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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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**2003/59. The work of the Sub-Commission on the Promotion  
and Protection of Human Rights**

*The Commission on Human Rights,*

*Recalling* its previous relevant resolutions, in particular 1998/28 of 17 April 1998, 1999/81 of 28 April 1999, 2000/83 of 26 April 2000, 2001/60 of 24 April 2001, and 2002/66 of 25 April 2002, as well as the terms of reference of the Sub-Commission on the Promotion and Protection of Human Rights (formerly the Sub-Commission on the Prevention of Discrimination and Protection of Minorities) as set out in the relevant resolutions of the Commission on Human Rights, the Economic and Social Council, and the General Assembly,

*Recalling also* the report of the Intersessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights (E/CN.4/2000/112), and reaffirming Commission decision 2000/109 of 26 April 2000,

*Recalling further* the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto, and Sub-Commission decision 1999/114 of 26 August 1999 by which the Sub-Commission adopted the Guidelines for the application of the rules,

*Bearing in mind* the final working paper on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1999/2),

*Taking note of:*

(a) The report of the Sub-Commission on its fifty-fourth session (E/CN.4/2002/2-E/CN.4/Sub.2/2002/46),

(b) The report of the Chairperson of the Sub-Commission on its fifty-fourth session (E/CN.4/2003/94),

1. *Reaffirms* its recognition of the valuable contribution made by the Sub-Commission on the Promotion and Protection of Human Rights, as a subsidiary body of the Commission, to the human rights work of the United Nations over the past 56 years;

2. *Recognizes* in particular the important contribution of the Sub-Commission and its thematic mechanisms to the development of a better understanding of human rights through the study of important issues, the elaboration of international human rights standards and the promotion and protection of human rights throughout the world, as well as the valuable contribution that Governments, intergovernmental organizations and non-governmental organizations have made to the success of the Sub-Commission;

3. *Decides* that the Sub-Commission can best assist the Commission by providing it with:

- (a) Independent expert studies and working papers solely carried out by its members or alternates;
- (b) Recommendations based on, and after full consideration of, these studies;
- (c) Studies, research and expert advice at the request of the Commission, including proposals confirmed by the Commission which have been suggested by treaty bodies or other United Nations human rights bodies;

4. *Welcomes* the actions taken by the Sub-Commission at its fifty-fourth session to respond to recommendations by the Commission for the initiation of working papers and new studies;

5. *Also welcomes* the attention given by the Sub-Commission to economic, social and cultural rights, as well as its continued attention to civil and political rights;

6. *Further welcomes* the improved working methods of the Sub-Commission at its fifty-fourth as well as its fifty-third session at which it:

- (a) Reformed, improved and streamlined its agenda to seven items;
- (b) Held a closed joint meeting with the Expanded Bureau of the fifty-eighth session of the Commission;
- (c) Drafted many of its resolutions in closed session rather than attempting to do so in public sessions;

7. *Takes note* of the report submitted by the Office of the United Nations High Commissioner for Human Rights pursuant to the request of the Commission in its resolution 2002/66 on possible ways and means of addressing the issues raised by the Sub-Commission and of improving the Commission's action on proposals of the Sub-Commission (E/CN.4/2003/95), and requests the Bureau of the Commission to study further, during its intersessional meetings, the proposals made by the Office of the High Commissioner and to formulate recommendations thereon for submission to the Commission;

8. *Reiterates and reaffirms:*

- (a) Its decision that the Sub-Commission should not adopt country-specific resolutions, decisions or Chairperson's statements and, in negotiating and adopting thematic resolutions or decisions, should refrain from including references to specific countries;

(b) That the Sub-Commission should continue to be able to debate country situations not being dealt with in the Commission, as well as urgent matters involving serious violations of human rights in any country, and that its discussions would be reflected in the summary records of its debates, which should continue to be forwarded to the Commission;

9. *Recommends* that the Sub-Commission continue at its future sessions the successful innovations of the fifty-third session which were confirmed at the fifty-fourth session, in particular by:

(a) Having annual closed meetings with the Expanded Bureau of the fifty-ninth and subsequent sessions of the Commission, so as to exchange views aimed at improving cooperation between the two organs;

(b) Maintaining a streamlined agenda;

(c) Holding its discussions of its working rules, procedures and timetable in closed meeting;

(d) Drafting as many of its resolutions as possible in closed session, in view of the limited time available;

