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

**Draft report of the Commission**

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

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## **A. Resolutions**

### **2002/81. Protection of United Nations personnel**

*The Commission on Human Rights,*

*Recalling* its resolution 2000/77 of 26 April 2000,

*Strongly condemning* the acts of murder and various forms of physical violence, rape and sexual assault, abduction, hostage-taking, kidnapping, harassment, illegal arrest and detention, acts of destruction and looting of property, shooting at vehicles and aircraft, mine-laying, looting of assets, physical and psychological threats and other hostile acts against United Nations and associated personnel and other personnel acting under the authority of United Nations operations, as well as personnel of international humanitarian organizations,

*Guided* by the relevant provisions on protection contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies, the Convention on the Safety of United Nations and Associated Personnel, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977 and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or Have Indiscriminate Effects and its Protocols,

*Guided also* by the International Bill of Human Rights,

*Reaffirming* the statement by the President of the Security Council of 9 February 2000 on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones (S/PRST/2000/4),

*Taking note* of the statement by the President of the Security Council of 15 March 2002 on the protection of civilians in armed conflicts (S/PRST/2002/6), and recalling the report of the Secretary-General of 30 March 2001 on the protection of civilians in armed conflict (S/2001/331) and Security Council resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000,

*Welcoming* General Assembly resolution 56/217 of 21 December 2001 on the safety and security of humanitarian personnel and protection of United Nations personnel,

*Welcoming also* General Assembly resolution 56/89 of 12 December 2001 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel,

*Noting* that the Convention on the Safety of United Nations and Associated Personnel, which entered into force on 15 January 1999, has been ratified by sixty-two Member States as at the present date, and mindful of the need to promote its universality,

*Welcoming* the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations as a war crime in the Rome Statute of the International Criminal Court, to enter into force on 1 July 2002, and noting the role that the Court will play in bringing to justice those responsible for serious violations of human rights and international humanitarian law, as a measure of preventing impunity,

*Recalling* that the primary responsibility under international law for the security and protection of United Nations and associated personnel lies with the Government hosting a United Nations operation conducted under the Charter of the United Nations or its agreements with the relevant organizations,

*Urging* all parties involved in armed conflicts to ensure the security and protection of all United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, in compliance with international humanitarian law, in particular their obligations under the Geneva Conventions of 12 August 1949 and the obligations applicable to them under the Additional Protocols thereto of 8 June 1977,

*Expressing concern* that the occurrence of attacks and threats against United Nations and associated personnel and other personnel is a factor that increasingly affects and restricts the ability of the Organization to provide assistance and protection to civilians in fulfilment of its mandate under the Charter of the United Nations,

*Reaffirming* the fundamental requirement that appropriate modalities for the safety and security of United Nations and associated personnel should be incorporated in all new and ongoing United Nations and field operations, as well as a culture of accountability for the safety of personnel at all levels throughout the United Nations system, and in this regard commending the recent efforts by the United Nations agencies, funds and programmes aimed at the improvement of security management and training of their personnel,

*Emphasizing* the need to give further consideration to the safety and security of locally recruited United Nations and associated personnel and other personnel, who account for the majority of casualties,

1. *Welcomes* the reports of the Secretary-General to the General Assembly (A/56/384 and A/55/494);
2. *Calls upon* all States:
  - (a) To consider promptly becoming parties to the Convention on the Safety of United Nations and Associated Personnel, in particular those receiving United Nations operations on their territories;
  - (b) To consider becoming parties to the Rome Statute of the International Criminal Court;
3. *Urges* all States:
  - (a) To take the necessary measures to ensure the full and effective implementation of the provisions of human rights and refugee law relating to the safety and security of United Nations and associated personnel, as well as relevant principles and rules of international humanitarian law;
  - (b) To ensure that any threat or act of violence committed against United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation on their territory is fully investigated, and to take all appropriate measures to identify and prosecute the perpetrators of such acts;
  - (c) To facilitate, consistent with their national laws and regulations, the use of communications resources necessary to ensure the protection and safety of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;
4. *Calls upon* all States and others concerned:
  - (a) To respect and ensure respect for the rights of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to take the necessary measures to ensure the safety and security of those personnel as well as the inviolability of United Nations premises which are essential to the continuation and successful implementation of United Nations operations;
  - (b) To ensure the security and protection of all United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, in compliance with international humanitarian law, in particular their obligations under the Geneva Conventions of 12 August 1949 and the obligations applicable to them under the Additional Protocols thereto of 8 June 1977;

(c) To provide adequate and prompt information concerning the arrest or detention of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(d) To grant the representatives of the competent international organization immediate access to such personnel;

(e) To allow independent medical teams to investigate the health of detained United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to afford them the necessary medical assistance;

(f) To allow representatives of the competent international organization to attend hearings involving United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, provided that such attendance is consistent with domestic law;

(g) To ensure the prompt release of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions and applicable international humanitarian law;

(h) To adopt and/or enforce appropriate domestic legislation and judicial and administrative measures to ensure that the perpetrators of unlawful acts against United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are held accountable for their actions;

(i) To promote a climate of respect for the security of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(j) To cooperate fully with United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to ensure their safe and unhindered access in order to allow them to perform efficiently their task of assisting the affected civilian population;

5. *Encourages* all States to contribute to the Trust Fund for the Security of United Nations Personnel;

6. *Welcomes* the establishment, in accordance with General Assembly resolution 56/89 of 12 December 2001, of an Ad Hoc Committee to consider the

recommendations made by the Secretary-General in his report on measures to strengthen and enhance the protective legal regime for United Nations and associated personnel, as well as the discussions that took place within the Ad Hoc Committee, from 1 to 5 April 2002 and the firm commitment expressed by States to strengthen the legal protection of United Nations and associated personnel;

7. *Requests* the Secretary-General:

(a) To take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and, when those human rights, privileges and immunities are violated, to ensure that such personnel are restored to their organization, and, where appropriate, to seek redress and compensation for the damage caused to them;

(b) To take further steps, within his mandate, to improve the safeguards for the security and safety of locally recruited United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, and to continue to consider ways and means of strengthening their protection, bearing in mind that these personnel account for the majority of casualties as they are often most directly affected by insecurity and threats to their safety;

(c) To ensure the inclusion in headquarters and other mission agreements of the applicable principles and rules on protection contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel;

(d) To take further measures in order to ensure that security matters are an integral part of the planning for existing and newly mandated United Nations operations and that such precautions extend to all United Nations and associated personnel and, as appropriate, to other personnel;

(e) To take further measures to ensure that United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are properly informed about the conditions under which they are called to operate and the standards they are required to meet, including those contained in relevant domestic and

international law, and that adequate training is provided in security, human rights and humanitarian law so as to enhance their security and effectiveness in accomplishing their functions;

(f) To submit a report to the Commission at its sixtieth session on the situation of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, including an account of the cases in which the perpetrators of crimes against those personnel have not been brought to justice and of new cases that have been successfully settled as they relate to the principles set out in the International Covenants on Human Rights, as well as on the implementation of the measures referred to in the present resolution.

*57th meeting  
26 April 2002*

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

**2002/82. Regional cooperation for the promotion and protection  
of human rights in the Asian and Pacific region**

*The Commission on Human Rights,*

*Recalling* its resolution 2001/77 of 25 April 2001,

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

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

*Stressing* that regional cooperation can play an important role in promoting universal respect for, and observance of, human rights and fundamental freedoms,



*Recognizing* the importance of an inclusive, step-by-step, practical and building-block approach towards enhancing regional cooperation for the promotion and protection of human rights in accordance with the pace and priorities to be set by the Governments of the Asian and Pacific region by consensus,

*Recognizing also* the importance of human rights education in both formal and non-formal contexts in the promotion and protection of human rights,

*Recognizing further* the valuable contribution that independent national institutions, intergovernmental organizations and non-governmental organizations can make in the field of human rights in the Asian and Pacific region,

*Welcoming* the convening of the tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, held in Beirut from 4 to 6 March 2002,

1. *Welcomes* the report of the Secretary-General (E/CN.4/2002/WP.3) and the progress achieved in the implementation of Commission resolution 2001/77;
2. *Stresses* the importance of the linkages and mutually reinforcing aspects of all four areas of the Framework of Regional Technical Cooperation Programme in Asia and the Pacific (E/CN.4/1998/50, annex II) adopted at the sixth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, held in Tehran from 28 February to 2 March 1998, namely human rights education, national institutions for the promotion and protection of human rights, national plans of action for the promotion and protection of human rights and the strengthening of national human rights capacities, and strategies for the realization of the right to development and economic, social and cultural rights;
3. *Also stresses* that developing and strengthening national capacities for the promotion and protection of human rights in accordance with national conditions provides the strongest foundation for effective and enduring regional cooperation in the field of human rights in the Asian and Pacific region;
4. *Commends* the contribution of the Government of Lebanon, as the host of the tenth Workshop, to the promotion and protection of human rights in the Asian and Pacific region;
5. *Endorses* the conclusions of the tenth Workshop on the next steps to be taken to facilitate the process of regional cooperation in the Asian and Pacific region;

