at the international level on issues of

development concern and to fill organizational gaps, as well as for strengthening the United Nations system and other multilateral institutions, and stresses also the need to broaden and strengthen the participation of developing countries and economies in transition in international economic decision-making and norm-setting;

15. *Also recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of ongoing efforts by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

16. *Further recognizes* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development and notes in particular the positive relationship between women's education and their equal participation in the civil, political, economic, social and cultural activities of the community, and the promotion of the right to development;

17. *Stresses* the need for the integration of the rights of children, boys and girls alike, in all policies and programmes, and for ensuring protection and promotion of these rights, especially in areas relating to health, education and the full development of their capacities;

18. *Recognizes* that measures must be taken at the national and international levels to fight HIV/AIDS and other communicable diseases, taking into account ongoing efforts and programmes;

19. *Also recognizes* the need at the national level for strong partnerships with civil society organizations, including the private sector, in pursuit of poverty eradication and development, as well as for good corporate governance;

20. *Supports and appreciates* the recently adopted New Partnership for Africa's Development as a development framework and a practical example which could be explored for the promotion of a rights-based approach to development;

21. *Requests* the independent expert to conduct an appraisal of country-specific studies relevant to the proposed operational model of his development compact, taking into account different national, regional or international frameworks, including the New Partnership for Africa's Development;

22. *Stresses* the need for mainstreaming the right to development and underlines that in relation to the international economic, commercial and financial spheres, core principles such as equality, equity, non-discrimination, transparency, accountability, participation and international cooperation, including partnership and commitments, are important for the realization of the right to development;

23. *Notes* the ongoing discussion on the question of a suitable permanent follow-up mechanism and the various views expressed thereon in the open-ended Working Group on the Right to Development;

24. *Recognizes*, in the above context, the need for further research and analytical work by the Office of the High Commissioner for Human Rights on the above-mentioned core principles, and invites the High Commissioner for Human Rights, in consultation with the United Nations Conference on Trade and Development, the World Trade Organization and all relevant international organizations and institutions, to submit a report on the importance and application of the principle of equity as a matter of priority, at both the national and international levels, taking fully into account the agreed conclusions of the Working Group;

25. *Also recognizes* that there is considerable scope to further improve the activities of the Office of the High Commissioner for Human Rights towards the promotion and realization of the right to development, including ensuring effective use of financial and human resources necessary to fulfil its mandate, including better servicing of and support to the Working Group;

26. *Further recognizes* the fundamental role of the Office of the High Commissioner for Human Rights in the promotion and realization of the right to development and takes note of the information provided by the Office on strengthening its role in promoting the right to development;

27. *Decides* to extend the mandate of the Working Group on the Right to Development by one year to continue important deliberations and deepening dialogue on the operationalization on the right to development;

28. *Also decides* to continue consideration of the issue of the right to development, as a matter of priority, at its fifty-ninth session.

*56th meeting
25 April 2002*

[Adopted by a recorded vote of 38 votes to none,
with 15 abstentions. See chap. VII.]

2002/70. Human rights defenders

The Commission on Human Rights,

Recalling its resolution 53/144 of 9 December 1998 by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to that resolution,

Reiterating the importance of the Declaration and stressing the importance of its wide dissemination,

Recalling its resolution 2001/64 of 25 April 2001,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

Gravely concerned at the human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world,

Recalling that human rights defenders are entitled to equal protection of the law, and deeply concerned about any abuse of civil or criminal proceedings against them because of their activities for the promotion and protection of human rights and fundamental freedoms,

Concerned at the considerable number of communications received by the Special Representative of the Secretary-General on human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders and the particular consequences for women human rights defenders,

Noting with deep concern that, in a number of countries in all regions of the world, impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this impacts negatively on the work and safety of human rights defenders,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of human rights and fundamental freedoms, including in combating impunity,

Welcoming the cooperation between the Special Representative of the Secretary-General on human rights defenders and other special procedures of the Commission on Human Rights,

Welcoming also regional initiatives for the promotion and protection of human rights and the cooperation between international and regional mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;
2. *Welcomes* the reports of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2001/94, A/56/341 and E/CN.4/2002/106 and Adds.1 and 2);
3. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to eliminate such human rights violations;
4. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders;
5. *Emphasizes* the importance of combating impunity and in this regard urges States to take appropriate measures to address the question of impunity for threats, attacks and acts of intimidation against human rights defenders;
6. *Urges* all Governments to cooperate with and assist the Special Representative in the performance of her tasks and to furnish all information for the fulfilment of her mandate upon request;
7. *Urges* those Governments that have not yet responded to the communications transmitted to them by the Special Representative to answer without further delay;
8. *Invites* Governments to consider translating the Declaration into national languages and encourages them to disseminate it widely;
9. *Requests* all concerned United Nations agencies and organizations within their mandates to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;

10. *Requests* the Secretary-General to provide all necessary human and financial resources for the effective fulfilment of the mandate of the Special Representative;

11. *Decides* to consider this question at its fifty-ninth session, under the same agenda item.

56th meeting
25 April 2002

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

2002/71. Promotion of the right of peoples to peace

The Commission on Human Rights,

Recalling its previous resolution 2001/69 of 25 April 2001 on this issue,

Recalling resolutions 1996/16 of 29 August 1996 and 1997/36 of 28 August 1997 of the Sub-Commission on the Promotion and Protection of Human Rights, entitled “International peace and security as an essential condition for the enjoyment of human rights, above all the right to life”,

Recalling also General Assembly resolution 39/11 of 12 November 1984, entitled “Declaration of the Right of Peoples to Peace”,

Bearing in mind the fundamental principles of international law set forth in the Charter of the United Nations,

Reaffirming the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered,

Reaffirming the obligation of all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming the importance of ensuring respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State, in accordance with the Charter and international law,

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

Reaffirming further that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and is an impediment to the promotion of world peace and cooperation,

Recalling that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples, in particular those of the developing countries,

Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons and the continuing arms race, and recalling the devastation inflicted by all wars,

