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

Draft report of the Commission

Rapporteur: Mr. Branko SOCANAC (Croatia)

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* Documents E/CN.4/2003/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.4/2003/L.11 and addenda.

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2003/8. Human rights situation of the Lebanese detainees in Israel

The Commission on Human Rights,

Recalling the report of the Secretary-General on the implementation of Security Council resolutions 425 (1978) and 426 (1978) of 19 March 1978 (S/2000/460), in particular paragraphs 7, 8, 12, 14, 16, 17, 21 and 48, endorsed by the Security Council (S/PRST/2000/18),

Noting Security Council resolution 1391 (2002) of 28 January 2002, in particular paragraph 11, and Security Council resolution 1461 (2003) of 30 January 2003, in particular paragraph 10, in which the Council stressed the necessity to provide the Government of Lebanon and the United Nations Interim Force in Lebanon with any additional maps and records on the location of mines,

Gravely concerned at the persistent violation by Israel of the principles of international law regarding the protection of human rights, in particular those contained in the Universal Declaration of Human Rights, as well as the grave violation of the relevant provisions of international humanitarian law contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Additional Protocols to the Geneva Conventions,

Censuring breaches by Israel of the sovereignty and territorial integrity of Lebanon,

Hoping that the efforts to implement the Security Council resolutions on the occupied Arab territories, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and to achieve peace in the Middle East will put an end to the violations of human rights being committed by Israel and that the peace negotiations will be resumed and conducted with a view to reaching a just and comprehensive peace in the region,

Gravely concerned about the hundreds of thousands of landmines left behind by Israel in southern Lebanon, which have so far caused hundreds of deaths and injuries to civilians, including women and children,

Deploring the failure of the Government of Israel to submit all the maps showing the deployment of those landmines,

Condemning the persistent detention, ill treatment and torture by Israel of many Lebanese civilians who were abducted and detained in Lebanon and subsequently transferred to prisons in Israel,

Expressing its indignation at the ruling handed down on 4 March 1998 by the Supreme Court of Israel permitting the Israeli authorities to retain Lebanese detainees in Israeli prisons without trial and to hold them as hostages and for bargaining purposes and the recent renewal of their incommunicado detention, which constitutes a flagrant violation of the principles of human rights,

Reaffirming its resolutions 2001/10 of 18 April 2001 and 2002/10 of 19 April 2002, and expressing its deep regret at the failure of the Government of Israel to implement those resolutions fully,

1. *Calls upon* the Government of Israel to comply with the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto;
2. *Also calls upon* the Government of Israel to refrain from holding the detained Lebanese citizens incarcerated in its prisons as hostages for bargaining purposes and to release them immediately, in compliance with all the Geneva Conventions and other provisions of international law;
3. *Affirms* the obligation of Israel to commit itself to allowing the International Committee of the Red Cross to visit the detainees regularly, as well as to allowing other international humanitarian organizations to do so and to verify their sanitary and humanitarian conditions and, in particular, the circumstances of their detention;
4. *Calls upon* the Government of Israel to submit to the United Nations Interim Force in Lebanon all the maps of the landmine fields laid throughout the civilian villages, fields and farms, causing casualties among civilians, including children and women, and obstructing the resumption of normal life in the area;
5. *Requests* the Secretary-General:
 - (a) To bring the present resolution to the attention of the Government of Israel and to call upon it to comply with its provisions;
 - (b) To report to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session on the results of his efforts in this regard;
6. *Decides* to continue its consideration of the situation of the Lebanese detainees at its sixtieth session.

*50th meeting
16 April 2003*

[Adopted by a recorded vote of 32 votes to 1,
with 20 abstentions. See chap. IX.]

2003/9. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolution 2002/17 of 19 April 2002 and taking note of the report of the Secretary-General on the question (E/CN.4/2003/34),

1. *Urges* Governments to refrain from all acts of intimidation or reprisal against:
 - (a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;
 - (b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;
 - (c) Those who submit or have submitted communications under procedures established by human rights instruments;
 - (d) Those who are relatives of victims of human rights violations;
2. *Condemns* all acts of intimidation or reprisal by Governments against private individuals and groups who seek to cooperate with the United Nations and representatives of human rights bodies;
3. *Requests* all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals and the hampering of access to United Nations human rights procedures in any way;
4. *Also requests* such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on the Promotion and Protection of Human Rights or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. *Requests* the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;
6. *Invites* the Secretary-General to submit to the Commission at its sixtieth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against the persons referred to in paragraph 1 above;
7. *Decides* to consider the question again at its sixtieth session.

*50th meeting
16 April 2003*

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

2003/10. Situation of human rights in the Democratic People's Republic of Korea

The Commission on Human Rights,

Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms and to implement the obligations they have assumed under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a Party to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

Taking note of the reports submitted by the Democratic People's Republic of Korea concerning the implementation of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, and encourages the Democratic People's Republic of Korea to continue to submit its reports in a timely manner,

Taking note also of the concluding observations of the Committee on the Rights of the Child and the Human Rights Committee concerning the reports that the Democratic People's Republic of Korea has submitted to them,

Expressing its deep concern at the precarious humanitarian situation in the country, in particular the prevalence of infant malnutrition which, despite recent progress, still affects a significant percentage of children and their physical and mental development,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,

Underlining the importance of the effective continuation of the process of rapprochement between the two Koreas and noting the recent progress in this respect,

Desiring to promote a constructive approach leading to concrete progress in the field of human rights,

1. *Expresses its deep concern* about reports of systemic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, including:

(a) Torture and other cruel, inhuman or degrading treatment or punishment, public executions, imposition of the death penalty for political reasons, the existence of a large number of prison camps and the extensive use of forced labour, and lack of respect for the rights of persons deprived of their liberty;