6. *Welcomes* the in-depth discussions held during the tenth Workshop reviewing developments in the Asian and Pacific region over the past year in the four priority areas under the Framework of Regional Technical Cooperation Programme in Asia and the Pacific;

7. *Also welcomes* the greater and valuable sharing of concrete national experiences at the tenth Workshop on the implementation of all four areas of the Framework of Regional Technical Cooperation Programme in Asia and the Pacific;

8. *Takes note* of the contribution of independent national institutions, intergovernmental organizations and representatives of non-governmental organizations to the tenth Workshop and the initiative by the Office of the United Nations High Commissioner for Human Rights to hold a consultation of non-governmental actors one day prior to the official opening of the tenth Workshop;

9. *Also takes note* of the diversity of views expressed at the tenth Workshop on possible regional or subregional modalities of cooperation for the promotion and protection of human rights in the Asian and Pacific region as part of an inclusive, step-by-step, practical and building-blocks approach, as well as of the evaluation undertaken on the implementation of the Framework of Regional Technical Cooperation Programme in Asia and the Pacific;

10. *Further takes note* of the decision of the High Commissioner for Human Rights to appoint regional representatives of her Office for the Asian and Pacific region based in Bangkok and for the Arab region based in Beirut;

11. *Reaffirms* the desirability of developing national human rights plans of action through a process which ensures the participation of a wide range of relevant national, provincial and local government ministries and agencies, national human rights institutions, non-governmental organizations, academic institutions and other sectors of civil society and of evaluating these plans in order to benefit from lessons learned;

12. *Takes note with appreciation* of the establishment of independent national institutions in countries of the Asian and Pacific region and their important contribution to the process of regional cooperation, inter alia through the work of the Asia-Pacific Forum of National Human Rights Institutions;

13. *Encourages* Governments to promote the development of national strategies for human rights education which are comprehensive, participatory, effective and sustainable, and

recognizes that human rights education, in particular mutual human rights education or training courses (scholarships), should benefit from cultural values and traditions that reinforce the universality of human rights, having the aim of promoting a multicultural understanding of human rights;

14. *Recognizes* the importance of good governance at the national and international levels to ensure that all human rights are protected and that development resources are properly and effectively utilized to implement the right to development;

15. *Takes note* of the discussions at previous workshops on, inter alia, all the obstacles to the effective realization of economic, social and cultural rights and the right to development and the need for international cooperation to support the efforts of countries to overcome them;

16. *Takes note with appreciation* of the decision to include the implementation of the Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance as an integral part of the Framework of Regional Technical Cooperation in Asia and the Pacific;

17. *Encourages* all States in the region to take concrete steps at the national level in connection with the implementation of the Framework of Regional Technical Cooperation Programme in Asia and the Pacific and to ensure that regional workshops undertaken within the Framework are accompanied by concrete and sustainable subregional and national activities, as well as training and awareness programmes for government officials and key professional groups concerned such as the police, prison officials, educators, judges, lawyers and parliamentarians, as appropriate;

18. *Welcomes* the efforts of the Office of the High Commissioner in developing partnerships for the implementation of its activities under the Framework of Regional Technical Cooperation Programme in Asia and the Pacific to enhance national capacities for the promotion and protection of human rights in the region;

19. *Encourages* all Governments in the Asian and Pacific region to consider, as appropriate, making use of the facilities offered by the United Nations under the programme of advisory services and technical cooperation in the field of human rights to further strengthen national human rights capacities and in this regard calls upon the United Nations High Commissioner for Human Rights to continue to give adequate attention to the programme;

20. *Requests* the Secretary-General to submit to the Commission at its fifty-ninth session a report containing the conclusions of the eleventh Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region and information on the progress achieved in the implementation of the present resolution;

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

*56th meeting  
26 April 2002*

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

**2002/83. National institutions for the promotion and protection  
of human rights**

*The Commission on Human Rights,*

*Recalling* the relevant resolutions of the General Assembly, notably resolution 48/134 of 20 December 1993, and its own resolutions concerning national institutions for the promotion and protection of human rights,

*Welcoming* the rapidly growing interest worldwide in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

*Convinced* of the important role such national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

*Recognizing* that it is the prerogative of each State to choose, for the establishment of a national institution, the legal framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards,

*Recalling* the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in which was reaffirmed the important and constructive role played by national human rights institutions and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

*Recalling* the Programme of Action (see A/CONF.157/NI/6) adopted by national institutions meeting in Vienna from 14 to 16 June 1993 during the World Conference on Human Rights, in which it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

*Welcoming* the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee of National Institutions,

*Welcoming also* the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums,

*Noting* the valuable role played by national institutions in United Nations meetings dealing with human rights, and the importance of their continued appropriate participation,

1. *Reaffirms* the importance of the development of effective, independent, pluralistic national institutions for the promotion and protection of human rights in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights, annexed to General Assembly resolution 48/134;

2. *Reiterates*, 10 years after their formulation, the continued importance of the Principles, recognizes the value of further strengthening their application, and encourages States, national institutions and other interested parties to consider ways to achieve this;

3. *Encourages* States to establish or, where they already exist, to strengthen such institutions, as outlined in the Vienna Declaration and Programme of Action;

4. *Recognizes* that national institutions have a potentially crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights and calls upon all States to ensure that all human rights are appropriately reflected in the mandate of their national human rights institutions when established;

5. *Welcomes* the decisions of a growing number of States to establish, or to consider establishing, such institutions, including the trend towards their establishment in developed countries;

6. *Takes note with satisfaction* of the efforts of those States that have provided their national institutions with more autonomy and independence, including through giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

7. *Recognizes* the important and constructive role that individuals, groups and organs of society can play for the better promotion and protection of human rights and encourages efforts by national institutions to establish partnerships and increase cooperation with civil society;

8. *Welcomes* the practice of national institutions, which conform with the Principles relating to the status of national institutions for the promotion and protection of human rights, of participating in an appropriate manner in their own right in meetings of the Commission on Human Rights and its subsidiary bodies;

9. *Also welcomes* the continuation of the practice of national institutions' convening regional meetings in some regions and its initiation in others, and encourages national institutions, in cooperation with the United Nations High Commissioner for Human Rights, to organize similar events with Governments and non-governmental organizations in their own regions;

10. *Affirms* the important role of national human rights institutions, in cooperation with other mechanisms for the promotion and protection of human rights, in combating racial and related forms of discrimination and in the protection and promotion of the human rights of women and the rights of particularly vulnerable groups, including children and people with disabilities, and in this context welcomes:

(a) The participation of national institutions in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at the national, regional and global levels and in the Conference itself;

(b) The involvement of national institutions in preparations at the national, regional and global levels for the special session of the General Assembly for follow-up to the World Summit for Children, and urges them to participate actively in the special session itself;

(c) The contribution of national institutions to the Study on Human Rights and Disability commissioned by the High Commissioner for Human Rights, and urges them to consider and contribute to the discussion on the issues to be addressed by the Ad Hoc Committee established by the General Assembly in resolution 56/168 of 19 December 2001;

11. *Reaffirms* the role of national institutions, where they exist, as appropriate agencies, inter alia, for the dissemination of human rights materials and other public information activities during the United Nations Decade for Human Rights Education, 1995-2004;

12. *Commends* the High Commissioner for the priority accorded to the establishment and strengthening of national human rights institutions, including through technical cooperation, and calls upon her Office to continue to strengthen its coordinating role in this field and to allocate the resources necessary for this work from both core and extrabudgetary sources;

13. *Welcomes* in this context the establishment of a national institutions web site at [www.nhri.net](http://www.nhri.net) as an important vehicle for the delivery of information to national institutions and their partners and for sharing best practice;

14. *Expresses its appreciation* to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions;

15. *Welcomes* the important role of the International Coordinating Committee of National Institutions, in close cooperation with the Office of the High Commissioner, in assessing conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights and in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

16. *Requests* the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the International Coordinating Committee during the sessions of the Commission, under the auspices of, and in cooperation with, the Office of the High Commissioner;

17. *Also requests* the Secretary-General to continue to provide, from within existing resources and from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for international and regional meetings of national institutions;

18. *Further requests* the Secretary-General to report to the Commission at its fifty-ninth session on the implementation of the present resolution;

19. *Decides* to continue its consideration of this question at its fifty-ninth session.