Convinced of the aim of the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

Convinced also that life without war is the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

1. *Reaffirms* the solemn proclamation that the peoples of our planet have a sacred right to peace;
2. *Solemnly declares* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State;
3. *Emphasizes* that ensuring the exercise of the right of peoples to peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;
4. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

5. *Urges* the international community to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, with a view to reducing the ever-widening gap between developed and developing countries;

6. *Urges* all States to refrain from using weapons with indiscriminate effects on human health, the environment and economic and social well-being;

7. *Expresses concern* at the real danger of the weaponization of outer space and the risk of the global arms race gaining new momentum, and calls upon all States to contribute actively to the objective of the peaceful use of outer space and of the prevention of an arms race in outer space and to refrain from actions contrary to that objective and to the relevant existing treaties in the interest of maintaining international peace and security and promoting international cooperation;

8. *Urges* all States to refrain from taking measures which encourage the resurgence of a new arms race, bearing in mind all the resulting predictable consequences for global peace and security, for development and for the full realization of all human rights;

9. *Decides* to continue considering the issue at its fifty-ninth session under the same agenda item.

56th meeting

25 April 2002

[Adopted by a recorded vote of 33 votes to 15,
with 5 abstentions. See chap. XVII.]

2002/72. Promotion of a democratic and equitable international order

The Commission on Human Rights,

Recalling its resolution 2001/65 of 25 April 2001 and noting General Assembly resolution 56/151 of 24 December 2001, as well as previous resolutions of the Assembly and the Commission on this issue,

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

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and international law, as set forth in Articles 1 and 2 of the Charter, and inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness and to employ international machinery for the promotion of the economic and social advancement of all peoples,

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

Considering also that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

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

Emphasizing that democracy is not only a political concept but also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

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

Underlining that it is an imperative for the international community to ensure that globalization becomes a positive force for all the world's people, and that only through broad and sustained efforts, based upon common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Stressing that efforts to make globalization fully inclusive and equitable must include policies and measures at the global level that correspond to the needs of developing countries and economies in transition and are formulated and implemented with their effective participation,

Having listened to the peoples of the world and recognizing their aspirations to justice, to equality of opportunity for all and everyone, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Affirms* that everyone is entitled to a democratic and equitable international order;
2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;
3. *Calls upon* all Member States to fulfil their commitment expressed in Durban during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of

cultural diversity, and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity, and all its diversity, can globalization be made fully inclusive and equitable;

4. *Affirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

(b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(c) The right of every human person and all peoples to development;

(d) The right of all peoples to peace;

(e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(f) Solidarity, as a fundamental value by virtue of which global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice, ensuring that those who suffer or who benefit least receive help from those who benefit most;

(g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principles of full and equal participation in their respective decision-making mechanisms;

(h) The right to equitable participation of all, without any discrimination, in domestic as well as global decision-making;

(i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(j) The promotion of a free, just, effective and balanced international information and communication order, based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(k) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(l) The right of every person and all peoples to a healthy environment;

(m) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in international economic, commercial and financial relations;

(n) The enjoyment by everyone of ownership of the common heritage of mankind;

5. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

6. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

8. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

9. *Recalls* the proclamation by the General Assembly of its determination to work urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of

their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries, and ensure steadily accelerating economic and social development and peace and justice for present and future generations;

10. *Reaffirms* that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

11. *Urges* States to continue their efforts, through enhanced international cooperation, towards the establishment of a democratic and equitable international order;

12. *Requests* the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation;

13. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order, to take into account the present resolution in the preparations and development of the expert seminar to examine the interdependence between democracy and human rights, that it will convene in January 2003 and to invite all Governments, United Nations specialized agencies, funds and programmes, and interested non-governmental organizations to attend that seminar;

14. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations and to disseminate it on the widest possible basis;

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

*56th meeting
25 April 2002*

[Adopted by a recorded vote of 32 votes to 15,
with 6 abstentions. See chap. XVII.]

2002/73. Human rights and international solidarity

The Commission on Human Rights,

Underlining that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

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

Recalling that at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development,

Taking into account that article 2 of the International Covenant on Economic, Social and Cultural Rights states that each State party to the Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures,

Reaffirming that the widening gap between the economically developed and developing countries impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

Expressing concern at the fact that the immense potentialities for benefit resulting from the process of globalization and economic interdependence have not reached all countries, communities and individuals, and at the increasing marginalization from their benefits of several countries, particularly the least developed and the African countries,

Recognizing the need for new and additional resources to finance the development programmes of developing countries,

Reaffirming the crucial importance of increasing the resources allocated for official development assistance, and recalling the pledge of the industrialized countries to allocate 0.7 per cent of their gross domestic product for official development assistance,

Asserting the necessity for establishing new, equitable and global links of partnership and intra-generational solidarity, and for promoting inter-generational solidarity for the perpetuation of humankind,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries towards the realization of the right to development of their peoples and the promotion of the full enjoyment of economic, social and cultural rights by everyone has been insufficient,

Resolved to strive to ensure that the present generations are fully aware of their responsibilities towards future generations,

1. *Reaffirms* the interdependence between the concepts of democracy, development, and respect for human rights and fundamental freedoms;

2. *Welcomes* the recognition set forth in the declaration adopted by the heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century, in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice, and that those who suffer, or who benefit least, deserve help from those who benefit most;

3. *Expresses* its determination to contribute towards the solution of current world problems through increased international cooperation, to create such conditions as will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand on a better world to future generations;

4. *Urges* the international community to consider urgently ways and means to promote and consolidate international assistance to developing countries in their endeavours for development and for the promotion of conditions that make possible the full realization of all human rights;

5. *Recognizes* that the so-called “third generation rights” or “right to solidarity” need further progressive development within the United Nations human rights machinery in order to be able to respond to the increasing challenges of international cooperation in this field;

6. *Requests* the Sub-Commission on the Promotion and Protection of Human Rights to undertake a study on the implementation of the present resolution and to submit an interim study to the Commission at its sixtieth session and a complete study to the Commission at its sixty-second session;

7. *Decides* to continue its examination of this issue at the sixtieth session under the same agenda item.

