



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2004/12
1 March 2004

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixtieth session
Item 4 of the provisional agenda

**REPORT OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD
CONFERENCE ON HUMAN RIGHTS**

Summary

The present report, submitted pursuant to General Assembly resolution 48/141 establishing the mandate of the United Nations High Commissioner for Human Rights, looks forward to the challenges that lie ahead in achieving the realization of all human rights for all people around the world. It assesses the state of human rights in the contemporary world, and goes on to look at some of the key building blocks for international cooperation; examines the state of human rights protection; and makes suggestions for strengthening international protection.

Since the World Conference on Human Rights was held in Vienna in 1993, human rights have continued to be violated. Poverty has not declined; civilians are targeted in violation of international law; violence continues to be perpetrated by State and non-State actors; racism and intolerance, in all their contemporary manifestations, can be said to have increased; democracy and the rule of law are under threat. And to the litany of the world's ills, we must now add terrorism.

In addressing these and other threats to the world order so laboriously constructed since 1945, States must recommit themselves to their responsibilities under the International Bill of Human Rights, and the other international instruments adopted since, to respect, protect and fulfil fundamental human rights.

Five areas of activity are assuming increasing importance in this endeavour: the emphasis on strengthening national protection systems in each country; better implementation of the human rights treaty system; strengthening the system of special procedures; promoting human rights education; and developing the role of the courts in the protection of human rights. The report deals with each of these in turn.

The report then turns to an assessment of the current state of protection. In strengthening international protection, we must emphasize the prevention of gross violations of human rights and rapid intercession, where called for, to protect potential and actual victims. The Commission on Human Rights has the primary role in prevention. With this in mind, the report highlights key features of the Commission that might be kept in mind in planning for the future.

Finally, I would like to make a strong appeal to the Commission to act on the problem of trafficking in young women. Trafficking exemplifies the negation of every basic human right, and I would urge the Commission to consider the establishment of a specific mechanism to address this shocking and all-too-pervasive problem.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 2	4
I. THE STATE OF HUMAN RIGHTS IN THE CONTEMPORARY WORLD	3 - 18	4
II. PROMOTION: THE EVOLVING STRATEGIC FOUNDATIONS	19 - 35	7
A. The emphasis on the strengthening of national protection systems in each country	20 - 21	7
B. Better implementation of the human rights treaty system	22 - 23	7
C. Strengthening the system of special rapporteurs	24 - 27	8
D. Promoting human rights education, particularly in primary and secondary schools	28 - 31	9
E. Developing the role of the courts in the protection of human rights	32 - 35	10
III. THE STATE OF PROTECTION	36 - 47	11
IV. STRENGTHENING INTERNATIONAL PROTECTION	48 - 64	13
V. CONCLUDING OBSERVATIONS	65 - 67	17

ANNUAL REPORT OF THE HIGH COMMISSIONER TO THE COMMISSION ON HUMAN RIGHTS

Introduction

1. It has been 10 years since the arrival of the first United Nations High Commissioner for Human Rights in April 1994. The Commission on Human Rights is holding its sixtieth session this year. This report, submitted pursuant to General Assembly resolution 48/141, has in view the role of the High Commissioner for Human Rights as laid down by the General Assembly. This report also has in view the foundations laid for the promotion and the protection of human rights and the challenges that lie ahead in making the universal realization of human rights a reality for all of the world's peoples. The report begins with a brief assessment of the state of human rights in the contemporary world, looks at some of the key building blocks for international cooperation in the human rights field, examines the state of human rights protection, and offers some thoughts on the strengthening of international protection in the future.

2. As members of the Commission are aware, the late High Commissioner for Human Rights, Sergio Vieira de Mello, was killed in a terrorist attack on the United Nations headquarters in Baghdad on 19 August 2003. This report, submitted by the Acting High Commissioner, Bertrand G. Ramcharan, is dedicated to the memory of the late High Commissioner and to the United Nations colleagues who died with him on that terrible day in Baghdad. We, in the Office of the High Commissioner, honour the memory of our late High Commissioner and of our fallen colleagues.