*56th meeting*  
*26th April 2002*  
[Adopted without a vote. See chap. XVIII.]

## **2002/84. Human rights and thematic procedures**

*The Commission on Human Rights,*

*Considering* that thematic procedures established by the Commission with regard to the consideration of questions relating to the promotion and protection of all human rights, being a major achievement and representing an essential element of United Nations efforts to promote and protect internationally recognized human rights, have an important role among its human rights monitoring mechanisms,

*Emphasizing* the importance of the impartiality, objectivity and independence of the thematic procedures, as well as the need for due attention to violations of all human rights wherever they may occur,

*Noting with satisfaction* that an increasing number of Governments have developed a working relationship with the thematic procedures, in particular in the form of invitations to visit, responses to requests for information and implementation of recommendations, and that numerous non-governmental organizations have also developed a working relationship with the thematic procedures,

*Taking note* of the fact that a number of Governments have announced that they will always accept requests to visit from special procedures of the Commission and encouraging other Governments to consider doing the same,

*Emphasizing* the obligation of all Governments not to subject individuals, organizations or groups of persons who have provided information to the special procedures to adverse treatment as a result of such action,

*Recalling* the applicability of the provisions of the Convention on the Privileges and Immunities of the United Nations to the work of the experts of the special procedures system in the exercise of their functions,

*Recalling also* all its resolutions on human rights and thematic procedures,

*Recalling further:*

(a) The recommendations concerning thematic procedures contained in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), which called for the strengthening of special procedures,

(b) The Secretary-General's programme for United Nations reform (A/51/950 and Add.1-7), which calls for mainstreaming human rights in United Nations activities,



(c) The report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission (E/CN.4/2000/112),

*Mindful* of the request of the Secretary-General to the United Nations High Commissioner for Human Rights to review the human rights machinery and develop recommendations on possible ways to streamline and rationalize it, with a view to strengthening, inter alia, the special procedures, and welcoming progress in this regard,

*Concerned* that the lack of financial resources creates a constant obstacle to the proper functioning of thematic procedures,

*Welcoming* the organization by the High Commissioner for Human Rights of annual meetings of the holders of mandates, as recommended by the World Conference on Human Rights, and the efforts to coordinate activities among various mandates in the areas of urgent actions, missions to the field and relevant meetings and consultations, so as to enhance their effectiveness, taking into account the need to avoid unnecessary duplication and overlapping,

*Noting* that some human rights violations are specific to or primarily directed against women, and that the identification and reporting of these violations demand specific awareness and sensitivity,

*Noting also* that children and members of other vulnerable groups are frequently subject to abuses of their human rights and deserve specific attention when reporting on violations of their human rights,

1. *Commends* those Governments that have invited thematic special rapporteurs, representatives, experts or working groups to visit their countries and developed other forms of intensive cooperation with the thematic procedures;

2. *Encourages* all Governments to cooperate with the Commission through the pertinent thematic procedures by:

(a) Responding without undue delay to requests for information made to them through the thematic procedures, so that the procedures may carry out their mandates effectively;

(b) Considering inviting thematic special rapporteurs, representatives, experts and working groups to visit their countries;

(c) Considering follow-up visits with a view to the effective implementation of recommendations by the thematic procedures concerned;

3. *Calls upon* the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed without undue delay on the progress made towards their implementation;

4. *Invites* non-governmental organizations to continue and to strengthen their cooperation with thematic procedures to ensure that the material provided is as detailed and accurate as possible and falls under the mandate of these procedures;

5. *Requests* the thematic special rapporteurs, representatives, experts and working groups:

(a) To make recommendations for the prevention of and protection from human rights violations within their respective mandates;

(b) To follow closely and reflect in their reports progress made by Governments in the investigations carried out within their respective mandates;

(c) To continue close cooperation with relevant treaty bodies and country rapporteurs;

(d) To focus the resources available to them in ways that best advance the fulfilment of their mandates;

(e) To provide concise, comprehensive and focused reports within their respective mandates;

(f) To include in their reports information provided by Governments on follow-up action, as well as their own observations thereon, including in regard to both problems and improvements, as appropriate;

(g) To include gender-disaggregated data regularly in their reports and to address the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against women, or to which women are particularly vulnerable, in order to ensure the effective protection of their human rights;

(h) To address also in their reports the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against children, or to which children are particularly vulnerable, in order to ensure the effective protection of their human rights, and, if possible, to include age-disaggregated data also;

6. *Also requests* the thematic special rapporteurs, representatives, experts and working groups to include in their reports comments on problems of responsiveness and the result of analyses, as appropriate, in order to carry out their mandates even more effectively, and to include also in their reports suggestions as to areas where Governments might request relevant assistance through the programme of advisory services and technical cooperation administered by the Office of the United Nations High Commissioner for Human Rights;

7. *Recommends* allowing time at future sessions of the Commission, where possible and as appropriate, for informal discussion, in public meetings, between member and observer States of the Commission and special procedures and mechanisms after the latter have presented their reports;

8. *Requests* the Secretary-General, taking note of the recommendations of the meetings of the special rapporteurs and representatives, experts and chairpersons of working groups of the Commission and of the programme of advisory services and technical cooperation, and also of the joint meeting of chairpersons of treaty bodies, to convene further such periodic meetings in order to enable participants to continue to exchange views, cooperate and coordinate more closely within their respective mandates and make recommendations to that effect so as to enhance the overall effectiveness of the thematic procedures;

9. *Encourages* the High Commissioner to further strengthen cooperation among the thematic special rapporteurs and representatives, experts, members and chairpersons of working groups of the Commission and other relevant United Nations bodies, including the human rights treaty bodies, with a view to promoting greater efficiency and effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

10. *Suggests* that the special rapporteurs and representatives, experts and working groups of the special procedures of the Commission, acting within their mandates, consider how they can also promote public awareness about human rights and about the particular situation of individuals, groups and organs of society who promote and protect human rights and fundamental freedoms;

11. *Requests* the Secretary-General:

(a) To issue annually and sufficiently early, in close collaboration with the thematic special rapporteurs and representatives, experts and working groups, their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission;

(b) To present annually a list of all persons currently mandated to carry out the thematic and country procedures, including their country of origin, in an annex to the annotations to the provisional agenda of each session of the Commission;

12. *Also requests* the Secretary-General, in implementing the United Nations budget for the current biennium, to ensure the availability of such resources as are necessary for the Office of the High Commissioner for Human Rights to support the effective implementation of all the thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs and representatives, experts and working groups by the appropriate United Nations organs;

13. *Decides* to continue its consideration of this question at its sixtieth session.

*56th meeting*  
*26 April 2002*

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

**2002/85. Effective implementation of international instruments  
on human rights, including reporting obligations under  
international instruments on human rights**

*The Commission on Human Rights,*

*Recalling* General Assembly resolution 55/90 of 4 December 2000 and its own resolution 2000/75 of 26 April 2000, as well as other relevant resolutions,

*Reaffirming* that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

*Considering* that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

*Reiterating its concern* about the persistent backlog of reports on the implementation by States parties of certain United Nations human rights instruments and about delays in the consideration of reports of the human rights treaty bodies,

*Reiterating its concern also* about the large number of overdue reports,

*Reiterating its concern further* about the lack of adequate resources, which impedes the effective functioning of the treaty bodies, including in regard to their ability to work in the applicable working languages,

*Recalling* that the effectiveness of the treaty bodies in encouraging the realization by States parties of their obligations under the United Nations human rights instruments requires constructive dialogue aimed at assisting States parties in identifying solutions to human rights problems and based on the reporting process supplemented by information from all relevant sources, which should be shared with all interested parties,

*Reaffirming* its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(a) Promoting the effective functioning of the periodic reporting by States parties to those instruments,

(b) Securing sufficient financial, human and information resources for the Office of the United Nations High Commissioner for Human Rights to enable the human rights treaty bodies to carry out their mandates effectively, including in regard to their ability to work in the applicable working languages,

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks,

(d) Addressing questions of both reporting obligations and financial implications when elaborating any further instruments on human rights,

1. *Takes note with appreciation* of the report of the persons chairing the human rights treaty bodies on their twelfth meeting (A/55/206), held in Geneva from 5 to 8 June 2000, and the holding of the thirteenth meeting in Geneva from 18 to 22 June 2001, and also takes note of the conclusions and recommendations of those meetings;

2. *Encourages* each treaty body to continue to give careful consideration to the relevant conclusions and recommendations contained in the reports of the meetings of the chairpersons of the human rights treaty bodies and, in this context, encourages enhanced cooperation and coordination between the human rights treaty bodies;