(e) Using the "question and answer" format and some expert panel discussions;

10. *Also recommends* that the Sub-Commission further improve its methods of work by:

(a) Focusing on its primary role as an advisory body to the Commission, specifically when its advice is requested by the Commission;

(b) Giving particular attention to the selection of studies specifically recommended by the Commission or proposals confirmed by the Commission which have been suggested by treaty bodies or other United Nations human rights bodies, at the same time focusing on how and when the implementation of existing standards can be improved;

(c) Respecting strictly the highest standards of impartiality and expertise and avoiding acts which would affect confidence in the independence of its members, in particular in situations where they could have a conflict of interest;

(d) Facilitating efficient and effective participation of non-governmental organizations;

(e) Giving full consideration to studies and working papers by special rapporteurs and its members before sending them to the Commission;

(f) Taking further steps to accomplish its work within a three-week session;

(g) Making proposals to the Commission on how it might assist the Sub-Commission in improving its work and vice versa;

(h) Focusing strictly on questions relating to human rights in accordance with its mandate;

(i) Avoiding duplication of its work with that being carried out by other competent bodies and mechanisms;

(j) Giving appropriate regard to legal opinions addressed to the Sub-Commission;

11. *Requests* States when nominating and electing members and alternates to the Sub-Commission:

(a) To be conscious of the strong concern to ensure that the body is independent and is seen to be so;

(b) To keep in mind the need for a balanced accommodation of the benefits of continuity and the importance of renewal;

(c) To select members with acknowledged expertise in human rights;

(d) To submit nominations, if possible, at least two months prior to the beginning of the session at which they will be elected, so as to enable the members of the Commission thoroughly to assess the qualifications and the independence of the nominees;

12. *Invites* the Secretary-General to give support to the Sub-Commission, inter alia by making available documentation in good time before each session in the official languages of the United Nations and assisting the Sub-Commission in requests for information from Governments and intergovernmental and non-governmental organizations, and reiterates that such requests, like all requests for concrete measures, must first have been approved by the Commission;

13. *Recommends* that the Chairperson of the Sub-Commission or his/her representative attend the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission and the meeting of chairpersons of treaty bodies, so as to facilitate coordination between the Sub-Commission and other relevant bodies and procedures of the United Nations, in accordance with their respective mandates;

14. *Invites* the Chairperson of the fifty-ninth session of the Commission to address the Sub-Commission at the opening meeting of its fifty-fifth session and to inform it about the present resolution and the debate that took place on this subject at the fifty-ninth session of the Commission under agenda item 16;

15. *Invites* the Chairperson of the fifty-fifth session of the Sub-Commission to report to the Commission at its sixtieth session, including an assessment of how recent enhancements of the effectiveness of the Sub-Commission and of its mechanisms have worked in practice;

16. *Decides* to consider the issue of the work of the Sub-Commission at its sixtieth session under the relevant agenda item.

*61st meeting  
24 April 2003*

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

## **2003/60. 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 by the General Assembly on 8 September 2000 and its own resolution 2002/86 of 26 April 2002 on the enhancement of international cooperation in the field of human rights,

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

*Reaffirming* its commitment to promoting international cooperation, 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, for enhancing genuine cooperation among Member States in the field of human rights,

*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,

*Bearing in mind* the valuable contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

*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,

*Expresses its conviction* that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms,

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

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. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;
5. *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;
6. *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;
7. *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;
8. *Decides* to continue its consideration of this question, as a matter of priority, at its sixtieth session.

*61st meeting  
24 April 2003*

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

**2003/61. Promotion of peace as a vital requirement for the full enjoyment  
of all human rights by all**

*The Commission on Human Rights,*

*Recalling* all previous resolutions on this issue,

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

*Noting* General Assembly resolution 39/11 of 12 November 1984, entitled “Declaration of the Right of Peoples to Peace”, and the United Nations Millennium Declaration,

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

*Underlining*, in accordance with the purposes and principles of the United Nations, its full and active support for the United Nations and for the enhancement of its role and effectiveness in strengthening international peace, security and justice and in promoting the solution of international problems, as well as the development of friendly relations and cooperation among States,

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

*Emphasizing* its objective of promoting better relations among all States and contributing to setting up conditions in which their people can live in true and lasting peace, free from any threat to or attempt against their security,