56th meeting

25 April 2002

[Adopted by a recorded vote of 38 votes to 15,
with no abstentions. See chap. XVII.]

2002/74. United Nations Decade for Human Rights Education (1995-2004)

The Commission on Human Rights,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

Recalling the provisions of other international human rights instruments, including article 13 of the International Covenant on Economic, Social and Cultural Rights and article 29 of the Convention on the Rights of the Child, which reflect the aims of the aforementioned article,

Taking into account its resolution 1993/56 of 9 March 1993, in which the Commission recommended that knowledge of human rights, both in its theoretical dimension and in its practical application, should be established as a priority in education policies,

Believing that every woman, man and child, to realize their full human potential, must be made aware of all their human rights, civil, cultural, economic, political and social,

Believing also that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and ensuring equal opportunities through the promotion and protection of the human rights of women,

Convinced that human rights education should involve more than the provision of information and should constitute a comprehensive lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that human rights education and information contribute to a concept of development consistent with the dignity of women and men of all ages which takes into account particularly vulnerable segments of society such as children, youth, older persons, indigenous people, minorities, rural and urban poor, migrant workers, refugees, persons with human immunodeficiency virus/acquired immunodeficiency syndrome and disabled persons,

Recognizing the role of education in constructing a culture of peace, in particular the teaching of the practice of non-violence, which will promote the purposes and principles embodied in the Charter of the United Nations,

Affirming that human rights education is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies, and that such education is a determining factor in the promotion, dissemination and protection of the democratic values of justice and equity, which are essential to prevent and combat the spread of racism, racial discrimination, xenophobia and related intolerance, as was recognized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,

Bearing in mind the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in particular Part II, paragraphs 78 to 82 thereof,

Recalling the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Recalling also General Assembly resolution 49/184 of 23 December 1994, in which the Assembly proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade (A/51/506/Add.1, appendix) and requested the High Commissioner to coordinate the implementation of the Plan of Action,

Noting General Assembly resolution 56/147 of 19 December 2001 in which the Assembly invited all Governments to reaffirm their commitments and obligations to develop national strategies for human rights education which are comprehensive, participatory and effective and which can be embodied in a national plan of action for human rights education, and invited the United Nations, intergovernmental organizations, the United Nations Educational, Scientific and Cultural Organization and other relevant intergovernmental organizations to adopt a system-wide approach to the United Nations Decade for Human Rights Education, 1995-2004,

Welcoming the efforts to promote human rights education made by educators and non-governmental organizations in all parts of the world, as well as by intergovernmental organizations, including the Office of the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, the United Nations Children's Fund and the United Nations Development Programme,

Recognizing the invaluable and creative role that non-governmental and community-based organizations play in the promotion and protection of human rights by disseminating public information and engaging in human rights education, especially at the grass-roots level and in remote and rural communities,

Noting with appreciation the efforts undertaken so far by the Office of the High Commissioner to increase information-sharing in the area of human rights education through the development of a database and resource collection on human rights education and to disseminate human rights information through its web site and its publications and external relations programmes,

Welcoming the initiative of the Office of the High Commissioner to develop further the project entitled "Assisting Communities Together", launched in 1998, supported by voluntary funds and designed to provide small grants to grass-roots and local organizations carrying out practical human rights activities,

Recognizing the value of information and communications technologies in human rights education to promote dialogue and understanding of human rights, and in that context welcoming, inter alia, the “CyberSchoolBus” and the United Nations Children’s Fund “Voices of Youth” initiatives,

Recalling the mid-term global evaluation of progress made towards the achievement of the objectives of the Decade undertaken by the Office of the High Commissioner, in cooperation with all other principal actors in the Decade, which was presented in the relevant report of the High Commissioner to the General Assembly at its fifty-fifth session (A/55/360),

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2002/104);
2. *Welcomes* the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004, as indicated in the report of the High Commissioner;
3. *Urges* all Governments to contribute further to the implementation of the Plan of Action, in particular by:
 - (a) Encouraging the establishment, in accordance with national conditions, of broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, taking into consideration the recommendations of the mid-term global evaluation of the Decade and the guidelines for national plans of action for human rights education developed by the Office of the United Nations High Commissioner for Human Rights;
 - (b) Encouraging, supporting and involving national and local non-governmental and community-based organizations in the implementation of their national plans of action;
 - (c) Initiating and developing cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance, and supporting and implementing public information campaigns and specific training programmes in the field of human rights, as emphasized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

4. *Encourages* Governments to consider, within their national plans of action for human rights education:

(a) The establishment of public access human rights resource and training centres capable of engaging in research, including the gender-sensitive training of trainers;

(b) The preparation, collection, translation and dissemination of human rights education and training materials;

(c) The organization of courses, conferences, workshops and public information campaigns and assistance in the implementation of internationally sponsored technical cooperation projects for human rights education and public information;

5. *Urges* States to intensify their efforts in the field of education, including human rights education, in order to promote an understanding and awareness of the causes, consequences and evils of racism, racial discrimination, xenophobia and related intolerance, and also urges States, in consultation with educational authorities and the private sector, as appropriate, and encourages educational authorities and the private sector, as appropriate, to develop educational materials, including textbooks and dictionaries, aimed at combating those phenomena and, in this context, calls upon States to give importance, if appropriate, to textbook and curriculum review and amendment, so as to eliminate any elements that might promote racism, racial discrimination, xenophobia and related intolerance or reinforce negative stereotypes, and to include material that refutes such stereotypes;

6. *Encourages* States, where such national public access human rights resource and training centres exist, to strengthen their capacity to support human rights education and public information programmes at the international, regional, national and local levels;

7. *Encourages* Governments to support further, through voluntary contributions, the education and public information efforts undertaken by the Office of the High Commissioner within the framework of the Plan of Action;