(b) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association and on access of everyone to information, and limitations imposed on every person who wishes to move freely within the country and travel abroad;

(c) The mistreatment of and discrimination against disabled children whose particular needs are not sufficiently taken into consideration, while at the same time welcoming, in this regard, reports of the preparation of a law on physically disabled persons;

(d) Continued violation of the human rights and fundamental freedoms of women;

2. *Notes with regret* that the authorities of the Democratic People's Republic of Korea have not created the necessary conditions to permit the international community to verify these reports in an independent manner and calls upon the Government to respond to these reports and these concerns urgently, including:

(a) By ratifying human rights instruments to which it is not yet a party, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and by implementing its obligations under the human rights instruments to which it is a party, namely the International Covenant on Economic, Social and Cultural Rights,

in particular concerning the right of everyone to be free from hunger, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, ensuring that all necessary measures are undertaken to this end;

(b) By providing all pertinent information concerning the above-mentioned issues;

(c) By implementing the recommendations of the Committee on the Rights of the Child and the Human Rights Committee;

(d) By refraining from sanctioning citizens of the Democratic People's Republic of Korea who have moved to other countries, in particular for humanitarian reasons, and refraining from treating their departure as treason leading to punishments of internment, inhuman or degrading treatment or the death penalty;

(e) By cooperating with the United Nations system in the field of human rights and cooperating without restriction with the thematic procedures of the Commission on Human Rights relevant to the situation of the Democratic People's Republic of Korea, in particular the Special Rapporteur on the right to food, the Special Rapporteur on torture, the Special Rapporteur on religious intolerance, the Working Group on Arbitrary Detention, as well as the Working Group on Enforced or Involuntary Disappearances, and international human rights organizations;

(f) By resolving, clearly and transparently, all the unresolved questions relating to the abduction of foreigners;

(g) By adhering to internationally recognized labour standards;

3. *Is also deeply concerned* about reports of a precarious humanitarian situation;

4. *Calls upon* the authorities of the Democratic People's Republic of Korea to ensure that humanitarian organizations, in particular the United Nations agencies, have free and unimpeded access to all parts of the Democratic People's Republic of Korea in order for them to ensure that humanitarian assistance is delivered impartially on the basis of need, in accordance with humanitarian principles;

5. *Requests* the international community to continue to urge the Government of the Democratic People's Republic of Korea to ensure that humanitarian assistance, especially food aid, destined for the people of the Democratic People's Republic of Korea is distributed in

accordance with humanitarian principles and that representatives of international humanitarian actors are allowed to travel throughout the country to monitor this distribution, and to ensure the respect for the fundamental principles of asylum;

6. *Requests* the United Nations High Commissioner for Human Rights to engage in a comprehensive dialogue with the authorities of the Democratic People's Republic of Korea with a view to establishing technical cooperation programmes in the field of human rights and to submit his findings and recommendations to the Commission at its sixtieth session;

7. *Decides* to continue its consideration of this question at its sixtieth session under the same agenda item as a matter of high priority.

*51st meeting
16 April 2003*

[Adopted by a recorded vote of 28 votes to 10,
with 14 abstentions. See chap. IX.]

2003/11. Situation of human rights in Turkmenistan

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and the Universal Declaration of Human Rights and the duty to fulfil the obligations they have undertaken under the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Turkmenistan is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Reaffirming that no one shall be subjected to arbitrary arrest or detention and that everyone is entitled in full equality to a fair and public hearing, by an independent and impartial tribunal, in the determination of their rights and obligations and of any criminal charge against them,

Reaffirming also that everyone has the right to freedom of opinion and expression,

Reaffirming further that the fight against terrorism should be conducted in full respect of human rights and democratic principles,

Deeply concerned about the events of 25 November 2002 and the consequences thereof,
Taking note of the meeting on 22 January 2003 in Vienna between the Minister for Foreign Affairs of Turkmenistan and the permanent representatives of the group of 10 participating States of the Organization for Security and Cooperation in Europe that had invoked the Moscow mechanism of that organization,

1. *Expresses its appreciation* at the recent announcement by the Government of Turkmenistan that it will uphold the decision by the Turkmen Peoples' Council in December 1999 to abolish the death penalty;

2. *Expresses its concern* at the restrictions imposed on the realization of the right of everyone to education by the introduction of measures by the Government of Turkmenistan which have drastically reduced the number of years of compulsory education and the number of university places;

3. *Expresses its grave concern:*

(a) At the persistence of a governmental policy based on the repression of all political opposition activities and on the abuse of the legal system through arbitrary detention, imprisonment and surveillance of persons who try to exercise their freedoms of thought, expression, assembly and association, and harassment of their families;

(b) At the suppression of independent media and freedom of expression, at attempts to restrict the access of the international media and at restrictions on the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of choice;

(c) At restrictions on the exercise of the freedom of thought, conscience and religion, despite guarantees contained in the Constitution of Turkmenistan and in the International Covenant on Civil and Political Rights, including by the harassment and persecution of members of independent faith groups and the discriminatory use of the registration procedures for such groups;

(d) At the heavy prison sentences given to objectors to compulsory military service on religious grounds, such as Jehovah's Witnesses, and the lack of alternative service compatible with the reasons for conscientious objection, of a non-combatant or civilian character, in the public interest and not of a punitive nature;

(e) At the discrimination by the Government of Turkmenistan against ethnic Russian, Uzbek and other minorities in the fields of education and employment, which is contrary to the Constitution of Turkmenistan and the International Covenant on Economic, Social and Cultural Rights;