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

*Reaffirming also* its commitment to peace, security and justice and the continuing development of friendly relations and cooperation among States,

*Rejecting* the use of violence in pursuit of political aims and stressing that only peaceful political solutions can assure a stable and democratic future for all peoples around the world,

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

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

*Reaffirming further* the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

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

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

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

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

1. *Stresses* that peace is a vital requirement for the promotion and protection of all human rights for all;

2. *Solemnly declares* that the preservation of peace and its promotion constitute a fundamental obligation of each State;

3. *Emphasizes* that the preservation of peace and its promotion demand that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

4. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect of the principles enshrined in the Charter of the United Nations and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

5. *Urges all States* to respect and to put into practice the principles and purposes of the Charter of the United Nations in their relations with all other States, irrespective of their political, economic or social systems, as well as of their size, geographical location or level of economic development;

6. *Decides* to continue considering the issue at its sixtieth session under the same agenda item.

*61st meeting  
24 April 2003*

[Adopted by a recorded vote of 33 votes to 16,  
with 4 abstentions. See chap. XVII.]

**2003/62. Development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights**

*The Commission on Human Rights,*

*Recalling* its resolution 2001/63 of 25 April 2001,

*Reaffirming* that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes and principles of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

*Recalling* General Assembly resolution 43/128 of 8 December 1988, by which the Assembly launched the World Public Information Campaign on Human Rights, and other Assembly resolutions and its own resolutions on this subject,

*Recalling also* General Assembly resolution 49/184 of 23 December 1994, in which the Assembly proclaimed the 10-year period beginning on 1 January 1995, the United Nations Decade for Human Rights Education, 1995-2004, and its own resolutions on this subject,

*Taking note* of General Assembly resolution 57/206 of 18 December 2002 and of resolution 57/212 of 18 December 2002 in which the Assembly invited all Governments to reaffirm their commitments and obligations to develop national strategies for human rights,

*Bearing in mind* General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights with a view to supporting, inter alia, national capacities for human rights education and public information,

*Mindful* of the fact that the United Nations High Commissioner for Human Rights, in accordance with to his mandate as established by General Assembly resolution 48/141 of 20 December 1993, is responsible, inter alia, for the provision of advisory services and technical cooperation at the request of States, as well as for the coordination of United Nations education and public information programmes in the field of human rights,

*Recognizing* the significant effect of United Nations initiatives on public information activities in the field of human rights, in particular those undertaken by the High Commissioner and by the Department of Public Information of the Secretariat,

*Recognizing also* the role of the Department of Public Information, in the context of the Joint United Nations Information Committee, in developing system-wide public information strategies on human rights,

*Noting* the valuable role that non-governmental organizations can play in this endeavour,

*Believing* that the World Campaign is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights and fundamental freedoms, and recalling the importance attached by the World Conference on Human Rights to strengthening the World Campaign,

*Welcoming* the increased efforts undertaken by the Office of the High Commissioner for Human Rights to disseminate human rights information through its web site (<http://www.unhchr.ch>), its publications and its external relations programmes, and welcoming also the efforts of the Department of Public Information with respect to the provision of computer-accessible information on human rights,

1. *Takes note with appreciation* of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights (E/CN.4/2003/99);
2. *Also takes note with appreciation* of the reports of the United Nations High Commissioner for Human Rights on recent activities undertaken in the framework of the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/100), as well as of the study of the High Commissioner on the follow-up to the Decade (E/CN.4/2003/101);
3. *Expresses its appreciation* of the measures taken by the Department of Public Information, in particular the United Nations information centres, and the Office of the High Commissioner to ensure the further production and effective dissemination of human rights information materials in regional and local languages, in close cooperation with regional, national and local organizations, as well as with Governments, in particular as a component of the technical assistance projects in the field of human rights;
4. *Also expresses its appreciation* for the close cooperation developed between the Office of the High Commissioner and the Department of Public Information in the realization of the multimedia information programmes in the field of human rights to strengthen the role of the mass media in the furtherance of human rights education and public information;

5. *Encourages* the Office of the High Commissioner to continue the development, within the framework of its programme of advisory services and technical cooperation in the field of human rights, of human rights education and training materials, such as targeted training manuals for professional audiences and for human rights field monitors, given the close link and complementarity between human rights education and public information;

6. *Also encourages* the Office of the High Commissioner to establish guidelines on gender inclusivity in all the official languages of the United Nations, for use in the preparation of all its communications, reports and publications;