8. *Encourages* the Office of the High Commissioner to continue to support national capacities for human rights education and information through its technical cooperation programme in the field of human rights, including the organization of training courses and peer education initiatives and the development of targeted training materials for professional audiences, as well as the dissemination of human rights information materials as a component of technical cooperation projects, to develop further its database and resource collection on human rights education and to continue to monitor developments in human rights education;

9. *Requests* the Office of the High Commissioner to continue the implementation of and to expand the “Assisting Communities Together” project and to consider other appropriate ways and means to support human rights education activities, including those undertaken by non-governmental organizations;

10. *Invites* the specialized agencies and relevant United Nations programmes and funds to continue to contribute, within their respective spheres of competence, to the implementation of the Plan of Action and the World Public Information Campaign and to cooperate and coordinate with each other and with the Office of the High Commissioner in that regard;

11. *Encourages* the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, including the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees, to provide training in human rights for all United Nations personnel and officials;

12. *Encourages* the human rights treaty bodies, when examining reports of States parties, to place emphasis on the obligations of States parties in the area of human rights education and to reflect that emphasis in their concluding observations;

13. *Encourages* all relevant mechanisms of the Commission, i.e. working groups and special rapporteurs, representatives or experts, to include systematically in their reports a specific section on human rights education, as relevant to their mandate, as well as to include human rights education as an item on the agenda of their annual meetings, with a view to strengthening their contribution to human rights education;

14. *Encourages* Governments, regional organizations and intergovernmental and non-governmental organizations to explore the potential support and contribution to human rights education of all relevant partners, including the private sector, development, trade and financial institutions and the media, and to seek their cooperation in the development of human rights education strategies;

15. *Invites* the International Telecommunication Union to include the contribution of information technology to human rights education in the preparatory process of the World Summit on the Information Society, as well as at the Summit itself, to be convened in Geneva in December 2003;

16. *Encourages* international and regional organizations to develop strategies for the wider distribution of materials on human rights education through regional networks and to develop region-specific programmes to maximize the participation of national entities, whether governmental or non-governmental, in programmes on human rights education;

17. *Requests* the Office of the High Commissioner to develop and submit to the Commission at its fifty-ninth session, in cooperation with all relevant actors, a study on the follow-up to the United Nations Decade for Human Rights Education which will include, inter alia, the following issues:

(a) Possible means of strengthening human rights education at the national, regional and international levels;

(b) Elaboration of the concept of a series of intersessional workshops to take place in 2003/2004 to address major current human rights education issues, inter alia the question of assessing the impact of human rights education activities and criteria for “best practices”; the contribution of human rights education to the mainstreaming of a human rights-based approach into the work of intergovernmental organizations, development agencies, financial institutions and the private sector; and the role of human rights education in combating racism and all forms of discrimination and intolerance, and specifically in promoting religious tolerance;

18. *Requests* the High Commissioner to bring the present resolution to the attention of all members of the international community and of intergovernmental and non-governmental organizations concerned with human rights education and public information and to report to the Commission at its fifty-ninth session on progress made towards its implementation.

*56th meeting
25 April 2002*

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

**2002/75. Human rights and the environment as
part of sustainable development**

The Commission on Human Rights,

Bearing in mind the Millennium Declaration,

Conscious of General Assembly resolution 55/199 of 20 December 2000 on the ten-year review of progress achieved in the implementation of the outcome of the United Nations Conference on Environment and Development,

Reaffirming the Rio Declaration on Environment and Development (A/CONF.151/26, vol. I) and Agenda 21 (A/CONF.151/26, vol. II), adopted by the United Nations Conference on Environment and Development on 14 June 1992,

1. *Recalls* its decision 2001/111 of 25 April 2001 and *welcomes* the holding of the preparatory expert meeting and the expert seminar on human rights and the environment convened jointly by the Office of the United Nations High Commissioner for Human Rights and the United Nations Environment Programme from 14 to 16 January 2002 in Geneva pursuant to Commission decision 2000/111;

2. *Notes* the range of views expressed by experts at the preparatory meeting (E/CN.4/2002/WP.7, annex II) and by States during the seminar, and considers that these could be useful to the ten-year review of the United Nations Conference on Environment and Development;

3. *Decides* to continue its consideration of this question at its fifty-ninth session under the same agenda sub-item, taking into account the relevant outcomes agreed at the World Summit on Sustainable Development and the reports of those special procedures of the Commission that were asked to participate in and contribute to the World Summit.

*56th meeting
25 April 2002*

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

2002/76. The role of good governance in the promotion of human rights

The Commission on Human Rights,

Guided by the Universal Declaration of Human rights as a common standard of achievement of all peoples and all nations applying to every individual and every organ of society, and also the Vienna Declaration and Programme of Action (A/CONF.157/23), which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of all human rights,

Emphasizing that the strengthening of good governance at the national level, including through the building of effective and accountable institutions for promoting growth and sustainable human development, is a continuous process for all Governments regardless of the level of development of the countries concerned,

Noting the growing recognition of the importance of good governance in the promotion of human rights, and in particular in the United Nations Millennium Declaration adopted by the General Assembly at the Millennium Summit of the United Nations, which brought together heads of State and Government, the Brussels Declaration and Programme of Action for the Least Developed Countries, adopted at the Third United Nations Conference on the Least Developed Countries and the Monterrey Consensus of the International Conference on Financing for Development,

Noting also that good governance practices necessarily vary according to the particular circumstances and needs of different societies, and that the responsibility for determining and implementing such practices, based on transparency and accountability, and for creating and maintaining an enabling environment conducive to the enjoyment of all human rights at the national level rests with the State concerned,

Affirming the need for enhanced cooperation at the international level between States and through the United Nations system, to ensure that States needing external inputs in order to improve good governance activities have access, if and when required, to the necessary information and resources,

Recognizing the need for a closer examination of the role of good governance for the promotion of human rights and the relationship between good governance practices and the promotion and protection of all human rights in all countries,

1. *Recognizes* that transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is a sine qua non for the promotion of human rights, including the right to development;