I. THE STATE OF HUMAN RIGHTS IN THE CONTEMPORARY WORLD

3. We must all be deeply distressed and anguished that 10 years after the solemn commitments of the World Conference on Human Rights held in Vienna in 1993, human rights are grossly violated throughout the world because of poverty, conflicts, terrorism, violence, prejudice and bad governance.

4. Notwithstanding the lofty commitments in the Vienna Declaration and Programme of Action, and the more recent commitment to human rights values in the Millennium Declaration of 2000, the universality of human rights remains formal rather than real in the contemporary world. Inequalities and injustices against women and children are commonplace, and racism and racial discrimination have far from receded.

5. Poverty has not declined. On the contrary, for nearly one billion people the economic, social and cultural rights of the Universal Declaration of Human Rights, whose fifty-fifth anniversary we commemorated in 2003, remain illusory. They will hardly be able to survive, and many will not live to the age of 55. Democracy, the rule of law, and respect for civil and political rights are distant from the wretched poor of the earth. The struggle against poverty must remain at the forefront of the human rights agenda.

6. In today's world civilians are deliberately targeted in conflicts and the rules of international human rights and humanitarian laws are flouted with impunity. Contemporary conflicts wreak havoc on the human rights of millions. It is therefore of the utmost urgency to intensify efforts for the prevention of conflicts - nationally, regionally and internationally. The prevention of conflicts requires the prevention of gross violations of human rights.
7. Terrorism, alas, adds to the burdens of the world's peoples. The Security Council, the General Assembly and the Commission on Human Rights have all soundly condemned terrorism. Terrorists kill, maim, terrify and threaten without compunction. The international human rights movement must speak out against terrorism with all the force at its command. In the same spirit, fundamental human rights must be safeguarded in counter-terrorism strategies. This is the topic of a separate report to the Commission.
8. Violence, deliberately perpetrated by authorities on their subjects, afflicts millions of the world's people. Genocide continues to take place in our times and, this year, the international community, with humility, will mark the tenth anniversary of the shocking genocide in Rwanda. Torture, arbitrary and summary executions, enforced and involuntary disappearances, arbitrary detention, and the ill-treatment of minorities, indigenous populations and migrants are widespread. Violence against women is rampant, the problem of child soldiers persists, and refugees and internally displaced persons number in the millions. Thousands of young women are trafficked into prostitution and slavery. The victims of trafficking, young women, migrants and children, often end up in slavery-like conditions. The sexual exploitation of children is a blight on our civilization. We continue to experience a crisis of values among humankind. The international human rights movement must denounce gross violations of human rights wherever they occur. It is a duty of conscience.
9. Trafficking in human beings negates every notion of dignity, equality and security, and it is truly distressing that practices such as these are taking place under our very noses. I should like to make a particular appeal to the Commission on Human Rights to examine ways of bringing the assets of the Commission to bear upon this shocking problem and to consider how the international community can better protect the human rights of young people at risk.
10. Prejudice, racism, racial discrimination, xenophobia, anti-Semitism, anti-Islamism, anti-other religions, and other forms of intolerance are prevalent in our midst - often in the heart of societies that profess faith in the ideals of the Charter of the United Nations and the Universal Declaration of Human Rights. Governments profess tolerance while their people hate those of a different complexion or culture. The struggle for equality and non-discrimination must be a rallying struggle of the human rights movement.
11. Let us be honest and recognize that bad governance is at the root of many of the afflictions of the world's peoples and of the gross violations of human rights that are rampant in the contemporary world. Equity and the stronger protection of human rights demand better governance. In the words of the Universal Declaration of Human Rights, the will of the people must be the basis of the authority of government. This will should be expressed in periodic and genuine elections by universal and equal suffrage in free voting procedures.