7. *Urges* the Department of Public Information, in cooperation with the Office of the High Commissioner, to continue to utilize fully and effectively the United Nations information centres for the purpose of disseminating, within their designated areas of activity, basic information and reference materials on human rights and fundamental freedoms in the official languages of the United Nations and in the relevant national and local languages;

8. *Also urges* the Department of Public Information to produce, in cooperation with the Office of the High Commissioner, information material, in particular audio-visual material, on all aspects of human rights, in connection with the World Public Information Campaign on Human Rights and the United Nations Decade for Human Rights Education;

9. *Requests* the Secretary-General to take advantage as much as possible of the collaboration of other international and regional intergovernmental organizations and of non-governmental organizations in the implementation of the World Campaign and the Decade;

10. *Stresses* the importance of an effective and comprehensive international strategy to increase public awareness of human rights through the media and, in particular:

(a) Emphasizes the need for an appropriate capacity to communicate the human rights message effectively;

(b) Welcomes the establishment of an External Relations Branch in the Office of the High Commissioner as an important way to enhance the ability of the Office to ensure that human rights information is readily available to the general public, thereby also contributing to the creation of a culture of human rights;

(c) Encourages the international community, including the funds, programmes and specialized agencies of the United Nations to extend its support to the building of the capacities and resources of the External Relations Branch, along with its activities;

(d) Recognizes that elaborating guidelines and providing support for communications and public outreach in the field is an essential component in the work of the Office;

(e) Welcomes efforts by the Office to share widely information about its technical cooperation projects and field activities and encourages it to pursue this information outreach vigorously both at its headquarters and its field presences;

11. *Emphasizes* the important anniversaries in 2003, including the tenth anniversary of the Vienna Declaration and Programme of Action, the tenth anniversary of the establishment of the Office of the High Commissioner for Human Rights, the fifty-fifth anniversary of the Universal Declaration of Human Rights, recognizes their importance in the promotion and protection of human rights and urges Member States to extend their support to and cooperation with the Office of the High Commissioner in preparing, in an appropriate way, these commemorations;

12. *Calls upon* all Governments, the Department of Public Information, the Office of the High Commissioner and United Nations specialized agencies:

(a) To broaden knowledge globally of the international human rights standards and the corresponding United Nations mechanisms;

(b) To adopt an approach to the dissemination of information concerning human rights initiatives and activities aimed at making this information more readable, understandable and accessible in order to increase awareness of human rights and fundamental freedoms among the general public;

13. *Also calls upon* Governments, in accordance with their national conditions, to accord priority, in particular among their parliamentary assemblies, to the dissemination in their relevant national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, human rights materials and training manuals, as well as reports of States parties under the human rights treaties, and to provide training, education and information in those languages on the practical ways in which national and international institutions and procedures may be utilized to ensure the effective implementation of those instruments;

14. *Urges* all Member States to develop a comprehensive, effective and sustainable national plan of action for human rights education and public information, as an integral part of a broad national plan of action for human rights and complementary to other national plans already defined, such as those relating to women, minorities and indigenous peoples, in accordance with

the guidelines for national plans of action for human rights education developed by the Office of the High Commissioner (A/52/469/Add.1 and Corr.1) and the Plan of Action for the United Nations Decade for Human Rights Education (A/51/506/Add.1, appendix);

15. *Encourages* Governments to consider, within the national plans or other regional plans mentioned in paragraph 14 above, the establishment of public access to human rights resource and training centres capable of engaging in research, gender-sensitive training of trainers, the preparation, collection, translation and dissemination of human rights education and training materials, the organization of courses, conferences, workshops and public information campaigns and assistance in the implementation of internationally sponsored technical cooperation projects for human rights education and public information;

16. *Also encourages* Governments, where such national public access to human rights resource and training centres already exists, to strengthen their capacity to support human rights education and public information programmes at the international, regional, national and local levels, inter alia through on-line services such as educational portals and long-distance training tools;

17. *Encourages* the Office of the High Commissioner, through its programme of advisory services and technical cooperation in the field of human rights, and other international and regional intergovernmental organizations to give priority to and continue to support, inter alia, national capacities for human rights education and public information;

18. *Encourages* Governments to contribute to the further development of the web site of the Office of the High Commissioner, in particular with respect to the dissemination of human rights education materials and tools, and to continue and expand the publications and external relations programmes of the Office;