(f) At the creation of almost insurmountable obstacles to marriages of Turkmen with foreigners, inter alia through the imposition of an obligation to pay a large sum of money before such marriages can take place;

(g) At the introduction of new exit visa requirements for Turkmen nationals and at the unreasonable registration regulations for foreign nationals introduced on 1 March 2003, which curtail enjoyment of the right to liberty of movement and freedom to leave the country;

(h) At the manner in which the elections of 6 April 2003 were organized and conducted, which did not represent a free and fair process;

4. *Deplores:*

(a) The treatment of accused individuals in violation of the International Covenant on Civil and Political Rights following the events of 25 November 2002, including arbitrary detentions, arbitrary arrests, convictions in the absence of the observation of minimum rules of due process, including the ability to prepare and execute one's defence with counsel of one's own choosing, imposition of sentences in violation of the principle *nulla poena sine lege*, the harassment of family members of the accused and the arbitrary confiscation of their homes and property and, especially, their announced eviction and reports of forced displacement to remote areas of the country;

(b) The conduct of the Turkmen authorities with regard to the lack of fair trials of the accused, the reliance on confessional evidence which may have been extracted by torture or the threat of torture, the closed court proceedings, contrary to article 105 of the Constitution of Turkmenistan, which provides that trials should be open, except in a narrowly defined set of circumstances, and the refusal to allow diplomatic missions or international observers in Ashgabat access to the trials as observers;

(c) The reluctance of the Government of Turkmenistan to cooperate with the Moscow mechanism of the Organization for Security and Cooperation in Europe and to allow the Rapporteur of that organization to examine concerns arising from the events of 25 November 2002, as well as to respect its human rights commitments as a participant State of the Organization for Security and Cooperation in Europe and a member of the United Nations;

5. *Calls upon* the Government of Turkmenistan:

(a) To ensure full respect for all human rights and fundamental freedoms, in particular the freedoms of expression, religion, association and assembly, the right to a fair trial by an independent and impartial tribunal established by law and the protection of the rights of persons belonging to ethnic and religious minorities, and to take the necessary measures to refrain from subjecting conscientious objectors to imprisonment;

(b) To grant urgently access by independent bodies, including the International Committee of the Red Cross, to the persons detained following the events of 25 November 2002;

(c) To put an end to forced displacement and guarantee freedom of movement inside the country;

(d) To fulfil its responsibility to ensure that those responsible for human rights violations are brought to justice;

(e) To remove restrictions on the activities of non-governmental organizations, particularly human rights non-governmental organizations, and other civil society actors;

(f) To implement the recommendations outlined in the report of the Rapporteur of the Organization for Security and Cooperation in Europe;

(g) To develop a constructive dialogue with the United Nations High Commissioner for Human Rights and his Office;

(h) To cooperate fully with all the mechanisms of the Commission on Human Rights, including the Special Rapporteurs on the independence of judges and lawyers, on the question of torture, on extrajudicial, summary and arbitrary executions, on the promotion and protection of the right to freedom of opinion and expression, and on freedom of religion or belief, as well as the Working Group on Arbitrary Detention and the Special Representatives of the Secretary-General on internally displaced persons and on the situation of human rights defenders, including by issuing invitations to visit the country;

(i) To submit reports to all relevant United Nations treaty bodies and to ensure full implementation of their recommendations;

6. *Urges* the Government of Turkmenistan immediately and unconditionally to release all prisoners of conscience;

7. *Calls upon* the Special Rapporteurs on the independence of judges and lawyers, on the question of torture, on extrajudicial, summary and arbitrary executions, on freedom of

opinion and expression, and on freedom of religion or belief as well as the Working Group on Arbitrary Detention and the Special Representatives of the Secretary-General on internally displaced persons, and on the situation of human rights defenders to seek invitations from the Government of Turkmenistan to visit the country;

8. *Requests* the Secretary-General to bring the present resolution to the attention of all relevant parts of the United Nations system;

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

*51st meeting
16 April 2003*

[Adopted by a recorded vote of 23 votes to 16,
with 14 abstentions. See chap. IX.]

2003/12. Situation of human rights in Myanmar

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all Member States of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in the field,

Aware that Myanmar is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions of 12 August 1949 for the protection of the victims of war, as well as the Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29) and the Convention concerning Freedom of Association and Protection of the Right to Organize, 1948 (Convention No. 87) of the International Labour Organization,

Recalling its previous resolutions on the subject, the most recent of which is resolution 2002/67 of 25 April 2002, and those of the General Assembly, the most recent of which is resolution 57/231 of 18 December 2002,

Bearing in mind the report of the Secretary-General on children and armed conflict (S/2002/1299),

Recalling resolution I adopted by the International Labour Organization at its eighty-eighth session, on 14 June 2000, concerning the practice of forced or compulsory labour in Myanmar,

Affirming that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

Affirming also that the establishment of a genuine democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

Recognizing that good governance, democracy, the rule of law and respect for human rights are essential to achieve sustainable development and economic growth, and that good governance includes the idea of transparent, responsible, accountable and participatory government at all levels,

1. *Welcomes:*

(a) The freedom of movement within the country enjoyed by the leader of the National League for Democracy, Aung San Suu Kyi;

(b) The release from prison of a number of persons detained for political activities;

(c) The reports of both the Special Rapporteur on the situation of human rights in Myanmar (E/CN.4/2003/41) and the Special Envoy of the Secretary-General;

(d) The visits to Myanmar by the Special Envoy of the Secretary-General for Myanmar during the past year and the cooperation extended to him by the Government of Myanmar;

(e) The visits to Myanmar by the Special Rapporteur during the past year, but expresses concern over the curtailment of his fact-finding visit in March 2003 owing to the discovery of listening devices during his interviews with prisoners in Insein prison, and expects that the outcome of a thorough investigation into the incident will be communicated to the United Nations High Commissioner for Human Rights;