12. As the Commission on Human Rights sets about its sixtieth session, it would need to come to terms with these shocking realities of our contemporary world. It would also need to bear in mind the plight of the indigenous peoples of the world who, alas, continue to undergo many indignities, deprivations and gross violations of human rights. The Commission has a special rapporteur on this topic, and there are bodies such as the Permanent Forum on Indigenous Issues, the working group of the Commission, the Sub-Commission on the Promotion and Protection of Human Rights and its Working Group on Indigenous Populations, which are doing their utmost for the better protection of the rights of indigenous peoples. Unfortunately, the drafting of a United Nations declaration for the protection of the rights of indigenous peoples has been stalled for a number of years. I wonder whether it would not be helpful to take the standard-setting process in stages and to move ahead with a declaration on the prevention of discrimination against and the protection of indigenous populations. The current stalemate cannot be allowed to continue.

13. At the Millennium Summit, the heads of State and Government reaffirmed their commitment to create an environment conducive to development and the elimination of poverty and which upholds the principles of human dignity, equality and equity. They resolved to make the right to development a reality for everyone and to free the entire human race from want. To this end, the international community placed before itself the goal of developing a global partnership for development.

14. The United Nations declared the right to development as a human right with the aim of highlighting development as a public policy goal of the international community deserving of the highest priority and mobilization. Development thus became an imperative norm of international public policy. The principle of non-discrimination has particular relevance to the implementation of the right to development, which is to be pursued nationally, regionally and internationally.

15. The achievement of the right to development is affected, in our times, by a crisis of governance, by an inequitably globalizing world, by a crisis of values in our contemporary world, and by a world of shocking violations of human rights in which the right to life is flagrantly violated.

16. It is a well-known fact that democracy and the rule of law are scarce commodities in our world. Corrupt ruling elites siphon off the bulk of the resources of their people, who are left to fend for themselves as best they can. Good governance at home is the first requirement for the achievement of the right to development.

17. But even with good governance, many developing countries find it difficult to survive, let alone compete. Runaway ideologies of the market are calling into question the ability of Governments to respect, protect and fulfil basic human rights. Only by upholding fundamental human rights can we hope to reverse this crisis of values. The purpose of governance is to uphold basic human rights. A globalizing world must re-commit to the International Bill of Human Rights. Herein lies the significance of what one author has dubbed “the spirit of democratic capitalism”. Herein lies the importance of the Secretary-General’s initiative to launch a global compact on human rights, labour rights, and the environment. A globalizing world must not be allowed to impair the responsibilities of Governments to respect, protect, and fulfil fundamental human rights.

18. Against this background of the state of human rights in the contemporary world, we turn next to a presentation of some of the actual or potential pillars of international cooperation for the universal realization of human rights.

II. PROMOTION: THE EVOLVING STRATEGIC FOUNDATIONS

19. We cannot shirk from the fact that the state of human rights in the world is distressing and gives cause for great concern. Yet it is in the nature of the human rights cause that, even as we deal with the problems confronting us, we must strive to build the foundations for the effective protection of human rights within each country. In this endeavour, five areas of activity are assuming increasing importance and should take on greater and greater significance in the future of international cooperation for the universal realization of human rights. These are: the emphasis on the strengthening of national protection systems in each country; better implementation of the human rights treaty system; strengthening of the system of special procedures; promoting human rights education, particularly in primary and secondary schools; and developing the role of the courts in the protection of human rights. We deal with each of these in turn.

A. The emphasis on the strengthening of national protection systems in each country

20. In his report *Strengthening of the United Nations: an agenda for further change* (A/57/387 and Corr.1), the Secretary-General placed great emphasis on the role of the United Nations in supporting the strengthening of the national protection systems of each Member State. A national protection system involves constitutional, legislative and judicial protection on the basis of international human rights norms. It also involves working for a culture of human rights through the teaching of human rights, through national human rights institutions, and through systems of early warning to detect grievances within a country before they break out into conflict.

21. At the request of the Secretary-General, the organizations and agencies of the United Nations system have concerted their efforts over the past year to develop an action plan centred on the role that United Nations country teams might play, at the request of Governments, in supporting their efforts to strengthen national protection systems. There are nearly 150 United Nations country teams around the globe and initial emphasis is being placed on strengthening their capacity for the provision of human rights advice and assistance. This is a development of the utmost importance and the Office of the High Commissioner is working closely with partner institutions to take forward this emphasis on the strengthening of national protection systems. The Office has invited Member States to provide succinct summaries of their national protection systems and the replies of an initial three dozen Member States has been analysed in a separate report to the Commission.