3. *Takes note with interest* of the report of the Secretary-General on implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (E/CN.4/2002/110);

4. *Notes with appreciation* the continuing attention given by the human rights treaty bodies, the chairpersons of those bodies, Governments, United Nations bodies and specialized agencies, the United Nations High Commissioner for Human Rights, non-governmental organizations and interested persons to the question of enhancing the long-term effectiveness of the United Nations human rights treaty system, including the final report of the independent expert (E/CN.4/1997/74) and other contributions;

5. *Emphasizes* the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, particularly in view of the additional demands placed on the system by the new reporting requirements and the increasing number of ratifications and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body, while making the most efficient use of existing resources, in order to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(b) Calls upon the Secretary-General to seek in the next biennium the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(c) Welcomes the plans of action prepared by the High Commissioner to enhance the resources available to all the human rights treaty bodies and thereby strengthen the implementation of these human rights treaties, and encourages all Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons to consider contributing to the appeal for extra budgetary resources for the treaty bodies made by the High Commissioner until the regular budget funding meets their needs;

6. *Takes note* of the measures taken by each of the human rights treaty bodies to improve their functioning, as reflected in their respective annual reports, and encourages continuing efforts by the human rights treaty bodies and the Secretary-General to help improve the meeting of reporting obligations by States parties and to reduce the backlog in the consideration of reports by treaty bodies;

7. *Welcomes* the decision of the treaty bodies to convene the first inter-committee meeting from 26 to 28 June 2002 to discuss issues of common concern, including issues relating to the methods of work of the treaty bodies;

8. *Also welcomes* the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at improving the effectiveness of the treaty body system, including by streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures;

9. *Encourages* all key stakeholders, such as the Secretary-General, the Office of the High Commissioner for Human Rights in particular, the treaty bodies and States parties, to continue to examine ways of improving the effectiveness of the treaty body system, including by reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties, including through an ongoing examination of proposals for reports focused on a limited range of issues, the harmonization of the general guidelines regarding the form and content of reports, the possibility of consolidating overdue reports, the timing of consideration of reports and the methods of work of the treaty bodies;

10. *Recognizes* recent efforts by the treaty bodies and the Office of the High Commissioner for Human Rights to improve the petitions system;

11. *Urges* States parties to contribute, individually and collectively, such as through meetings of States parties, to identifying practical proposals and ideas for improving the functioning of the treaty bodies and strongly encourages the treaty bodies to take these efforts into consideration in their ongoing work;

12. *Also urges* States parties to make every effort to meet their reporting obligations under United Nations human rights instruments;

13. *Reiterates* that a priority of the Office of the United Nations High Commissioner for Human Rights should be to provide assistance to States parties, upon their request and, if possible, in coordination with other United Nations bodies, Governments and other interested parties, in order to:

(a) Assist those States in the process of ratifying United Nations human rights instruments;

(b) Assist States with the implementation of their obligations under such instruments, including the preparation of their initial reports;

14. *Invites* States parties that have not yet submitted their initial reports under United Nations human rights instruments to avail themselves, where necessary, of technical assistance for this purpose;

15. *Welcomes* the publication of the revised *Manual on Human Rights Reporting* (United Nations publication, Sales No. E.GV.97.0.16) and requests the United Nations High Commissioner for Human Rights, in accordance with Economic and Social Council decision 1998/252 of 30 July 1998, to take the necessary measures to ensure the translation into all the official United Nations languages of the revised *Manual* as soon as possible;

16. *Also welcomes* the availability of documentation regarding the treaty bodies on the web site of the Office of the High Commissioner and urges the Secretary-General to ensure that United Nations practices concerning access to treaty information are consistent with Commission resolutions 2001/63 of 25 April 2001 on public information activities and 2001/61 of 25 April 2001 on human rights education;

17. *Encourages* the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties, and encourages States parties to consider carefully the concluding observations of the treaty bodies in identifying their needs for technical assistance;

18. *Urges* each State party whose report has been examined by a human rights treaty body to translate, publish and make available in its territory the full text of the concluding observations of the treaty body on its report and to provide adequate follow-up to those observations;



19. *Welcomes* the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies and encourages the specialized agencies and other United Nations bodies, the various organs of the Commission on Human Rights, including its special procedures, the Sub-Commission on the Promotion and Protection of Human Rights, the Office of the High Commissioner and the chairpersons of the human rights treaty bodies to continue to explore specific measures to intensify this cooperation among themselves and improve communication and information flow to improve further the quality of their work, including by avoiding unnecessary duplication;

20. *Recognizes* the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

21. *Recalls*, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution and gender balance of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights, and encourages States parties, individually and through meetings of States parties, to consider how to give better effect to these principles;

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

23. *Welcomes* the contribution of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted under their respective treaties;

24. *Requests* the Secretary-General to report to the Commission at its sixtieth session on measures taken to implement the present resolution and obstacles to its implementation, and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

25. *Decides* to consider this question on a priority basis at its sixtieth session under the agenda item entitled “Effective functioning of human rights mechanisms”.

*56th meeting  
26 April 2002*

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

**2002/86. Enhancement of international cooperation  
in the field of human rights**

*The Commission on Human Rights,*

*Bearing in mind* that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

*Recalling* the adoption of the United Nations Millennium Declaration on 8 September 2000, Commission resolution 2001/67 of 25 April 2001 on enhancement of international cooperation in the field of human rights and General Assembly resolution 56/149 of 19 December 2001,

*Recalling also* General Assembly resolution 54/113 of 10 December 1999 on the United Nations Year of Dialogue among Civilizations, and welcoming the proclamation of the Global Agenda for Dialogue among Civilizations by the General Assembly in its resolution 56/6 of 9 November 2001,

*Welcoming* the adoption of the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, and its role in the enhancement of international cooperation in the field of human rights,

*Reaffirming* its commitment to promoting and enhancing genuine international cooperation in the field of human rights among Member States, as set forth in the Charter of

the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 (A/CONF.157/23),

*Emphasizing* that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

*Underlining* that tolerance and respect for diversity and the universal promotion and protection of human rights are mutually supportive, and recognizing that tolerance and respect for diversity effectively promote and are supported by, inter alia, the empowerment of women,

*Reaffirming* that dialogue among religions, cultures and civilizations, including in the field of human rights, could contribute greatly to the enhancement of international cooperation in this field,

*Emphasizing* the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, in particular, international cooperation,

*Underlining* that mutual understanding, dialogue, cooperation, transparency and confidence building are important elements in all the activities for the promotion and protection of human rights,

*Bearing in mind* that all human rights are universal, indivisible, interdependent and interrelated, and thus should be equally treated in the course of international cooperation,

*Recalling* resolution 2000/22 of 18 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights, concerning the promotion of dialogue on human rights issues, adopted by the Sub-Commission at its fifty-second session, and noting that the Sub-Commission will give further consideration to the question of a dialogue among civilizations at its fifty-fourth session,

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Considers* that international cooperation in this field, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and of fundamental freedoms for all;

3. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles of the Charter;

4. *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;

5. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and the protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

6. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

7. *Recalls with appreciation* the decision of the General Assembly to proclaim the year 2001 the United Nations Year of Dialogue among Civilizations and reaffirms that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity;

8. *Decides* to continue its consideration of this question, as a matter of priority, at its fifty-ninth session.

*57th meeting  
26 April 2002*

[Adopted by a recorded vote of 40 votes to none,  
with 13 abstentions. See chap. XVII.]