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

20. *Calls upon* the Department of Public Information and all relevant United Nations agencies and bodies further to develop mass media strategies for an effective promotion of human rights, as recommended in the report of the High Commissioner on the mid-term global evaluation of the United Nations Decade for Human Rights Education (A/55/360);



21. *Requests* the Secretary-General to make available adequate resources from within the regular budget of the United Nations in order to allow the Office of the High Commissioner and the Department of Public Information to implement fully their respective programmes;

22. *Also requests* the Secretary-General to submit to the Commission, at its sixty-first session, a report on public information activities, with special emphasis on activities relating to the World Public Information Campaign on Human Rights, the follow-up activities to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the technical cooperation projects and field presences of the Office of the High Commissioner;

23. *Decides* to continue its consideration of this question at its sixty-first session under the same agenda item, in connection with the question of the United Nations Decade for Human Rights Education, 1995-2004.

*61st meeting  
24 April 2003*

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

### **2003/63. Promotion of a democratic and equitable international order**

*The Commission on Human Rights,*

*Recalling* all previous resolutions of the General Assembly and the Commission on Human Rights on this issue,

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

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

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

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

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

*Stressing* that the responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally, and that in this regard the central role must be played by the United Nations, as the most universal and representative organization in the world,

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

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

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

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

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

*Recognizing also* that the international community should promote an effective international cooperation, as well as equitable economic relations and a favourable economic environment at the international level, for the realization of the right to development and the elimination of obstacles to development,

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

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

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

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

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

1. *Affirms* that everyone is entitled to a democratic and equitable international order;
2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Calls upon* all Member States to fulfil their commitment expressed in Durban during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity, and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity, and all its diversity, can globalization be made fully inclusive and equitable;

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

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

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

(c) The right of every human person and all peoples to development, as a universal and inalienable right and an integral part of fundamental human rights;

(d) The right of all peoples to peace;

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

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

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

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

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

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

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

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

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

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

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

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

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

8. *Expresses* its rejection of unilateralism and stresses its commitment to multilateralism and multilaterally agreed solutions, in accordance with the Charter of the United Nations and international law, as the only reasonable method of addressing international problems;

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

10. *Recalls* the proclamation by the General Assembly of its determination to work urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries, and ensure steadily accelerating economic and social development and peace and justice for present and future generations;

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

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

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

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

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

*61st meeting  
24 April 2003*

[Adopted by a recorded vote of 31 votes to 15,  
with 7 abstentions. See chap. XVII.]

#### **2003/64. Human rights defenders**

*The Commission on Human Rights,*

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

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

*Recalling* all previous resolutions on this subject, in particular its resolution 2002/70 of 25 April 2002 and General Assembly resolution 57/209 of 18 December 2002,

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

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

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

*Concerned* at the considerable number of communications received by the Special Representative of the Secretary-General on human rights defenders that, together with the reports

submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders and, particularly, the severe consequences for women human rights defenders,

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

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

*Recalling* that under the International Covenant on Civil and Political Rights certain rights are recognized as non-derogable, and emphasizing that derogation from other rights and freedoms can only take place under strict observance of the agreed conditions and procedures identified under article 4 of the Covenant,

*Acknowledging* the significant work conducted by the Special Representative of the Secretary-General during the first three years of this mandate, and welcoming the cooperation between the Special Representative and other special procedures of the Commission on Human Rights,

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

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

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

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

2. *Welcomes* the reports of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2001/94, A/56/341, E/CN.4/2002/106 and Add.1-2, A/57/182 and E/CN.4/2003/104 and Add.1-4);



3. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to eliminate such human rights violations;
4. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders;
5. *Emphasizes* the importance of combating impunity and urges in this regard States to take appropriate measures to address the question of impunity for threats, attacks and acts of intimidation against human rights defenders;
6. *Urges* all Governments to cooperate with and assist the Special Representative in the performance of her tasks and to furnish all information for the fulfilment of her mandate upon request;
7. *Calls upon* Governments to give serious consideration to responding favourably to the Special Representative's requests to visit their countries and urges them to enter into a constructive dialogue with the Special Representative with respect to the follow-up to her recommendations, so as to enable her to fulfil her mandate even more effectively;
8. *Urges* those Governments that have not yet responded to the communications transmitted to them by the Special Representative to answer without further delay;
9. *Invites* Governments to consider translating the Declaration into national languages and encourages them to disseminate it widely;
10. *Decides* to extend the mandate of the Special Representative of the Secretary-General on human right defenders for a further three years and requests the Special Representative to continue to report on her activities to the General Assembly and to the Commission in accordance with her mandate;
11. *Requests* the Secretary-General to provide the Special Representative with all necessary human, material and financial resources in order to enable her to continue to carry out her mandate effectively, including through country visits;
12. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;
13. *Decides* to consider this question at its sixtieth session, under the same agenda item;