(f) The continued cooperation with the International Committee of the Red Cross and the slight improvement in the conditions of detention;

(g) The visit by an Amnesty International delegation to Myanmar;

(h) The appointment of the Liaison Officer of the International Labour Organization and her efforts to fulfil her mandate;

(i) The growing awareness of the Government of the need to combat the production of opium in Myanmar;

(j) The growing awareness of the Government of the need to respond effectively to the ever-increasing impact of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) on the population of Myanmar;

(k) The dissemination of human rights standards for public officials and some non-governmental organizations and ethnic groups through a series of human rights workshops, but stresses that such activities need to lead also to concrete efforts to improve the human rights situation on the ground;

2. *Takes note* of the establishment by the Government of a committee on human rights as a precursor to the establishment of a national human rights commission, which would follow the Principles relating to the status of national institutions on the promotion and protection of human rights (the Paris Principles) annexed to General Assembly resolution 48/134 of 20 December 1993, but also notes that further progress has not been achieved regarding the establishment of an effective and independent national human rights commission;

3. *Expresses its grave concern* at:

(a) The ongoing systematic violation of human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar;

(b) The continued refusal to enter into a genuine political dialogue with Aung San Suu Kyi and other democratic leaders and the harassment and attempted intimidation of Aung San Suu Kyi and opposition activists by the authorities of Myanmar, supported by the Union Solidarity Development Association;

(c) Extrajudicial killings; reports of rape and other forms of sexual violence persistently carried out by members of the armed forces; continuing use of torture; renewed instances of political arrests and continuing detentions, including of prisoners whose sentences have expired; forced relocation; destruction of livelihoods and confiscations of land by the armed forces; forced labour, including child labour; trafficking in persons; denial of freedom of assembly, association, expression and movement; discrimination and persecution on the basis of religious or ethnic background; wide disrespect for the rule of law and lack of independence of the judiciary; unsatisfactory conditions of detention; systematic use of child soldiers; and violations of the rights to an adequate standard of living, such as food, and to medical care and to education;

(d) The violations of human rights suffered in particular by persons belonging to ethnic minorities, women and children, especially in non-ceasefire areas;

(e) The situation of the large number of internally displaced persons and the flow of refugees to neighbouring countries, and recalls in this context the obligations of Myanmar under international law;

(f) The still insufficient response of the Myanmar authorities to the progressively more critical HIV/AIDS situation in Myanmar;

4. *Calls upon* the Government of Myanmar:

(a) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of the administration of justice;

(b) To take immediate action to implement fully concrete legislative, executive and administrative measures to eradicate the practice of forced labour by all organs of government, including the armed forces, and to implement fully the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of the International Labour Organization Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29);

(c) To take action to agree modalities and a framework for the position of the Liaison Officer of the International Labour Organization to evolve quickly into a full and effective representation of the organization in Myanmar as envisaged by the High Level Team of the International Labour Organization;

(d) To immediately ensure safe and unhindered access to all parts of Myanmar for the United Nations and international humanitarian organizations and to cooperate fully with all sectors of society, especially with the National League for Democracy and other relevant political, ethnic and community-based groups through consultation, to ensure the provision of humanitarian assistance and to guarantee that it actually reaches the most vulnerable groups of the population;

(e) To improve cooperation with the Special Envoy of the Secretary-General on Myanmar and the Special Rapporteur on the situation of human rights in Myanmar of the Commission in order to bring Myanmar towards a transition to civilian rule, and to ensure that

they are both granted full and free access to Myanmar and that all persons cooperating with the Special Envoy and Special Rapporteur are not subjected to any form of intimidation, harassment or punishment;

(f) To consider as a matter of high priority becoming party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention relating to the Status of Refugees and the Protocol thereto, the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182), the Convention on the Prohibition on the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, and the Additional Protocols of 1977 to the Geneva Conventions of 12 August 1949;

(g) To pursue through dialogue and peaceful means the immediate suspension and permanent end of conflict with all ethnic groups in Myanmar;

(h) To establish a national human rights commission following the Principles relating to the status of national institutions on the promotion and protection of human rights (the Paris Principles);

5. *Strongly urges* the Government of Myanmar:

(a) To restore democracy and respect the results of the 1990 elections and to enter immediately into substantive and structured dialogue with Aung San Suu Kyi and other leaders of the National League for Democracy towards democratization and national reconciliation and at an early stage to include other political leaders in these talks, including representatives of the ethnic groups;

(b) To end the systematic violations of human rights in Myanmar, to ensure full respect for all human rights and fundamental freedoms, to end impunity and to investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

(c) Without further delay to cooperate fully with the Special Rapporteur of the Commission on Human Rights to facilitate an independent international investigation of continuing reports of sexual violence and other abuse of civilians carried out by members of the armed forces in Shan and other States;

(d) To release unconditionally and immediately all political prisoners with particular emphasis on the elderly and the sick;

(e) To put an immediate end to the recruitment and use of child soldiers and to extend full cooperation to relevant international organizations in order to ensure the demobilization of child soldiers, their return home and their rehabilitation in accordance with Security Council resolution 1460 (2003) of 30 January 2003;

(f) To lift all restraints on peaceful political activity of all persons, including former political prisoners, by, inter alia, guaranteeing freedom of association and freedom of expression, including freedom of the media, and to ensure unhindered access to information for the people of Myanmar;

(g) To end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies;

(h) To recognize further the mounting gravity of the situation regarding HIV/AIDS and to carry out fully the necessary action against the epidemic, including through the effective implementation in Myanmar of the United Nations joint action plan on HIV/AIDS, in cooperation with all political and ethnic groups and with the cooperation and assistance of all relevant international agencies;

6. *Decides:*

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

7. *Requests* the Secretary-General to bring the present resolution to the attention of all relevant parts of the United Nations system;
8. *Decides* to continue consideration of this question at its sixtieth session;
9. *Recommends* the following decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/12 of 16 April 2003 endorses the Commission’s decision to extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session.”