**2002/87. Advisory services and technical cooperation in the field of human rights**

*The Commission on Human Rights,*

*Recalling:*

(a) That one of the principal purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms,

(b) General Assembly resolution 92 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as Commission resolution 2000/80 of 26 April 2000,

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

(a) Calls upon the Office of the United Nations High Commissioner for Human Rights to assume a larger role in the promotion of human rights through cooperation with Member States and by an enhanced programme of advisory services in the field of human rights,

(b) Recommends increased coordination in support of human rights and fundamental freedoms within the United Nations system, and urges all United Nations organs, bodies and the specialized agencies whose activities deal with human rights to cooperate to this end in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication,

(c) Recommends that a comprehensive programme be established within the United Nations in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the promotion and protection of human rights, democracy and the rule of law,

*Mindful*, that the mandate of the High Commissioner for Human Rights includes responsibilities for:

(a) Provision of advisory services and technical and financial assistance at the request of States,

(b) Enhancing international cooperation for the promotion and protection of all human rights,

(c) Coordination of human rights promotion and protection activities throughout the United Nations system,

(d) Coordination of relevant United Nations education and public information programmes in the field of human rights,

*Reaffirming* that developing and strengthening national capacities and institutions for the promotion of human rights is an important area for international cooperation,

*Acknowledging* the importance of further strengthening the provision of advisory services and technical cooperation by the Office of the High Commissioner,

*Mindful* that technical cooperation programmes of the Office of the High Commissioner are and should be developed and implemented on the basis of a common understanding with the Government concerned in the context of the pursuit of national development objectives and national programmes aimed at the promotion and protection of all human rights,

1. *Notes with appreciation* the report of the High Commissioner for Human Rights on advisory services and technical cooperation in the field of human rights (E/CN.4/2002/116) as well as the Annual Appeals of the High Commissioner and her first Annual Report concerning her activities in 2000;

2. *Declares* that advisory services and technical cooperation, when requested by Governments for the purpose of developing and strengthening national capacities in the field of human rights, constitute one of the most efficient and effective means of promoting and protecting all human rights, democracy and the rule of law;

3. *Welcomes*, therefore, the increasing number of requests for advisory services and technical cooperation in the field of human rights as an expression of the growing commitment of States to promote and protect human rights and fundamental freedoms, and encourages all States to consider making use of advisory services and technical cooperation in order to achieve the full enjoyment of all human rights;

4. *Calls* for a substantial increase in available financial resources, including from voluntary contributions, for advisory services and technical cooperation, which should be managed in a more efficient and coordinated way;

5. *Expresses its appreciation* for the contributions made to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, welcomes in particular the increasing contributions made by developing countries and invites more Governments and non-governmental organizations to consider contributing;

6. *Invites* all Governments considering making voluntary contributions to the Office of the High Commissioner to consider providing unearmarked contributions to the extent possible;
7. *Encourages* efforts to integrate in a comprehensive manner into technical cooperation programmes economic, social and cultural rights, as well as a clear gender perspective;
8. *Reaffirms* that United Nations field activities in the area of human rights should, when requested, be complemented by advisory services and technical cooperation projects aimed at producing lasting results through the enhancement of national capacities and the promotion of national institutions;
9. *Stresses* that, when assisting States in promoting and protecting all human rights and strengthening the rule of law and democracy, priority should be given to technical cooperation programmes designed to address their specific requirements;
10. *Affirms* that, in order to secure the sustainability of advisory services and technical cooperation projects, these should incorporate qualified national human rights expertise to the extent possible, and further develop and strengthen such expertise;
11. *Encourages* the Office of the High Commissioner for Human Rights to continue its current practice of making the best use of available human rights expertise relevant to, and, as appropriate, from, the regions where technical cooperation activities are undertaken and to make available relevant information in this regard;
12. *Recognizes* the usefulness of advisory services and technical cooperation for all countries, and calls upon the Office of the High Commissioner for Human Rights to continue to develop its potential for the promotion and protection of all human rights through advisory services and technical cooperation projects and to accord these activities the highest priority;
13. *Notes* the interdependence between social and economic development, poverty eradication and the promotion and realization of all human rights, and in this regard welcomes the lead role of the High Commissioner in inter-agency coordination in the field of human rights;
14. *Encourages* Governments, relevant United Nations treaty bodies, special rapporteurs and representatives, as well as working groups, to consult each other in order to elaborate proposals for specific projects to be realized under the programme of advisory services and technical cooperation in the field of human rights with a view to contributing to practical and tangible change in the human rights situation;

15. *Invites* States to assist the Office of the High Commissioner in developing and funding, upon the request of States, specific technical cooperation projects aimed at combating racism, racial discrimination, xenophobia and related intolerance;

16. *Requests* the Secretary-General:

(a) To continue, in accordance with Part II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the Voluntary Fund, to ensure efficient management of the Voluntary Fund, strict and transparent project-management rules and periodic evaluations of the programme and projects and to arrange for the holding of information meetings open to all Member States and organizations directly involved in the programme of advisory services and technical cooperation;

(b) To continue to provide the necessary administrative assistance for the Board of Trustees, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on Human Rights on technical cooperation in the field of human rights;

(c) To submit a further analytical report to the Commission at its sixtieth session on the progress and concrete achievements made, as well as obstacles encountered in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

17. *Decides* to continue consideration of this subject at its sixtieth session.

*56th meeting*

*26 April 2002*

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

### **2002/88. Assistance to Somalia in the field of human rights**

*The Commission on Human Rights,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other relevant human rights instruments,

*Recalling* its resolution 2001/81 of 25 April 2001,

*Bearing in mind* the statement by the President of the Security Council on the situation in Somalia of 31 October 2001 (S/PRST/2001/30), the reports of the Secretary-General on the situation in Somalia of 11 October 2001 and 21 February 2002 (S/2001/963 and S/2002/189),



Security Council resolution 1265 (1999) of 17 December 1999 on the protection of civilians in armed conflict, the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations (S/1998/883), General Assembly resolution 54/192 of 17 December 1999 entitled “Safety and security of humanitarian personnel and protection of United Nations personnel”, and the Guiding Principles on Internal Displacement,

*Recalling* Security Council resolution 751 (1992) of 24 April 1992 on the situation in Somalia,

*Recognizing* that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

*Noting with appreciation* the efforts made in favour of peace by the United Nations, the Organization of African Unity, the League of Arab States, the European Union, the Organization of the Islamic Conference, the Movement of Non-Aligned Countries, the member countries of the Intergovernmental Authority on Development and the Intergovernmental Authority Partners’ Forum,

*Expressing satisfaction* that the people of the northern regions of Somalia, despite all difficulties, continue to enjoy relative peace and stability, as well as the provision of basic services,

*Considering* that the people of Somalia should not be abandoned by the international community and that human rights should be placed on the agenda of talks regarding the future of Somalia,

*Commending* the work done by Somali civil society groups and non-governmental organizations, including humanitarian organizations, in the humanitarian field in their efforts to promote and protect human rights,

*Recognizing* the massive challenges facing Somalia with respect to immediate assistance as well as reconstruction and development,

*Noting with concern* that the humanitarian and security situation remains fragile in several parts of Somalia, including Mogadishu,

*Welcoming* the statement by the President of the Security Council of 28 March 2002 (S/PRST/2002/8), including the request to the Secretary-General to begin preparatory activities

on the ground for a comprehensive peace-building mission to be deployed once security conditions permit, and to ensure coordination of ongoing peace-building activities and provide for their incremental expansion,

*Considering* that humanitarian and development assistance is of paramount importance in contributing to the alleviation of poverty, promoting a more peaceful, equitable and democratic society in Somalia and supporting sustainable improvement of the livelihood of the Somali people and their improved access to basic public and social services, as well as the establishment of good governance,

*Acknowledging* the major contribution of the Republic of Djibouti to the Arta peace and reconciliation process,

*Underlining* that the peace process in Somalia must continue and be completed through dialogue and not by resorting to the use of force,

*Recalling* the note by the secretariat on the situation of human rights in Somalia (E/CN.4/2001/105),

1. *Welcomes:*

(a) The resolution on Somalia adopted by the ninth Summit of Heads of State and Government of the Intergovernmental Authority for Development held in Khartoum on 11 January 2002 and the agreed coordination of efforts by Kenya, Ethiopia and Djibouti (the front-line States) under the supervision of the Chairman of the Authority, and their joint facilitation of a reconciliation conference on Somalia in Nairobi;

(b) The decision adopted by the Ministerial Committee on Somalia of the Intergovernmental Authority for Development Foreign Ministers on 14 February to establish a technical committee to work out modalities to facilitate the convening of the National Reconciliation Conference in the second half of April 2002, including the Transitional National Government and all other Somali parties without conditionalities;

(c) The support given by the Office of the United Nations High Commissioner for Human Rights through the appointment of the human rights officer for Somalia based in Nairobi in the framework of the office of the United Nations Resident Humanitarian Coordinator for Somalia and expresses the hope that the human rights officer will be able to continue to give meaningful assistance to the Somali people through the fulfilment of his mandate;

(d) The integration by a number of United Nations agencies of human rights issues into their programmes;

(e) The statement by the President of the Security Council of 28 March 2002 in which the Council requested the Secretary-General to begin preparatory activities on the ground for a comprehensive peace-building mission, to ensure coordination of peace-building activities and provide for their incremental expansion, including staff strengthening, in a coherent manner and in accordance with existing security arrangements, and to deploy a post-conflict peace-building mission of the United Nations once security conditions permit;

(f) The decision of the Secretary-General to establish a contact group for Somalia both in Nairobi and in New York;