14. *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 2003/64 of 24 April 2003, approves the Commission’s decision to extend the mandate of the Special Representative of the Secretary-General on human rights defenders for a further three years, and approves the Commission’s request that the Special Representative continue to report on her activities to the General Assembly and to the Commission.”

*61st meeting  
24 April 2003*

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

**2003/65. The role of good governance in the promotion of human rights**

*The Commission on Human Rights,*

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

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

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

*Welcoming* the growing recognition of the importance of good governance in the promotion of human rights, in particular in the United Nations Millennium Declaration, the Brussels Declaration (A/CONF.191/12) and Programme of Action for the Least Developed Countries for the Decade 2001-2010 (A/CONF.191/11), the Monterrey Consensus adopted by the International Conference on Financing for Development (A/CONF.198/3, annex), and the Plan of Implementation of the World Summit on Sustainable Development (A/CONF.199/20, chap. I, resolution 2, annex),

*Recognizing* the importance of initiatives at the regional level endorsed by the United Nations and founded on good governance frameworks and welcoming in particular the adoption of the New Partnership for Africa's Development (NEPAD) by the African Union and its subsequent endorsement by the United Nations General Assembly in resolutions 57/2 of 16 September 2002 and 57/7 of 4 November 2002 and the conclusions of the Eleventh Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held in Islamabad in February 2003 (E/CN.4/2003/109, annex I),

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

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

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

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

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

3. *Welcomes* the provision by States and intergovernmental organizations of practical examples of activities that have been effective in strengthening good governance practices for the promotion of human rights at the national level, including activities in the context of development cooperation between States, and encourages all relevant actors, including

non-governmental organizations, to share practical experiences with the Office of the United Nations High Commissioner for Human Rights on their activities to promote good governance and human rights;

4. *Welcomes* the conclusion contained in the report of the High Commissioner to the Commission on the role of good governance in the promotion of human rights (E/CN.4/2003/103) that there is a growing awareness of the importance of good governance for the realization of a broad range of human rights and sustainable development;

5. *Invites* the High Commissioner, where appropriate and relevant, to draw on the material provided in response to the invitations issued pursuant to paragraph 3 of resolution 2002/76 of 25 April 2002 and paragraph 3 of resolution 2001/72 of 25 April 2001 in analysis and technical assistance activities undertaken as part of the programme of his Office and to inform the Commission of the utility of the material in this respect;

6. *Welcomes* the High Commissioner's commitment, using extrabudgetary funding and working jointly with the United Nations Development Programme, to convene a seminar as soon as possible before the sixty-first session of the Commission, as requested in paragraph 5 of resolution 2002/76, on the issue of practical approaches and activities that have been effective in strengthening good governance practices for the promotion of human rights at the national level, examining and building upon the material provided and experience obtained pursuant to paragraph 3 of Commission resolution 2001/72 and paragraph 4 of its resolution 2002/76;

7. *Requests* the High Commissioner to invite States, national human rights institutions, relevant organs and bodies of the United Nations, other relevant international bodies and relevant national and international non-governmental organizations to attend the seminar and to report to the Commission as soon as possible on the outcomes of the seminar;

8. *Requests* the High Commissioner to compile indicative ideas and practices arising from the seminar and the material provided by States, intergovernmental organizations and non-governmental organizations that could be consulted by interested States when required;

9. *Decides* to continue its consideration of the question of the role of good governance in the promotion of human rights at its sixtieth session under the same agenda item.