51st meeting
16 April 2003
[Adopted without a vote. See chap. IX.]

2003/13. Situation of human rights in Cuba

The Commission on Human Rights,

Taking into account its resolution 2002/18 of 19 April 2002,

Considering that in the above-mentioned resolution the Commission requested the United Nations High Commissioner for Human Rights to take steps to send a personal representative with a view to cooperation between his Office and the Government of Cuba in the implementation of the resolution,

Bearing in mind that the United Nations High Commissioner for Human Rights has proceeded to appoint Ms. Christine Chanet as his personal representative,

1. *Expresses its satisfaction* with the appointment of Ms. Christine Chanet as personal representative of the United Nations High Commissioner for Human Rights, for the implementation of resolution 2002/18 of 19 April 2002;
2. *Urges* the Government of Cuba to receive the personal representative of the United Nations High Commissioner for Human Rights and to provide all the facilities necessary for her to be able to fulfil the mandate contained in resolution 2002/18;

3. *Decides* to consider this matter further at its sixtieth session, under the same agenda item, in connection with which the personal representative of the High Commissioner will submit her report on the implementation of resolution 2002/18.

*54th meeting
17 April 2003*

[Adopted by a recorded vote of 24 votes to 20,
with 9 abstentions. See chap. IX.]

2003/14. Situation of human rights in Belarus

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

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

Mindful that Belarus is a party to the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child,

Welcoming the reopening of the office of the Organization for Security and Cooperation in Europe in Minsk,

Mindful of the requests made to the Government of Belarus by the Working Group on Enforced or Involuntary Disappearances regarding the disappearance of the former Minister of Internal Affairs, Yury Zakharenko,

Noting the concluding observations of the Committee against Torture on the third periodic report of Belarus (A/56/44, paras. 40-46) adopted in November 2000 and the recommendations contained in the report of the Special Rapporteur on the independence of judges and lawyers on his mission to Belarus (E/CN.4/2001/65/Add.1), as well as the lack of progress of the Government of Belarus in addressing the noted shortfalls,

1. *Expresses deep concern:*
 - (a) At reports from credible sources, including statements of former investigators and senior law enforcement officials of the Government of Belarus, implicating senior government officials of the Government of Belarus in the forced disappearance and/or summary execution of three political opponents of the incumbent authorities and of a journalist;
 - (b) About reports of arbitrary arrest and detention;
 - (c) About persistent reports of harassment of non-governmental organizations, opposition political parties and individuals engaged in opposition activities and independent media;
 - (d) About reports of potential increased restrictions on the activities of religious organizations;
2. *Urges the Government of Belarus:*
 - (a) To dismiss or suspend from their duties law enforcement officers implicated in forced disappearances and/or summary executions, pending an impartial, credible and full investigation of those cases;
 - (b) To ensure that all necessary measures are taken to investigate fully and impartially all cases of forced disappearance, summary execution and torture and that perpetrators are brought to justice before an independent tribunal and, if found guilty, punished in a manner consistent with the international human rights obligations of Belarus;
 - (c) To bring the actions of its police and security forces into conformity with its obligations under the International Covenant on Civil and Political Rights as well as other relevant international standards;
 - (d) To establish independence of the judiciary and end impunity for persons responsible for killing or injuring individuals;
 - (e) To release journalists and other individuals detained for politically motivated reasons and to cease harassment of non-governmental organizations and political parties;
3. *Also urges the Government of Belarus to cooperate fully with all the mechanisms of the Commission on Human Rights, including through extending invitations to the Special Rapporteur on torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on freedom of opinion and expression, the Special Representative of the Secretary-General on human rights defenders, as well as the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances;*

4. *Decides* to examine this question at its sixtieth session, under the same agenda item.

*54th meeting
17 April 2003*

[Adopted by a recorded vote of 23 votes to 14,
with 16 abstentions. See chap. IX.]

2003/15. Situation of human rights in the Democratic Republic of the Congo

The Commission on Human Rights,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms,

Noting that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law,

Recalling its previous relevant resolutions, the most recent of which is resolution 2002/14 of 19 April 2002, those of the General Assembly, the most recent of which is resolution 57/233 of 18 December 2002, those of the Security Council resolutions, the most recent of which is resolution 1468 (2003) of 20 March 2003, and the statement of the President of the Security Council of 15 January 2003,

Recalling the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning the massacres that took place in the region of Kisangani on 14 May 2002 and thereafter (E/CN.4/2003/3/Add.3), and referring in that connection to the statement by the President of the Security Council of 18 October 2002 (S/PRST/2002/27),

Taking note of the report of the Secretary-General of 24 February 2003 and the report of the Secretary-General on children and armed conflict of 26 November 2002 (S/2002/1299),

Concerned at the violations of human rights and international humanitarian law committed in the territory of the Democratic Republic of the Congo by all the parties to the conflict, as mentioned in the report of the High Commissioner for Human Rights (S/2003/216) and the oral report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo,

1. *Welcomes:*

(a) The Peace Agreements signed at Pretoria on 30 July 2002 and at Luanda on 6 September 2002, the final act of the inter-Congolese dialogue and the conclusion of the comprehensive transition agreement signed on 2 April 2002 endorsing the Pretoria Agreement of 17 December 2002, and the agreement on a transitional constitution and a national army signed at Pretoria on 6 March 2002;