2. *Emphasizes*, in this context, the need to promote partnership approaches to international development cooperation and to ensure that prescriptive approaches to good governance do not impede such cooperation;

3. *Welcomes* the provision by States of practical examples of activities that have been effective in strengthening good governance practices for the promotion of human rights at the national level, including activities in the context of development cooperation between States, for inclusion in a compilation of indicative ideas and practices that could be consulted by interested States when required, in response to the invitation of the United Nations

High Commissioner for Human Rights issued pursuant to paragraph 3 of Commission resolution 2000/64 of 26 April 2000, and requests the High Commissioner to reiterate this invitation to States and to United Nations and other relevant international bodies;

4. *Invites* the High Commissioner, where appropriate and relevant, to draw on the material provided in response to the invitations issued pursuant to paragraph 3 of the present resolution and paragraph 3 of resolution 2001/72 in analysis and technical assistance activities undertaken as part of the programme of her Office and to inform the Commission of the utility of the material in this respect;

5. *Requests* the High Commissioner, using extrabudgetary funding and working jointly with the United Nations Development Programme, to convene a seminar before the fifty-ninth session of the Commission on the issue of practical approaches and activities that have been effective in strengthening good governance practices for the promotion of human rights at the national level, examining and building upon the material provided and experience obtained pursuant to paragraphs 3 and 4 of Commission resolution 2001/72, to invite States, national human rights institutions, relevant organs and bodies of the United Nations and other relevant international bodies and relevant national and international non-governmental organizations to attend the seminar and to report to the Commission at its fifty-ninth session on the outcomes of the seminar;

6. *Decides* to continue its consideration of the question of the role of good governance in the promotion of human rights at its fifty-ninth session under the same agenda item.

*56th meeting
25 April 2002*

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

2002/77. The question of the death penalty

The Commission on Human Rights,

Recalling article 3 of the Universal Declaration of Human Rights, which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights and articles 6 and 37 (a) of the Convention on the Rights of the Child,

Recalling also General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 on capital punishment, as well as resolution 44/128 of 15 December 1989, in which the Assembly adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling further Economic and Social Council resolutions 1984/50 of 25 May 1984, 1985/33 of 29 May 1985, 1989/64 of 24 May 1989, 1990/29 of 24 May 1990, 1990/51 of 24 July 1990 and 1996/15 of 23 July 1996,

Recalling its resolutions 1997/12 of 3 April 1997, 1998/8 of 3 April 1998, 1999/61 of 28 April 1999, 2000/65 of 26 April 2000 and 2001/68 of 25 April 2001, in which it expressed its conviction that abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights,

Noting that, in some countries, the death penalty is often imposed after trials which do not conform to international standards of fairness and that persons belonging to national or ethnic, religious and linguistic minorities appear to be disproportionately subject to the death penalty,

Welcoming the exclusion of capital punishment from the penalties that the International Criminal Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda and the International Criminal Court are authorized to impose,

Welcoming also the abolition of the death penalty which has taken place in some States since the last session of the Commission, and in particular in those States that have abolished the death penalty for all crimes,

Commending the States that have recently ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights,

Welcoming the recent signature of the Second Optional Protocol by some States,

Welcoming also the fact that many countries, while still keeping the death penalty in their penal legislation, are applying a moratorium on executions,

Referring to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2001/9 and Corr.1) with respect to the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50,

Deeply concerned that several countries impose the death penalty in disregard of the limitations set out in the Covenant and the Convention on the Rights of the Child,

Concerned that several countries, in imposing the death penalty, do not take into account the Safeguards guaranteeing protection of the rights of those facing the death penalty,

1. *Recalls* the sixth quinquennial report of the Secretary-General on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty, submitted in accordance with Economic and Social Council resolution 1995/57 of 28 July 1995 (E/2000/3) and looks forward to receiving the yearly supplement on changes in law and practice concerning the death penalty worldwide as requested in Commission resolution 2001/68;

2. *Reaffirms* resolution 2000/17 of 17 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights on international law and the imposition of the death penalty on those aged under 18 at the time of the commission of the offence;

3. *Calls upon* all States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty;

4. *Urges* all States that still maintain the death penalty:

(a) To comply fully with their obligations under the Covenant and the Convention on the Rights of the Child, notably not to impose the death penalty for any but the most serious crimes and only pursuant to a final judgement rendered by an independent and impartial competent court, not to impose it for crimes committed by persons below 18 years of age, to exclude pregnant women from capital punishment and to ensure the right to a fair trial and the right to seek pardon or commutation of sentence;

(b) To ensure that all legal proceedings, and particularly those related to capital offences, conform to the minimum procedural guarantees contained in article 14 of the International Covenant on Civil and Political Rights, including the right to a fair and public hearing by a competent, independent and impartial tribunal, the presumption of innocence, the right to adequate legal assistance and the right to review by a higher tribunal;

(c) To ensure that the notion of “most serious crimes” does not go beyond intentional crimes with lethal or extremely grave consequences and that the death penalty is not imposed for non-violent acts such as financial crimes, non-violent religious practice or expression of conscience and sexual relations between consenting adults;

(d) Not to enter any new reservations under article 6 of the International Covenant on Civil and Political Rights which may be contrary to the object and the purpose of the Covenant and to withdraw any such existing reservations, given that article 6 of the Covenant enshrines the minimum rules for the protection of the right to life and the generally accepted standards in this area;

(e) To observe the Safeguards guaranteeing protection of the rights of those facing the death penalty and to comply fully with their international obligations, in particular with those under article 36 of the 1963 Vienna Convention on Consular Relations, particularly the right to receive information on consular assistance within the context of a legal procedure;

(f) Not to impose the death penalty on a person suffering from any form of mental disorder or to execute any such person;

(g) Not to execute any person as long as any related legal procedure, at the international or at the national level, is pending;

5. *Calls upon* all States that still maintain the death penalty:

(a) Progressively to restrict the number of offences for which the death penalty may be imposed;