*61st meeting  
24 April 2003*

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

**2003/66. Convention on the Prevention and Punishment of the Crime of Genocide**

*The Commission on Human Rights,*

*Guided by the Principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, as well as other relevant international instrument on human rights,*

*Recalling the adoption by the General Assembly of resolution 96 (1) of December 1946, which declares genocide to be a crime under international law, contrary to the spirit and aims of the United Nations,*

*Recalling also General Assembly resolution 53/43 of 2 December 1998 on the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide,*

*Recalling further its resolutions 1998/10 of 3 April 1998, 1999/67 of 28 April 1999 and 2001/66 of 25 April 2001 on the Convention,*

*Noting that the General Assembly, in adopting the Universal Declaration of Human Rights on 10 December 1948, recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,*

*Noting also the entry into force on 1 July 2002 of the Rome Statute of the International Criminal Court and the subsequent establishment of the International Criminal Court,*

*Noting further the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968,*

*Deeply concerned at the suffering caused by genocide to mankind and that the danger of the repetition of genocide has not completely disappeared,*

*Recognizing the important contribution of the Commission to efforts towards preventing situations in which the crime of genocide could be committed,*

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the punishment of the crime of genocide;
2. *Expresses its appreciation* to all States that have ratified or acceded to the Convention;
3. *Invites* States that have not yet ratified or acceded to the Convention to do so and, where necessary to enact national legislation in conformity with the provisions of the Convention;

4. *Invites* the Secretariat and relevant organs and agencies of the United Nations system to disseminate the Convention widely, with a view to ensuring its universality and full and comprehensive implementation;

5. *Calls upon* all Member States to continue to give serious consideration to the matter of the prevention and punishment of the crime of genocide;

6. *Decides* to examine the issue at its sixty-first session.

*61st meeting  
24 April 2003*

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

### **2003/67. The question of the death penalty**

*The Commission on Human Rights,*

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

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

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

*Recalling* its previous resolutions in which it expressed its conviction that abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights,

*Noting* that, in some countries, the death penalty is often imposed after trials which do not conform to international standards of fairness and that persons belonging to national or ethnic, religious and linguistic minorities appear to be disproportionately subject to the death penalty, and condemning cases in which women are subjected to capital punishment on the basis of gender-discriminatory legislation,

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

*Commending* the States that have recently become parties to the Second Optional Protocol to the International Covenant on Civil and Political Rights and welcoming the recent signature of the Second Optional Protocol by some States,

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

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

*Welcoming further* regional initiatives aimed at the establishment of a moratorium on executions and the abolition of the death penalty,

*Referring* to the safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50,

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

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

1. *Recalls* the sixth quinquennial report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, submitted in accordance with Economic and Social Council resolution 1995/57 of 28 July 1995 (E/2000/3), and welcomes the yearly supplement of the Secretary-General on changes in law and practice concerning the death penalty worldwide contained in his report (E/CN.4/2003/106), as requested in Commission resolution 2002/77;

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

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

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

(a) Not to impose it for crimes committed by persons below 18 years of age, and to exclude pregnant women from capital punishment;

(b) Not to impose the death penalty for any but the most serious crimes and only pursuant to a final judgement rendered by an independent and impartial competent court, and to ensure the right to a fair trial and the right to seek pardon or commutation of sentence;

(c) To ensure that all legal proceedings, including those before special tribunals or jurisdictions, and particularly those related to capital offences, conform to the minimum procedural guarantees contained in article 14 of the International Covenant on Civil and Political Rights;

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

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

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

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

(h) To exclude mothers with dependent infants from capital punishment;

(i) To ensure that, where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering and shall not be carried out in public or in any other degrading manner, and to ensure that any application of particularly cruel or inhuman means of execution, such as stoning, be stopped immediately;

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



5. *Calls upon* all States that still maintain the death penalty:
  - (a) Progressively to restrict the number of offences for which the death penalty may be imposed and, at the least, not to extend its application to crimes to which it does not at present apply;
  - (b) To abolish the death penalty completely and, in the meantime, to establish a moratorium on executions;
  - (c) To make available to the public information with regard to the imposition of the death penalty and to any scheduled execution;
  - (d) To provide to the Secretary-General and relevant United Nations bodies information relating to the use of capital punishment and the observance of the safeguards guaranteeing protection of the rights of those facing the death penalty as contained in Economic and Social Council resolution 1984/50;
6. *Calls upon* States which no longer apply the death penalty but maintain it in their legislation to abolish it;
7. *Requests* States that have received a request for extradition on a capital charge to reserve explicitly the right to refuse extradition in the absence of effective assurances from relevant authorities of the requesting State that capital punishment will not be carried out;
8. *Requests* the Secretary-General to continue to submit to the Commission, at its sixtieth session, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, paying special attention to the imposition of the death penalty against persons younger than 18 years of age at the time of the offence;
9. *Decides* to continue consideration of the matter at its sixtieth session under the same agenda item.