(g) The decision to revitalize the arms embargo established by the Security Council in resolution 733 (1992) of 23 January 1992 through the establishment of a concrete mechanism for its enforcement by 30 April 2002;

2. *Emphasizes* the necessity of undertaking efforts against international terrorism in accordance with Security Council resolution 1373 (2001) of 28 September 2001 and urges the international community to provide assistance to Somalia for the implementation of that resolution;

3. *Underlines* the need for human rights to be an integral part of a future United Nations peace-building mission in Somalia;

4. *Expresses the hope* that the National Reconciliation Conference to be held in Nairobi will contribute to the restoration of the State, the preservation of national unity and the territorial integrity of the country through the process of national reconciliation;

5. *Also expresses the hope* that the National Reconciliation Conference will contribute to ending the suffering of the Somali people;

6. *Underlines* that the initiative of the Intergovernmental Authority on Development on Somalia is essential in order to find a way forward in the search for an all-inclusive government based on the sharing and devolution of power through a democratic process;

7. *Expresses deep concern* at reported cases of rape, arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence, in particular against women and children, and at the absence of an effective judicial system,

essential to ensure the right to a fair trial in accordance with international standards, and takes note of the need for appropriate investigation throughout Somalia in order to bring perpetrators to justice;

8. *Condemns:*

(a) The ongoing widespread violations and abuses of human rights and humanitarian law, in particular against minorities, women and children, including the continuing practise of female genital mutilation, which remains a matter of serious concern, as well as the forced displacement of civilians;

(b) All violations of international humanitarian law, including the forced or compulsory recruitment of children for use in armed conflict and the use of these children in armed conflict by the militias;

(c) All acts of violence such as hostage-taking, abduction and murder, including of humanitarian relief workers and of United Nations agency personnel;

9. *Strongly urges* the Transitional National Government, local authorities, and all political and traditional leaders of Somalia:

(a) To strengthen their commitment to dialogue with the objective of widening and deepening the process of national reconciliation;

(b) To put aside their differences, to participate in the dialogue being facilitated by the Intergovernmental Authority on Development without preconditions and with the genuine resolve to broaden and complete the national reconciliation process and to put the interests of the people of Somalia first and foremost;

(c) To respect human rights and international humanitarian standards as set out in international instruments, in particular those pertaining to internal armed conflicts;

(d) To support the re-establishment of the rule of law throughout the country, in particular by applying internationally accepted criminal justice standards;

(e) To protect and facilitate the work of United Nations personnel, humanitarian relief workers and representatives of non-governmental organizations and of the international media, and to guarantee all persons involved in humanitarian action freedom of movement throughout the country and safe and unhindered access to civilians in need of protection and humanitarian assistance;

10. *Calls upon:*

(a) The Transitional National Government and the Transitional National Assembly to continue, in a spirit of constructive dialogue, the process of engaging all groups in the country, including the north-eastern and north-western self-administering areas (“Somaliland” and “Puntland”), with a view to completing the process of national reconciliation and preparing for the installation of permanent governance arrangements through the democratic process;

(b) The authorities of the self-administering areas of “Somaliland” and “Puntland” to establish constructive relations with the Transitional National Government;

(c) All States and other actors to comply scrupulously with the arms embargo established by Security Council resolution 733 (1992);

(d) All States to refrain from any military intervention in the internal situation in Somalia and to abide by the arms embargo;

(e) All States, in particular those of the region, to refrain from interfering in the internal affairs of Somalia in a further destabilizing manner, contributing to a climate of fear, impacting adversely on individual human rights and jeopardizing the sovereignty, territorial integrity, political independence and unity of the country, and from using the territory of Somalia to undermine stability in the subregion;

(f) All States, and local authorities in Somalia, to prevent persons and entities from taking advantage of the situation in Somalia to finance, plan, facilitate, support or commit terrorist acts from the country, emphasizing that efforts to combat terrorism in Somalia are inseparable from the establishment of peace and governance in the country, as indicated in the statement by the President of the Security Council of 28 March 2002;

(g) All States to commit themselves to the long-term objective of regional stability, inter alia, by playing a positive role in the process of rebuilding national institutions in Somalia;

(h) Regional and international organizations and concerned countries to continue to intensify the coordinated efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

(i) Individual donor countries, international organizations and non-governmental organizations further to incorporate human rights principles and objectives in the humanitarian and development work they carry out in Somalia and to cooperate with the independent expert of the Commission;

(j) The international community to continue to provide increased assistance in response to the United Nations appeals for relief, rehabilitation and reconstruction efforts in all regions of Somalia, including those aimed at the strengthening of civil society, encouraging governance and the re-establishment of the rule of law, and to support the activities of the Office of the High Commissioner concerning Somalia;

(k) All States having information about violations of the provisions of Security Council resolution 733 (1992) concerning a mandatory arms embargo against Somalia to provide this information to the Committee on Somalia of the Security Council created pursuant to resolution 751 (1992), with a view to supporting the work of the Committee;

(l) The United Nations, its Member States and specialized agencies, non-governmental organizations and the Bretton Woods institutions to intensify their assistance, in particular in the fields of human rights, education, women's rights and gender equality, health (with special attention to combating HIV/AIDS and other communicable diseases), demobilization of militia, disarmament, the struggle against the proliferation of small arms, mine clearing and rehabilitation of basic infrastructure;

(m) The United Nations, its Member States and specialized agencies fully to support and assist the Intergovernmental Authority on Development in the implementation of its decisions on Somalia, which are an important development for the peace process in the country;

11. *Commends* the work carried out by the independent expert and welcomes his report (E/CN.4/2002/119);

12. *Invites* Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

13. *Requests* the United Nations High Commissioner for Human Rights to provide for the translation of the present resolution, accompanied by an appropriate background explanatory note, into the Somali language and for its wide dissemination within the country through the human rights officer for Somalia based in Nairobi;

14. *Decides*:

(a) To extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and requests the independent expert to report to the Commission at its fifty-ninth session;

(b) To request the Secretary-General to continue to provide the independent expert with all necessary assistance in carrying out his mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner in providing advisory services and technical assistance;

(c) To continue its consideration of this question at its fifty-ninth session under the same agenda item.

*56th meeting  
26 April 2002*

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

### **2002/89. Situation of human rights in Cambodia**

*The Commission on Human Rights,*

*Guided* by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

*Recalling* the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991, including Part III thereof, relating to human rights,

*Bearing in mind* its resolution 2001/82 of 25 April 2001, General Assembly resolution 56/169 of 19 December 2001 and previous relevant resolutions,

*Recognizing* that the tragic history of Cambodia requires special measures to ensure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

*Desiring* that the international community continue to respond positively to assist efforts to investigate the tragic history of Cambodia, including responsibility for past international crimes, such as acts of genocide and crimes against humanity during the regime of Democratic Kampuchea from 1975 to 1979,

*Bearing in mind* the request in June 1997 by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, the letter dated 15 March 1999 from the Secretary-General to the President of the General Assembly and the President of the Security Council (A/53/850-S/1999/231) and the report of the Group of Experts appointed by the Secretary-General annexed thereto, and the discussions held between

the Government of Cambodia and the United Nations Secretariat on standards and procedures for bringing to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights in the years 1975-1979,

*Recognizing* the legitimate concern of the Government and people of Cambodia in the efforts to pursue internationally accepted principles of justice and of national reconciliation,

*Recognizing also* that accountability of individual perpetrators of grave human rights violations is a central element of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system which promotes and protects human rights and fundamental freedoms,

*Welcoming* the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia,

#### I. SUPPORT OF AND COOPERATION WITH THE UNITED NATIONS

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Welcomes* the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (E/CN.4/2002/117) and the use of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the High Commissioner, and invites the international community to consider contributing to the Trust Fund;

3. *Also welcomes* the report of the Special Representative of the Secretary-General for human rights in Cambodia (E/CN.4/2002/118), encourages the Government of Cambodia to continue its cooperation at all levels of government, supports the appeals of the Government and the Special Representative to increase international assistance to Cambodia and to continue



working towards the reduction of poverty, and encourages donor countries and other relevant parties to follow up their pledges made at the Consultative Group Meeting held in Tokyo in June 2001;

4. *Welcomes* the signature of the memorandum of understanding by the Government of Cambodia and the Office of the United Nations High Commissioner for Human Rights for the extension of the mandate of the office in Cambodia, and encourages the Government to continue to cooperate with the Office in their joint efforts to promote human rights;

5. *Commends* the vital and valuable role played by the Office of the United Nations High Commissioner for Human Rights and non-governmental organizations in Cambodia, inter alia in human rights education and training, and encourages the Government of Cambodia to ensure the protection of those human rights organizations and their members and to continue to work closely and cooperatively with them in efforts to strengthen and uphold human rights in Cambodia;