(b) To establish a moratorium on executions, with a view to completely abolishing the death penalty;

(c) To make available to the public information with regard to the imposition of the death penalty;

(d) To provide to the Secretary-General and relevant United Nations bodies information relating to the use of capital punishment and the observance of the Safeguards guaranteeing protection of the rights of those facing the death penalty as contained in Economic and Social Council resolution 1984/50 of 25 May 1984;

6. *Calls upon* States which no longer apply the death penalty but maintain it in their legislation to abolish it;

7. *Requests* States that have received a request for extradition on a capital charge to reserve explicitly the right to refuse extradition in the absence of effective assurances from relevant authorities of the requesting State that capital punishment will not be carried out;

8. *Requests* the Secretary-General to continue to submit to the Commission, at its fifty-ninth session, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty, paying special attention to the imposition of the death penalty against persons younger than 18 years of age at the time of the offence;

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

*56th meeting
25 April 2002*

[Adopted by a recorded vote of 25 votes to 20,
with 8 abstentions. See chap. XVII.]

2002/78. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 56/144 of 19 December 2001 and its own resolution 2000/67 of 19 April 2000,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the core of the International Bill of Human Rights,

Having considered the reports of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/2002/101),

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in examining the progress made by States parties in fulfilling the obligations undertaken in the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights and in providing recommendations to States parties on their implementation,

Recognizing also the importance of regional human rights instruments and monitoring mechanisms in complementing the universal system of promotion and protection of human rights,

Considering that the effective functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights is indispensable for the full and effective implementation of the International Covenants on Human Rights,

1. *Reaffirms* the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;
2. *Welcomes* the initiative of the Secretary-General at the Millennium Summit to invite heads of State and Government to sign and ratify the International Covenants on Human Rights and expresses its deep appreciation to those States that have done so;
3. *Appeals strongly* to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in article 41 of that Covenant;
4. *Invites* the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of technical cooperation and advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights with a view to achieving universal adherence;
5. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

6. *Stresses* the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency so that the justification for the appropriateness of measures taken in those circumstances can be assessed;

7. *Acknowledges* the important contributions of the Human Rights Committee and the Committee on Economic, Social and Cultural rights towards furthering the interpretation of the rights in the Covenants;

8. *Takes note*, therefore, of General Comment No. 29 of the Human Rights Committee concerning derogation from certain obligations under the International Covenant on Civil and Political Rights in times of emergency which threatens the life of a nation and of General Comment No. 14 of the Committee on Economic, Social and Cultural Rights on the right to the highest attainable standard of health;

9. *Encourages* States parties to limit the extent of any limitations that they lodge to the International Covenants on Human Rights, to review any reservations with a view to withdrawing them, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

10. *Urges* States parties to fulfil in a timely manner such reporting obligations under the International Covenants on Human Rights as may be requested and to make use of gender-disaggregated data in their reports and stresses the importance of taking fully into account a gender perspective in the implementation of the International Covenants on Human Rights at the national level, including in the national reports of States parties and in the work of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and all other treaty bodies;

11. *Calls upon* States parties that have not yet submitted core documents to the Office of the United Nations High Commissioner for Human Rights to do so, and invites all States parties regularly to review and update their core documents;

12. *Urges* States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on

Economic, Social and Cultural Rights, as well as the views adopted by the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights, and stresses the need for more effective follow-up to the concluding observations;

13. *Invites* States parties to give particular attention to the dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those by reports by the Committees and the recommendations and observations made by the Committees after the examination of those reports;

14. *Once again encourages* all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

15. *Encourages* each State party to translate, publish and make widely available in its territory by appropriate means the full text of the concluding observations made on its reports to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

16. *Invites* the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, when considering the reports of States parties, to continue to identify specific needs that might be addressed by United Nations departments, funds and programmes and the specialized agencies, including through the advisory services and technical assistance programme of the United Nations High Commissioner for Human Rights;

17. *Stresses* the need for improved coordination between relevant United Nations mechanisms and bodies in supporting States parties, upon their request, in implementing the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, and encourages continued effort in this direction;

18. *Welcomes* the decision by the General Assembly to endorse the request by the Human Rights Committee to hold an additional week of meetings in Geneva in 2002 in order further to reduce the existing backlog;

19. *Welcomes* the efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to improve the efficiency of their working methods, encourages them to consider further ways and means to that end and takes note of the adoption by the Human Rights Committee of its revised rules of procedure;

20. *Expresses its appreciation* for the decision of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to organize consultations also in 2002 between the committees and States parties to exchange ideas, inter alia on how to render the working methods of the committees more efficient, and encourages all States parties to continue to contribute to this dialogue with practical and concrete proposals on ways to improve the effective functioning of the committees;

21. *Welcomes* the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar human rights questions to respect those uniform standards, as expressed in the general comments of the Committees;

22. *Welcomes in particular* the first inter-Committee meeting of the treaty-monitoring bodies, to be held from 26 to 28 June 2002 following the fourteenth meeting of chairpersons of the human rights treaty bodies, which will address the subject of the methods of work of treaty bodies relating to the State reporting process;

23. *Takes note with appreciation* of Economic and Social Council decision 2001/220 of 4 June 2001, in which the Council authorized the appointment by the Commission on Human Rights of an independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights and takes note of the recommendations of the independent expert in his report to the Commission (E/CN.4/2002/57);

24. *Stresses* the desirability of further considering the issue of justiciability of the rights set forth in the International Covenant on Economic, Social and Cultural Rights as well as the need for further efforts towards developing indicators and benchmarks in order to strengthen progressively the full realization and enjoyment of these rights;

25. *Encourages* the Secretary-General to continue to assist States parties to the International Covenants on Human Rights in the preparation of their reports, including by convening seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports and by exploring other possibilities available under the regular programme of advisory services and technical cooperation in the field of human rights;

26. *Requests* the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates, including by the provision of adequate Secretariat staff resources;

27. *Requests* the Secretary-General to submit to the Commission on Human Rights, at its fifty-ninth and sixtieth sessions, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations;

28. *Decides* to consider this question at its sixtieth session under the agenda item entitled “Status of the International Covenants on Human Rights”.