(b) The continued presence and increased deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in support of the implementation of the Lusaka Ceasefire Agreement, the Pretoria and Lusaka Peace Agreements and the relevant Security Council resolutions;

(c) The release of some human rights defenders and the action of the Congolese Ministry of Human Rights;

(d) The visit by the United Nations High Commissioner for Human Rights to the Democratic Republic of the Congo from 12 to 15 January 2003, the report which he submitted to the Security Council on 21 February 2003 (S/2003/211) and the action taken by his office in the Democratic Republic of the Congo, and encourages the Government to continue to strengthen cooperation with this office;

(e) The report submitted by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo to the fifty-seventh session of the United Nations General Assembly (A/57/437) and the Special Rapporteur's recent visit to the Congo from 28 February to 10 March 2003;

(f) The consultations between the Secretary-General and the High Commissioner for Human Rights on ways of dealing with the problem of impunity in the Democratic Republic of the Congo, and takes note of the High Commissioner's proposal to establish an international body of inquiry to investigate serious violations of human rights and international humanitarian law;

(g) The promulgation by the Head of State on 4 April 2003 of the Constitution which is to govern the country throughout the transition;

2. *Expresses its concern at:*

(a) The continuing violation of human rights and international humanitarian law in the Democratic Republic of the Congo, particularly in Ituri and the east of the country;

(b) The prevailing severe insecurity, particularly in the zones held by armed rebels, which seriously hampers the ability of humanitarian organizations to secure access to affected populations;

(c) The reports of the perpetration in Mambasa region by forces of the Movement for the Liberation of the Congo (MLC) and the Congolese Rally for Democracy-National (RCD-N) of acts of mutilation and cannibalism;

3. *Condemns:*

(a) The massacres that have occurred in the province of Ituri, particularly the recent massacres at Drodro, and supports the efforts of MONUC and the office of the High Commissioner for Human Rights to investigate them;

(b) The persistence and intensification of fighting in the east of the country, which continues in contravention of international humanitarian law to claim numerous civilian victims, particularly in Ituri and Kivu, and also in the zones under the effective control of the Congolese Rally for Democracy-Goma (RCD-Goma), the Congolese Rally for Democracy-Liberation Movement (RCD-ML), RCD-N and MLC;

(c) The reprisals against the civilian population in the territories controlled by RCD-Goma and MLC, especially the operation "Effacer le tableau" ("Clean the blackboard") at the end of 2002, in addition to the exactions committed by the Union of Congolese Patriots (UPC), and stresses that the foreign forces which support RCD-Goma, MLC and UPC should also be held responsible for the massacres and atrocities that have occurred;

(d) The continuing violence in the Ituri region, and stresses in this connection that it is incumbent upon Uganda and the rebels who de facto control the zone to ensure respect for human rights and stop using ethnic conflicts to advance their own agendas;

(e) The cases of summary or arbitrary execution, disappearance, torture, harassment, arrest, widespread persecution and arbitrary detention for long periods;

(f) The widespread recourse to sexual violence against women and children, including as a means of warfare;

(g) The continuing recruitment and use of child soldiers by armed forces and groups in the territory of the Democratic Republic of the Congo;

(h) The impunity of those responsible for violations of human rights and international humanitarian law, and points out in this connection that the Democratic Republic of the Congo is a party to the Rome Statute of the International Criminal Court;

(i) The illegal exploitation of the natural resources of the Democratic Republic of the Congo, in view of the link between that exploitation and the continuation of the conflict;

4. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(a) To cease all military activity, including support for the armed groups allied to them, in order to facilitate the re-establishment without delay of the sovereignty and territorial integrity of the Democratic Republic of the Congo;

(b) To respect their obligations as regards the implementation of the transitional constitution;

(c) To protect human rights and to respect international humanitarian law in the areas under their control and to allow free and secure access to those areas so as to permit and support investigations of the presumed serious violations of human rights and international humanitarian law, with a view to bringing those responsible to justice, and to cooperate fully with international human rights protection mechanisms to that end;

(d) To put an immediate end to the recruitment and use of child soldiers, which are in contravention of international law, mindful that under the Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict persons under 18 are entitled to special protection, and to provide information without delay on measures taken to discontinue such practices;

(e) To respect the rights of women and to take special measures to protect women and children from sexual and all other forms of violence;

(f) To cooperate with the Ituri Pacification Commission to oversee the settlement of the conflict in the north-east of the Democratic Republic of the Congo;

(g) To ensure that the military officers whose names are mentioned in the report of the High Commissioner for Human Rights in connection with serious violations of international humanitarian law and human rights should continue to be investigated and, if the conclusions of the investigations so warrant, be brought to justice;

(h) To take into account, when selecting individuals for key posts in the transitional government, of the commitment and record of those individuals with regard to respect for international humanitarian law and human rights and the promotion of the well-being of all the Congolese;

(i) To prevent conditions that might lead to flows of refugees and displaced persons in the territory of the Democratic Republic of the Congo and across its borders, and to take and apply all necessary measures to establish conditions conducive to the voluntary return of refugees and displaced persons;

(j) To ensure the safety and freedom of movement of United Nations personnel and the unhindered access of humanitarian personnel to all affected populations;

(k) To extend full cooperation to the United Nations system, humanitarian organizations and the World Bank in order to ensure the rapid demobilization and reintegration of armed groups and of child soldiers in particular;

5. *Calls upon* the Government of the Democratic Republic of the Congo to take specific measures:

(a) To implement, together with all the Congolese parties, the power-sharing agreement concluded at Pretoria on 17 December 2002 and to apply the transitional constitution promulgated thereby so as to initiate the transitional period and pave the way for a genuine democratization process;

(b) To comply fully with its obligations under international human rights instruments, and accordingly to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the office of the High Commissioner for Human Rights in the Democratic Republic of the Congo;

(c) To put an end to impunity and ensure, as it is duty-bound to do, that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with due process;

(d) To continue to cooperate fully with the International Criminal Tribunal for Rwanda;

(e) To continue to reform the judicial system and, in this connection, to give immediate effect to its decisions to abolish the Military Court, and notes the entry into force of the presidential decrees on the reform of the military justice system;

(f) To re-instate the moratorium on capital punishment and persevere in its declared objective of progressively abolishing the death penalty, in which connection the Commission deplores the application of the death penalty, particularly the death sentences passed on 7 January 2003 by the Military Court that tried the persons accused of assassinating the former President of the Republic;

(g) Genuinely to close, in accordance with the decision of 8 March 2001, the irregular detention centres where the conditions of detention are degrading;

6. *Requests* the United Nations High Commissioner for Human Rights to keep it informed of the consultations between his office and the Secretary-General concerning the ways to assist the transitional Government of the Democratic Republic of the Congo in tackling the problem of impunity;

7. *Decides*:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year and to request her to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session on the situation of human rights in the Democratic Republic of the Congo;

(b) To request the Secretary-General to give the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo all necessary assistance to enable her to discharge her mandate fully;

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

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/15 of 17 April 2003, endorses the Commission’s decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session.”

*54th meeting
17 April 2003*

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

2003/16. Situation of human rights in Burundi

The Commission on Human Rights,

Mindful of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its commitment to respect for the principles of the rule of law, which involve democracy, pluralism and respect for human rights and fundamental freedoms,

Stressing that States have the duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Recalling its resolution 2002/12 of 19 April 2002,

Considering Security Council resolutions 1072 (1996) of 30 August 1996, 1286 (2000) of 19 January 2000 and 1375 (2001) of 29 October 2001, as well as the statements by the President of the Security Council of 12 November 1999 (S/PRST/1999/32), of 29 June 2001 (S/PRST/2001/17), of 26 September 2001 (S/PRST/2001/26), of 8 November 2001 (S/PRST/2001/33), of 15 November 2001 (S/PRST/2001/35), of 7 February 2002 (S/PRST/2002/3) and of 18 December 2002 (S/PRST/2002/40),

Recalling that the primary responsibility for peace lies with the Government and people of Burundi,

Acknowledging the efforts made by the United Nations, the Organization of African Unity and the European Union aimed at contributing to a peaceful settlement of the Burundi crisis,

Mindful of the need to ensure the safety of all humanitarian workers in accordance with the principles of international law,

Welcoming the signing of the Arusha Agreement on peace and reconciliation in Burundi on 28 August 2000, its ratification by the National Assembly and the adoption by the National Assembly of a transitional constitution, and the recent signing of a memorandum of understanding on 7 October 2002 between the Transitional Government of Burundi and the Conseil national pour la défense de la Démocratie-Forces pour la défense de la démocratie (CNND-FDD) of Jean-Bosco Ndayikenguru Kiye and the Palipehutu-Forces Nationales de Libération of Alain Mugabarabona, and the signing of the ceasefire agreement between the Government of Burundi and the CNDD-FDD of Pierre Nkuruziza on 2 December 2002,

Recalling the decision of the Organization of African Unity of July 2000 (CM/Dec.522 (LXXII) Rev.1), the statement by the President of the Security Council of 2 March 2001 (S/PRST/2001/6) and the statement issued by the Presidency of the European Union on 6 March 2001, all on Burundi,

Hailing the establishment of the Arusha Agreement Implementation Monitoring Committee, with headquarters in Burundi, as well as the initial implementation of some ceasefire-accompanying measures, such as the arrival of the team of observers,

Recognizing the personal contribution of the late Mr. Julius K. Nyerere to the Arusha negotiation process and the facilitation work by the former President of South Africa, Mr. Nelson Mandela, which has already yielded tangible results, including the signature of the Arusha Agreement on peace and reconciliation in Burundi,

Considering that effective action to prevent further violations of human rights and fundamental freedoms is essential to the stability and reconstruction of Burundi and the lasting restoration of the rule of law,

Recognizing the important role of women in the reconciliation process and the search for peace,

Welcoming the invitation extended by the Facilitator to Burundi women's representatives to participate as observers in the Arusha negotiation process,

1. *Takes note* of the report of the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/2003/45);
2. *Supports* the transitional institutions set up in the context of the implementation of the Arusha Agreement, namely, the Transitional National Assembly, the Transitional Senate as well as the Transitional Government, and encourages the implementation of the reforms provided for in the Arusha Agreement in a spirit of national unity and mutual confidence;
3. *Encourages* the Transitional Government to continue its actions aimed at associating all sectors of society in the work of national reconciliation and at the restoration of an institutional order that is safe and reassuring for everyone so as to bring back democracy and peace in the interest of the Burundian population;
4. *Urges* the Transitional Government to pursue the goal of ensuring the equal participation of women in Burundian society and improving their living conditions, in particular by taking legislative initiatives with regard to succession and systems of matrimonial property;
5. *Remains concerned* at the ongoing violence and the violation of human rights and international humanitarian law as well as the security situation in parts of the country, inducing the displacement of many people within and outside the country, and notes the efforts by the Burundian authorities to ensure that established safeguards for human rights and international human rights standards are fully respected;
6. *Condemns* the intensifying violence, especially acts of rape committed against women and urges all parties to the conflict to end the cycle of violence and killings, especially blind violence against the civilian population;