6. *Notes with interest* the efforts of the Cambodian Human Rights Committee for the promotion and protection of human rights in Cambodia, including the publication of its report, and encourages the Government of Cambodia in its efforts for the establishment of an independent national mechanism for the promotion and protection of human rights based on the Principles relating to the status of national institutions for the promotion and protection of human rights, known as the Paris Principles;

## II. ADMINISTRATIVE, LEGISLATIVE AND JUDICIAL REFORM

7. *Notes with concern* the continued problems related to the rule of law and the functioning of the judiciary resulting from, inter alia, corruption and interference by the executive with the independence of the judiciary, welcomes the continued commitment of the Government of Cambodia to reforming the judiciary and urges the Government as a matter of priority to take the necessary measures to ensure the independence, impartiality and effectiveness of the Supreme Council of the Magistracy and the judicial system as a whole and to increase its budgetary allocation to the judiciary;

8. *Urges* the Government of Cambodia to strengthen its efforts towards the early adoption of the laws and codes that are essential components of the basic legal framework, including a law on the statute of magistrates, a penal code, a code of criminal procedure, a new civil code and a code of civil procedure, as well as its efforts to reform the administration of justice and to enhance the training of judges and lawyers, welcomes the opening of the Royal

School of Magistrates and progress made in establishing a training school for lawyers, appeals to the international community to assist the Government to these ends, and welcomes, inter alia, the drafting of the law on the statute of magistrates;

9. *Welcomes* the enactment of the Land Law, notes with concern the problems related to land, inter alia land grabbing, forced evictions and further displacement, and urges the Government of Cambodia to continue its efforts to implement an effective, efficient and transparent land registration system, as envisaged in the Law, to solve these problems;

10. *Encourages* further efforts by the Government of Cambodia to implement expeditiously and effectively its reform programme, including the Governance Action Plan;

11. *Expresses serious concern* that a situation of impunity still exists in Cambodia, recognizes the commitment and efforts of the Government of Cambodia to respond to this problem, calls upon the Government, as a matter of critical priority, to take further measures to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights, and encourages the international community to provide means, such as technical assistance or expertise, to help the Government to meet its own commitments to bring perpetrators to justice more effectively;

12. *Welcomes* the efforts of the Government of Cambodia to demobilize those elements of the armed forces no longer required to meet its defence needs, encourages the Government to implement the contents of the White Paper on National Defence, especially the policy objectives to assist the armed forces to become a professional, impartial and outward-looking organization, and to continue to carry out effective reform, including the implementation of a full-scale demobilization programme, and invites the international community to continue to assist the Government to these ends;

13. *Welcomes* the efforts of the Government of Cambodia to conduct polling for the 3 February 2002 commune elections in a peaceful and efficient manner, notes with serious concern acts of intimidation, violence and killings, and reports of vote-buying, and urges the Government to investigate these incidents thoroughly and bring the perpetrators to justice, to take the necessary measures to prevent post-election violence and intimidation, to ensure that similar problems do not occur in connection with next year's general election and, in particular,

to ensure proper neutrality on the part of State institutions, including an independent national election committee, proper law enforcement and equitable access to all forms of media, including broadcast media, for all parties;

14. *Notes with serious concern* the prison conditions in Cambodia, notes with interest some important efforts to improve the prison system, recommends the continuation of international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take further measures to improve the conditions of detention, to provide proper food and health care to prisoners and detainees, including by strengthening the coordinating role of the Prison Health Department with the Ministry of Health, provincial authorities and non-governmental organizations working in this field, to prevent any form of torture and to meet the special needs of women and children;

### III. HUMAN RIGHTS VIOLATIONS AND VIOLENCE

15. *Expresses grave concern* about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights and forced evictions, as well as political violence, police involvement in violence and the apparent lack of protection from mob killings, notes that some progress has been made by the Government of Cambodia in addressing these issues and urges the Government to take all necessary measures to prevent such violations;

16. *Urges* the Government of Cambodia to combat discrimination in all its manifestations against ethnic minorities and to protect their rights, as well as to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination, inter alia by seeking technical assistance;

### IV. KHMER ROUGE TRIBUNAL

17. *Reaffirms* that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge and acknowledges that the final collapse of the Khmer Rouge and the continued efforts of the Government have paved the way for the restoration of peace, stability and national reconciliation in Cambodia and the investigation and prosecution of the leaders of the Khmer Rouge;

18. *Appeals to* the Government of Cambodia to ensure that the senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia are brought to trial in accordance with international

standards of justice, fairness and due process of law, in this connection recognizes the need for the Government of Cambodia and the United Nations to cooperate, appeals to the parties to resume discussions on the establishment of a tribunal for such a purpose and also appeals to the international community to provide assistance in this regard;

#### V. PROTECTION OF WOMEN AND CHILDREN

19. *Welcomes* the progress made in improving the status of women and urges the Government of Cambodia to continue to take appropriate measures to eliminate all forms of discrimination against women, to combat violence against women in all its forms and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women, including by seeking technical assistance;

20. *Commends* the Government of Cambodia for its efforts to combat HIV/AIDS while remaining concerned about its increasing incidence, also notes with grave concern the growing phenomenon of trafficking in and sexual exploitation of women and children, urges the Government with the assistance of the international community, to draft relevant domestic laws to combat this problem and requests the Government and the international community to make concerted efforts comprehensively to address these problems and their underlying causes;

21. *Urges* the Government of Cambodia to improve further the health conditions of children and their access to education, to provide and promote free and accessible birth registration and to establish an effective juvenile justice system that is consistent with international human rights standards, and invites the international community to continue to assist the Government to these ends;

22. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to take immediate and effective measures to protect children from economic exploitation and from performing any work that is likely to be hazardous, to interfere with their education or be harmful to their health, safety or morals, inter alia by enforcing Cambodian laws on child labour, the existing Labour Law and anti-trafficking law provisions on behalf of children and prosecuting those who violate these laws, invites the International Labour Organization to continue to extend the necessary assistance in this regard and encourages the Government to consider ratifying the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) adopted in 1999;

## VI. LAND MINES AND SMALL ARMS

23. *Expresses grave concern* at the devastating consequences and destabilizing effects of anti-personnel landmines on Cambodian society, welcomes the progress made by the Government of Cambodia in the removal of these mines and for victim assistance and mine-awareness programmes, encourages the Government to continue its efforts in this regard, and commends donor countries and other actors of the international community for their contributions and assistance to mine action;

24. *Expresses concern* at the substantial number of small arms still existing in society, commends the progress made by the Government of Cambodia in this regard and the cooperation of the international community in dealing with issues of small arms, and encourages the Government and the international community to cooperate in regional and international efforts to reduce the number of illicit small arms, including implementation of the existing programmes;

## VII. CONCLUSION

25. *Requests* the Secretary-General to report to the Commission at its fifty-ninth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

26. *Decides to* continue its consideration of the situation of human rights in Cambodia at its fifty-ninth session under the agenda item entitled “Advisory services and technical cooperation in the field of human rights”.

*56th meeting  
26 April 2002*

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

## **B. Decisions**

### **2002/101. Organization of work**

At its 2nd meeting, on 19 March 2002, the Commission on Human Rights decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 5: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;

(b) In connection with item 6: Mr. M. Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

(c) In connection with item 7: Mr. M.-S. Dembri, Chairperson-Rapporteur of the Open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development;

(d) In connection with item 7: Mr. A. Sengupta, independent expert on the right to development;

(e) In connection with item 8: Mr. J. Dugard, Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967;

(f) In connection with item 9: Mr. G. Gallón, Special Representative of the Commission to monitor the situation of human rights in Equatorial Guinea;

(g) In connection with item 9: Mr. M. Copithorne, Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran;

(h) In connection with item 9: Mr. J. Cutileiro, Special Representative of the Commission on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro);

(i) In connection with item 9: Mr. G. Baum, Special Rapporteur on the situation of human rights in the Sudan;

(j) In connection with item 9: Ms. I.A. Motoc, Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo;

(k) In connection with item 9: Mr. K. Hossain, Special Rapporteur on the situation of human rights in Afghanistan;

(l) In connection with item 9: Mr. P.S. Pinheiro, Special Rapporteur on the situation of human rights in Myanmar;

(*m*) In connection with item 9: Ms. M.-T. Kéita-Bocoum, Special Rapporteur on the situation of human rights in Burundi;

(*n*) In connection with item 9: Mr. A. Mavrommatis, Special Rapporteur on the situation of human rights in Iraq;