56th meeting

25 April 2002

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

2002/79. Impunity

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 other relevant human rights instruments, and the Vienna Declaration and Programme of Action,

Recalling all previous resolutions and decisions of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights on impunity, as well as Part II.E, paragraph 91, of the Vienna Declaration and Programme of Action,

Recalling also the universality, interdependence and indivisibility of all human rights, civil, cultural, economic, political and social,

Noting all previous United Nations reports on the issue of impunity,

Taking note of the report of the Secretary-General on impunity (E/CN.4/2002/102),

Taking note also of Sub-Commission resolution 2001/22 of 16 August 2001 entitled, “International cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity”,

Recognizing the importance of combating impunity for all human rights violations that constitute crimes,

Recognizing the establishment of the International Criminal Court as an important contribution to ending impunity,

Acknowledging the work of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda,

Welcoming the fact that the sixtieth instrument of ratification of the Rome Statute of the International Criminal Court has been deposited, resulting in the entry into force of the Statute on 1 July 2002,

Welcoming also, as measures in the fight against impunity and in promoting accountability, the conclusion of the agreement between the United Nations and the Government of Sierra Leone on the establishment of a Special Court for Sierra Leone, the establishment of the Sierra Leone Truth and Reconciliation Commission and the establishment of the Commission for Reception, Truth and Reconciliation in East Timor and the Special Panel for Serious Crimes in the Dili District Court,

Convinced that the practice and expectation of impunity for violations of international human rights or humanitarian law encourage such violations and are among the fundamental obstacles to the observance of international human rights and humanitarian law and the full implementation of international human rights and humanitarian law instruments,

Convinced also that exposing violations of human rights, holding their perpetrators, including their accomplices accountable, obtaining justice for their victims, as well as preserving historical records of such violations and restoring the dignity of victims through acknowledgement and commemoration of their suffering, will guide future societies and are integral to the promotion and implementation of all human rights and fundamental freedoms and to the prevention of future violations,

Recalling the provisions relating to combating impunity of the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Recognizing that accountability of perpetrators, including their accomplices, for grave human rights violations 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,

Welcoming the establishment, by a number of States where serious human rights violations have occurred in the past, of mechanisms to expose such violations, including commissions of inquiry or commissions for achieving truth and reconciliation which complement the justice system,

Conscious that the phenomenon of impunity affects all spheres of society,

Convinced of the need for Governments to combat impunity by addressing past or ongoing violations, taking measures aimed at preventing their recurrence,

1. *Emphasizes* the importance of combating impunity to the prevention of violations of international human rights and humanitarian law and urges States to give necessary attention to the question of impunity for violations of international human rights and humanitarian law, including those perpetrated against women and children, and to take appropriate measures to address this important issue;

2. *Emphasizes* the importance of taking all necessary and possible steps to hold accountable perpetrators, including their accomplices, of violations of international human rights and humanitarian law, recognizes that amnesties should not be granted to those who commit violations of international humanitarian and human rights law that constitute serious crimes and urges States to take action in accordance with their obligations under international law;

3. *Recognizes* the fundamental importance of the principle of complementarity in the Rome Statute of the International Criminal Court;

4. *Acknowledges* the historic significance of the entry into force of the Rome Statute on 1 July 2002 and calls upon all States to consider ratifying or acceding to it;

5. *Calls upon* States to continue to participate actively in the Preparatory Commission for the International Criminal Court;

6. *Calls upon* States and the United Nations High Commissioner for Human Rights to consider providing to States, upon their request, concrete and practical assistance and cooperation in seeking to achieve the goals set out in the present resolution;

7. *Calls upon* States to continue to support the work of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda and consider ways of supporting the initiatives to establish judicial mechanisms currently under consideration

in a few countries in cooperation with the United Nations, and in this regard encourages the continuation or resumption, where needed, of discussions regarding the establishment of appropriate legal frameworks in accordance with international standards of justice, fairness and due process of law;

8. *Commends* those States which have given financial and other support to the Special Court for Sierra Leone and expresses its satisfaction that the Court is in the process of becoming operational;

9. *Recognizes* that, for the victims of human rights violations, public knowledge of their suffering and the truth about the perpetrators, including their accomplices of these violations, are essential steps towards rehabilitation and reconciliation, and urges States to intensify their efforts to provide victims of human rights violations with a fair and equitable process through which these violations can be investigated and made public and to encourage victims to participate in such a process;

10. *Welcomes* in this regard the establishment in some States of commissions of truth and reconciliation to address human rights violations that have occurred there, welcomes the publication in those States of the reports of those commissions and encourages other States where serious human rights violations have occurred in the past to establish appropriate mechanisms to expose such violations, to complement the justice system;

11. *Recognizes* that crimes such as genocide, crimes against humanity, war crimes and torture are violations of international law and that perpetrators of such crimes should be prosecuted or extradited by States, and urges all States to take effective measures to implement their obligations to prosecute or extradite perpetrators of such crimes;

12. *Requests* the Secretary-General to seek the views of Governments and intergovernmental and non-governmental organizations on the Set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, Annex II) and on the follow-up thereto;

13. *Requests* the Secretary-General to seek the views of Governments and intergovernmental and non-governmental organizations on the issue of impunity regarding violations of economic, social and cultural rights;

14. *Also requests* the Secretary-General again to invite States to provide information on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory and to provide information on remedies available to the victims of such violations;

15. *Further requests* the Secretary-General to collect the information and comments received pursuant to the present resolution and to submit a report thereon to the Commission at its fifty-ninth session;

16. *Invites* the special rapporteurs and other mechanisms of the Commission to continue to give due consideration to the issue of impunity in the discharge of their mandates;

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

56th meeting

25 April 2002

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

2002/80. Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

The Commission on Human Rights,

Recalling that, in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission reaffirmed that the paramount consideration for employing staff at every level was the need for the highest standards of efficiency, competence and integrity and was convinced that this objective was compatible with the principle of equitable geographical distribution and took into account Article 101, paragraph 3, of the Charter of the United Nations,