7. *Enjoins* all parties, namely, the Transitional Government and the signatories of the Arusha Agreement and the ceasefire, to honour their commitments and to pay special attention to the protection of human rights, and urges all the armed groups which have still not joined the negotiations to do so without further delay in order to ensure a comprehensive and definitive ceasefire;

8. *Expresses its concern* at the situation of displaced persons, deplores in particular the unacceptable living conditions in the displaced persons sites and recommends that the Transitional Government, United Nations specialized agencies and non-governmental organizations provide humanitarian assistance;

9. *Notes* the continuing voluntary repatriation of refugees hosted in the United Republic of Tanzania, pursuant to the tripartite agreements between the Office of the United Nations High Commissioner for Refugees and the Governments of Tanzania and Burundi, and calls on the parties concerned to establish conditions for voluntary and permanent return in full security;

10. *Welcomes* the willingness of the Transitional Government to find agreed solutions to the sensitive problem of the persons affected by the war through the establishment of the Standing Consultation Machinery for the Protection of Displaced Persons and its technical monitoring group, which is composed of representatives of the Transitional Government and humanitarian organizations, as well as the establishment of a national commission for the rehabilitation of persons affected by the war;

11. *Invites* the Transitional Government to take more measures, including in the judicial sphere, to put an end to impunity, in particular by bringing to trial those responsible for violations of human rights and of international humanitarian law, in accordance with relevant international principles, and urges the Transitional Government to accelerate specific procedures for the investigation and prosecution of such violations;

12. *Acknowledges* the signature by Burundi of the Rome Statute of the International Criminal Court (A/CONF.183/9) and encourages the Transitional Government to ratify it;

13. *Welcomes* the entry into force, in January 2000, of the new Code of Criminal Procedure, exhorts the Transitional Government to continue to carry out the plan of legal reform better to protect individual freedoms and to make its judicial institutions more effective and transparent, and urges the authorities to address the questions of the length of pre-trial detention and conditions of detention;

14. *Also welcomes* the work carried out by the independent commission on questions relating to prisoners and urges the Transitional Government to ensure that the recommendations of that Commission are properly followed up;

15. *Further welcomes* the continuing cooperation between the Transitional Government and the International Committee of the Red Cross with regard to access and visits to detainees held in central prisons and other places of detention;

16. *Condemns* all attacks on humanitarian workers and adjures the parties to the conflict to abstain rigorously from any action liable to hamper humanitarian assistance operations, in order to assure the population easy access to such assistance;

17. *Takes note* of the efforts in the struggle against impunity and for the promotion of human rights on the part of the Transitional Government, including the establishment of a government commission on human rights, and encourages the Transitional Government to strengthen its efforts in that area;

18. *Supports* the continuation by the Office of the United Nations High Commissioner for Human Rights of the programme of assistance for members of the armed forces and the police in the field of human rights and legal assistance;

19. *Urges* all parties to the conflict to end the use of children as soldiers, welcomes the commitment made in that regard by the Transitional Government and the signature of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and encourages the Transitional Government to ratify it;

20. *Commends* the parties to the conflict in Burundi which have worked constructively with the international mediators and supports the efforts by the President of Gabon, Mr. Bongo, and the Vice-President of South Africa, Mr. Zuma, which led to an agreement on a ceasefire between the Transitional Government and the armed groups;

21. *Expresses its appreciation* of the efforts by the mediators of the United Nations, the African Union and the European Union in the search for a lasting solution to the problems of Burundi;

22. *Encourages* the African Union in its efforts, particularly through its Mechanism for Conflict Prevention, Management and Resolution, to remain engaged in preventing any further deterioration of the situation;

23. *Reaffirms* that respect for human rights and international humanitarian law as well as development contribute to peace, and therefore calls upon the international community to contribute towards the organization of an international conference on peace, security and stability in the Great Lakes region as recommended by the Security Council in its resolution 1234 (1999);

24. *Commends* the Office of the High Commissioner for Human Rights for the activities it is conducting in the field, welcomes the cooperation accorded it by the Transitional Government and calls for the strengthening of the office in Burundi through voluntary contributions;

25. *Condemns* the illegal sale and distribution of weapons and related materials, which disturb peace and security in the region;

26. *Requests* States not to allow their territories to be used as bases for incursions or attacks against another State in violation of the principles of international law, including the Charter of the United Nations;

27. *Urges* States and international, governmental and non-governmental organizations to coordinate planning initiatives so as to promote sustainable development with a view to encouraging reconstruction and reconciliation;

28. *Welcomes* the display of solidarity given by the international community at the Donors' Conference held in Paris in December 2000 at the initiative of the former President of South Africa, Mr. Mandela, backed by the President of France, Mr. Chirac, as well as that given at the round-table conferences for Burundi held in Geneva in December 2001 and November 2002;

29. *Urges* donors to continue to deliver on the commitments made at the Donors' Conference and at the Geneva round-table conferences in order to provide an impetus for the new peace process;

30. *Calls upon* the Transitional Government to take action to establish a security environment conducive to the work of aid organizations, and invites the United Nations and donors to augment the flow of humanitarian assistance to those in need;

31. *Decides* to extend the mandate of the Special Rapporteur by one year and to request her to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty-eighth session and a report to the Commission at its sixtieth session, giving her work a gender-specific dimension;

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

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/16 of 17 April 2003, endorses the Commission’s decision to extend the mandate of the Special Rapporteur by one year and its request to the Special Rapporteur to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty-eighth session and a report to the Commission at its sixtieth session, giving her work a gender-specific dimension.”

54th meeting
17 April 2003
[Adopted without a vote. See chap. IX.]