(*o*) In connection with item 9 (*b*): Mr. F. Yimer, Chairperson-Rapporteur of the Working Group on Communications of the Sub-Commission on the Promotion and Protection of Human Rights; representatives of States in respect of which situations were being considered under item 9 (*b*);

(*p*) In connection with item 10: Mr. B.A. Nyamwaya Mudho, independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights;

(*q*) In connection with item 10: Mr. J. Ziegler, Special Rapporteur on the right to food;

(*r*) In connection with item 10: Ms. F.Z. Ouhachi-Vesely, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights;

(*s*) In connection with item 10: Mr. M. Kothari, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living;

(*t*) In connection with item 10: Ms. A.-M. Lizin, independent expert on the question of human rights and extreme poverty;

(*u*) In connection with item 10: Ms. K. Tomasevski, Special Rapporteur on the right to education;

(*v*) In connection with item 10: Mr. H. Kotrane, independent expert to examine the question of a draft optional protocol to the International Convention on Economic, Social and Cultural Rights;

(*x*) In connection with item 11 (*a*): Mr. L. Joinet, Chairperson of the Working Group on Arbitrary Detention;

(*y*) In connection with item 11 (*a*): Mr. T. van Boven, Special Rapporteur on the question of torture;

(*z*) In connection with item 11 (*a*): Ms. E. Odio Benito, Chairperson-Rapporteur of the Open-ended working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

- (aa) In connection with item 11 (a): Mr. J. Walkate, Chairperson of the Board of Trustees of the Voluntary Fund for Victims of Torture;
- (bb) In connection with item 11 (b): Mr. I. Tosevski, member of the working group on Enforced or Involuntary Disappearance;
- (cc) In connection with item 11 (b): Ms. A. Jahangir, Special Rapporteur on extrajudicial, summary or arbitrary executions;
- (dd) In connection with item 11 (b): Mr. M. Nowak, independent expert to examine the existing international criminal and human rights framework for the protection of persons from enforced and involuntary disappearances;
- (ee) In connection with item 11 (c): Mr. A. Hussain, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;
- (ff) In connection with item 11 (d): Mr. P. Cumaraswamy, Special Rapporteur on the independence of judges and lawyers;
- (gg) In connection with item 11 (e): Mr. A. Amor, Special Rapporteur on religious intolerance;
- (hh) In connection with item 12: Mr. O. Jerandi, Chairperson of the Commission on the Status of Women;
- (ii) In connection with item 12 (a): Ms. R. Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences;
- (jj) In connection with item 13: Mr. J.M. Petit, Special Rapporteur on the sale of children, child prostitution and child pornography;
- (kk) In connection with item 13: Mr. O.A. Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict;
- (ll) In connection with item 14 (a): Ms. G. Rodríguez Pizarro, Special Rapporteur on the human rights of migrants;
- (mm) In connection with item 14 (c): Mr. F.M. Deng, Representative of the Secretary-General on internally displaced persons;
- (nn) In connection with item 14 (d): Swami Agnivesh, Chairperson of the Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery;
- (oo) In connection with item 14 (d): Mr. B. Lindqvist, Special Rapporteur of the Commission for Social Development;



- (*pp*) In connection with item 15: Mr. R. Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people;
- (*qq*) In connection with item 15: Mr. L.E. Chavez, Chairperson-Rapporteur of the Working Group on a draft United Nations declaration on the rights of indigenous peoples;
- (*rr*) In connection with item 15: Ms. E.I. Daes, Special Rapporteur of the Sub-Commission on indigenous peoples and their relationship to land;
- (*ss*) In connection with item 15: Ms. V. Tauli-Corpuz, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations;
- (*tt*) In connection with item 15: Mr. M. Dodson, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for the International Decade of the World's Indigenous People;
- (*uu*) In connection with item 16: Mr. D. Weissbrodt, Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-second session;
- (*vv*) In connection with item 17: Mr. M. Alfonso Martínez, Special Rapporteur of the Sub-Commission on human rights and human responsibilities;
- (*xx*) In connection with item 17 (*b*): Ms. H. Jilani, Special Representative of the Secretary-General on the situation of human rights defenders;
- (*yy*) In connection with item 19: Mr. P. Leuprecht, Special Representative of the Secretary-General for human rights in Cambodia;
- (*zz*) In connection with item 19: Ms. L.I. Takla, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;
- (*aaa*) In connection with item 19: Mr. G. Alnajjar, independent expert on the situation of human rights in Somalia.

[See chap. III.]

### **2002/102. Interaction between the secretariat of the 1503 procedure and the Division for the Advancement of Women**

At its 27th (closed) meeting, on 5 April 2002, the Commission on Human Rights, recalling Economic and Social Council decision 2001/304 of 26 July 2001, taking into account all the information pertaining to the 1503 procedure and reaffirming the principle of confidentiality at all stages of the 1503 procedure as stated in paragraph 9 of Economic and Social Council resolution 2000/3 of 16 June 2000, decided:

(a) That the existing practice of sharing information between the secretariat of the 1503 procedure of the Office of the High Commissioner for Human Rights and the Division for the Advancement of Women of the Secretariat has no legal basis;

(b) To request the secretariat of the 1503 procedure of the Office of the High Commissioner for Human Rights to discontinue immediately its practice of forwarding confidential monthly lists to the Division for the Advancement of Women;

(c) To recommend that the Economic and Social Council endorse the present decision.

The Commission further decides that the present decision should be made public as decision 2002/102 of the fifty-eighth session of the Commission.

[See chap. IX.]

### **2002/103. Situation in the occupied Palestinian territory**

At its 41st meeting on 16 April 2002, the Commission on Human Rights decided, by a recorded vote of 41 votes to 2, with 9 abstentions:

(a) To express its deep dismay that its resolution 2002/1 of 5 April 2002 had not been implemented due to the absence of a positive response from the occupying Power, even though the human rights situation in the occupied Palestinian territory had continued to deteriorate;

(b) To call for the immediate implementation of its resolution 2002/1 of 5 April 2002;

(c) To urge the United Nations High Commissioner for Human Rights to report urgently to the Commission on the deteriorating human rights situation in the occupied Palestinian territory on the basis of reports from all concerned organizations present in the occupied territory.

[See chap. IV.]

### **2002/104. Question of human rights in Cyprus**

At its 48th meeting, on 19 April 2002, the Commission on Human Rights decided, without a vote, to retain on its agenda sub-item (a), entitled “Question of human rights in Cyprus”, of the item entitled “Question of the violation of human rights and fundamental freedoms in any part of the world” and to give it due priority at its fifty-ninth session, it being

understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to submit a report to the Commission regarding their implementation.

[See chap. IX.]

#### **2002/105. Promotion of the realization of the right to drinking water and sanitation**

At its 49th meeting, on 22 April 2002, the Commission on Human Rights, taking note of resolution 2001/2 of 10 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, by a recorded vote of 37 votes to 1, with 15 abstentions, to approve the decision to appoint Mr. El Hadji Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation, at the national and international levels, taking also into account questions related to the realization of the right to development, in order to determine the most effective means of reinforcing activities in this field and defining as accurately and fully as possible the content of the right to drinking water in relation to other human rights; endorsed the decision to request the Special Rapporteur to submit to the Sub-Commission a preliminary report at its fifty-fourth session, a progress report at its fifty-fifth session and a final report at its fifty-sixth session; and requested the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable him to fulfil his mandate.

[See chap. X.]

#### **2002/106. The Social Forum**

At its 49th meeting, on 22 April 2002, the Commission on Human Rights, taking note of resolution 2001/24 of 16 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, by a recorded vote of 21 to 31, with 1 abstention, to endorse the Sub-Commission's request that the Economic and Social Council authorize the holding in Geneva of a pre-sessional forum on economic, social and cultural rights, to be known as the Social Forum, before the fifty-fourth session of the Sub-Commission, for two days, with the

participation of 10 members of the Sub-Commission, taking into account regional representation, and to authorize the provision of all the necessary secretariat facilities for the reparation and servicing of the event.

[See chap. X.]

### **2002/107. The rights of non-citizens**

At its 55th meeting, on 25 April 2002, the Commission on Human Rights, taking note of decision 2001/108 of 15 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights and recalling its own resolution 2000/60 of 24 April 2000, decided to approve the request of the Sub-Commission that the Secretary-General transmit a questionnaire of the Special Rapporteur on the rights of non-citizens to Governments, intergovernmental organizations, the human rights treaty bodies, in particular the Committee on the Elimination of Racial Discrimination, and non-governmental organizations to solicit any information they may wish to submit in connection with the study, in order that the Special Rapporteur may take them fully into account in preparing his progress report for the fifty-fourth session of the Sub-Commission.

[See chap. XIV.]

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