Recalling also Part II, paragraphs 11 and 17, of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities, while recognizing the necessity for restructuring United Nations human rights machinery, in accordance with its real needs,

Reaffirming the significance of national and regional particularities and various historical, cultural and religious backgrounds, as well as of different political, economic and legal systems,

Taking into account the need to pay particular attention to the recruitment of personnel for the Office of the United Nations High Commissioner for Human Rights from developing countries, thus improving the present staff composition, based on a more equitable geographical distribution,

Noting with deep concern that the report of the United Nations High Commissioner for Human Rights submitted pursuant to Commission resolution 2001/78 of 25 April 2001 (E/CN.4/2002/115) concerning the geographical composition and the functions of the Office staff clearly reflects that one region is unequivocally over-represented in the staff composition and that the imbalance has worsened (see the annex to the present resolution),

Expressing again its concern over the underrepresentation of the developing countries on the staff of the Office of the High Commissioner, particularly bearing in mind the criteria of equitable geographical distribution,

1. *Takes note* of the report of the High Commissioner on the composition of the staff of the Office of the High Commissioner;
2. *Expresses its concern* that no progress has been achieved in the implementation of the resolutions on this subject and that one region accounts for more than half of the posts of the Office of the High Commissioner for Human Rights and more posts than the four remaining regional groups combined;
3. *Also expresses its concern* that new recruitments have not been used to correct the imbalance in favour of one region and that more than half of the newly recruited staff comes from this same region, which accounts for more newly recruited staff than the four remaining regions combined;
4. *Reaffirms* that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for recruiting the staff of the Organization, mindful of the criteria of equitable geographical distribution;
5. *Also reaffirms* General Assembly resolutions 49/222 A and B of 23 December 1994 and 20 July 1995, 51/226 of 3 April 1997 and 53/221 of 7 April 1999 on human resources management;

6. *Further reaffirms* section IX, paragraph 8, of General Assembly resolution 53/221, on human resources management, which reiterates the request to the Secretary-General to increase further his efforts to improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in all departments;

7. *Considers* that it is necessary to take urgent, concrete and immediate action to change the currently prevailing geographical distribution of staff of the Office in favour of a more equitable distribution of posts, in accordance with Article 101 of the Charter, particularly by recruiting personnel from developing countries, including to key posts;

8. *Requests* the Secretary-General to take the necessary measures to ensure that particular attention is paid to recruiting personnel from developing countries, in particular from unrepresented Member States, for the existing vacancies and for additional posts in the Office of the High Commissioner to ensure an equitable geographical distribution, giving particular priority in this regard to recruitment for high-level and Professional posts and to the recruitment of women;

9. *Requests once again* the Secretary-General, in signing agreements with countries as a result of which Junior Professional Officers are provided to the Office of the High Commissioner, to urge those countries to ensure the allocation of additional financial resources to guarantee that personnel from developing countries are able to work as Junior Professional Officers, with a view to conforming with the principle of equitable geographical distribution; furthermore, a permanent mechanism must be established, by virtue of which every Junior Professional Officer from a donor country who joins the Office will be matched by another Junior Professional Officer from a developing country;

10. *Emphasizes* the importance of openly advertising all posts, including ad hoc appointments for field operations, including the dissemination of detailed job descriptions among all States prior to the filling of those posts;

11. *Requests* the High Commissioner to ensure that Junior Professional Officers are not given sensitive political assignments where their impartiality may be questioned;

12. *Reaffirms* the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and requests the High Commissioner to continue to ensure that the fulfilment of her mandate and that of the Office is guided by these principles;

13. *Stresses* that the staff of the Office of the High Commissioner need to maintain their neutrality and fully respect the independence of the work of all mechanisms of the Commission and the treaty bodies, while providing support to their functioning;
14. *Requests* the High Commissioner to use the policy of new recruitments to correct the current imbalance in the composition of the staff of her Office;
15. *Also requests* the High Commissioner to submit a comprehensive report on the implementation of the present resolution to the Commission at its fifty-ninth session, which should include:
 - (a) The composition of the staff of the Office, organized by the five United Nations regional groups established by the General Assembly (African States, Asian States, Latin American and Caribbean States, Western European and Other States and Eastern European States) and reflecting, inter alia, grade, nationality and gender, including with regard to non-regular staff;
 - (b) Measures adopted to improve the current situation and their results;
 - (c) Recommendations to improve the current situation;
16. *Draws the attention* of the General Assembly to the present resolution in the context of the consideration of the agenda item on human resources management;
17. *Requests* the Joint Inspection Unit to undertake a comprehensive review of the management and administration of the Office of the High Commissioner for Human Rights, in particular, with regard to its impact on the recruitment policies and the composition of the staff, and to submit a report thereon to the Commission at its sixtieth session containing concrete proposals for the implementation of the present resolution;
18. *Decides* to consider this matter under the same agenda item at its fifty-ninth session.

56th meeting
25 April 2002

[Adopted by a recorded vote of 36 votes to 14,
with 3 abstentions. See chap. XVIII.]

ANNEX

**Staff of the Office of the United Nations High Commissioner for Human Rights
(Geographical distribution by number of posts)***

Regional groups	Posts subject to geographical distribution (table 1)			Posts not subject to geographical distribution (table 2)			Total		
	2000	2001	2002	2000	2001	2002	2000	2001	2002
Africa	11	10	12	25	21	22	36	31	34
Asia	15	13	17	1	6	9	16	19	26
Latin America and Caribbean States	8	9	9	8	10	13	16	19	22
Eastern European States	5	5	5	1	6	6	6	11	11
Western European and Other States **	36	41	48	61	69	85	97	110	133
Total	75	78	91	96	112	135	171	190	226

* Based on tables 1 and 2 of the report of the High Commissioner (E/CN.4/2002/115).

** Includes Switzerland and Israel.