*61st meeting  
24 April 2003*

[Adopted by a recorded vote of 23 votes to 18,  
with 10 abstentions. See chap. XVII.]

## **B. Decisions**

### **2003/104. Decision relating to Chad under the 1503 procedure**

At its 27th (closed) meeting, on 2 April 2003, the Commission on Human Rights decided, without a vote, to make public its resolution relating to its consideration of the human rights situation in Chad under the 1503 procedure.

[See chap. IX.]

### **2003/105. Decision relating to Liberia under the 1503 procedure**

At its 27th (closed) meeting, on 2 April 2003, the Commission on Human Rights decided, without a vote, to make public its resolution relating to its consideration of the human rights situation in Liberia under the 1503 procedure.

[See chap. IX.]

### **2003/106. Question of human rights in Cyprus**

At its 54th meeting, on 17 April 2003, 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 sixtieth 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.]

### **2003/107. The Social Forum**

At its 56th meeting, on 22 April 2003, the Commission on Human Rights, taking note of resolution 2002/12 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, by a recorded vote of 36 votes to 1, with 16 abstentions to recommend to the Economic and Social Council that it authorize the Sub-Commission to convene in Geneva an annual intersessional forum on economic, social and cultural rights, to be known as the Social Forum, for two days on dates that would permit the possible participation

of 10 members of the Sub-Commission, to be appointed by the regional groups of the Sub-Commission, and that the Council also authorize the provision of all the necessary facilities for the preparation and servicing of the event.

[See chap. X.]

### **2003/108. Discrimination in the criminal justice system**

At its 59th meeting, on 23 April 2003, the Commission on Human Rights, taking note of resolution 2002/3 of 12 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to approve the decision of the Sub-Commission to appoint Ms. Leïla Zerrougui as Special Rapporteur to conduct a detailed study of discrimination in the criminal justice system with a view to determining the most effective means of ensuring equal treatment in the criminal justice system for all persons without discrimination, particularly vulnerable persons, and requests the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable her to fulfil her mandate, including the assistance of a consultant having specialized knowledge of the subject. The Commission also approved the request that the Special Rapporteur submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session.

[See chap. XI.]

### **2003/109. Housing and property restitution in the context of refugees and other displaced persons**

At its 60th meeting, on 24 April 2003, the Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2002/7 of 14 August 2002 and recalling Commission resolution 1999/47 of 27 April 1999 in which it encouraged the Sub-Commission to continue its work on the matter of housing and property restitution in the context of the return of refugees and internally displaced persons, decided, without a vote, to endorse the decision of the Sub-Commission to appoint Mr. Paulo Sérgio Pinheiro as Special Rapporteur with the task of preparing a comprehensive study on housing and property restitution in the context of the return of refugees and internally displaced persons based on his working paper (E/CN.4/Sub.2/2002/17) as well as on the comments made and the

discussions that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission, and the Sub-Commission's request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session.

[See chap. XIV]

**2003/110. Indigenous peoples' permanent sovereignty over natural resources**

At its 60th meeting, on 24 April 2003, the Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2002/15 of 14 August 2002, decided, by a recorded vote of 34 votes to 8, with 10 abstentions, to endorse the Sub-Commission's request to appoint Mrs. Erica-Irene Daes as Special Rapporteur to undertake a study on indigenous peoples' permanent sovereignty over natural resources based on her working paper (E/CN.4/Sub.2/2002/23) and its request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session and her final report at its fifty-sixth session. The Commission also endorsed the request to the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable her to carry out her study.

[See chap. XV.]

**2003/111. Presentation of the report of the Working Group on Indigenous Populations on its twentieth session to the Permanent Forum on Indigenous Issues**

At its 61st meeting, on 24 April 2003, the Commission on Human Rights, taking note of resolution 2002/20 of 14 August 2002 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to approve the decision to invite the Chairperson-Rapporteur of the twentieth session of the Working Group on Indigenous Populations to attend the second session of the Permanent Forum on Indigenous Issues in 2003 and to present to it the report of the twentieth session of the Working Group, and recommends to the Economic and Social Council that it endorse the present decision.

[See chap. XV.]

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