B. Better implementation of the human rights treaty system

22. The Office of the High Commissioner for Human Rights has, over the past year, worked closely with Member States, expert treaty bodies and with the wider human rights movement on options for enhancing the implementation of the human rights treaty system. There is an emerging consensus that the emphasis should be placed on the coordination of reporting systems,

and the Office has therefore been working closely with the human rights treaty bodies on the design of an expanded core document to be used by all human rights treaty bodies. The process of consultation on a streamlined system of reporting to all treaty bodies is ongoing. Certain precepts have emerged as providing the framework for an efficient, effective and rational reporting procedure which would allow States parties to meet their reporting obligations under several human rights treaties within a harmonized procedure, at the same time ensuring that the process is effective at the national level. Those precepts are:

(a) Simplicity - the reporting process should be straightforward, both for States parties and for the treaty bodies;

(b) Consistency - there should be a consistent approach, including consistent procedures, between treaty bodies so as to reduce, as far as possible, repetition and duplication and promote a coordinated approach to the promotion of human rights norms;

(c) Quality - the emphasis should be on the quality of the information provided in reports rather than the quantity;

(d) Efficiency - the streamlined process should ensure that each treaty body approaches its work in the most efficient and effective way and in coordination with the other treaty bodies.

23. The quest for enhanced implementation of human rights treaties will be continued at this year's annual meeting of the chairs of the human rights treaty bodies.

C. Strengthening the system of special rapporteurs

24. The special procedures of the Commission on Human Rights play a vital role in the context of the human rights activities of the United Nations. With their specific human rights protection mandate, they can be seen as constituting the conscience of the United Nations and an independent voice for victims. Moreover, an effective human rights core protection system could be expected to go beyond responding to appeals for help; not only could it contribute to an early-warning mechanism for the international system, but also to preventing recurrent patterns of human rights violations.

25. In line with the report of the Secretary-General, efforts have continued during the past year to consolidate the special procedures system so as to improve its effectiveness with respect to the servicing of mandates, ensuring a prompt and coordinated information flow between mandate holders and partners, facilitating field visits, delivering reports, studies and other related documentation, and encouraging the implementation of, and follow-up to, the recommendations of special rapporteurs, representatives, experts and working groups.

26. As of May 2003, a Special Procedures Branch has been established in OHCHR. The new branch is developing activities to strengthen the work of special procedures and support their collaboration with States members of the Commission on Human Rights and the General Assembly, treaty bodies, national institutions and non-governmental organizations, as well as partner organizations and bodies throughout the United Nations system at the international, regional and national levels.

27. Accordingly, the Special Procedures Branch of the Office of the High Commissioner is currently developing criteria and strengthening methodologies for the operations and reporting functions of special procedures. Efforts are also being made to further disseminate knowledge and awareness of the special procedures. This in turn may provide better opportunities for using the expertise and the wealth of information and analysis developed by the special procedures in order to devise early-warning mechanisms, alert relevant United Nations instances to emerging crisis situations, provide elements for an adequate response and contribute to long-term capacity-building.

**D. Promoting human rights education, particularly
in primary and secondary schools**

28. The pursuit of a universal culture of human rights in our times presents new challenges that make an emphasis on human rights education, particularly in primary and secondary school, a matter of the greatest importance. In a world of poverty, conflicts, terrorism, State violence, prejudice and bad governance, the promotion of human rights universally demands stronger efforts to instil into the minds of children the values of the Universal Declaration and the International Bill of Human Rights. Alas, human rights education in primary and secondary schools is still a rarity in our world, and it is far from clear which international institutions are taking the lead in assisting Member States in providing human rights education. This is a task that would require teaching materials in local languages, easily available to teachers in primary, secondary and other schools around the globe.

29. In its early years the Commission accorded high importance to publicizing the Universal Declaration and to promoting human rights education. Upon the adoption of the Universal Declaration the Commission called for a programme of dissemination and education to help spread its influence in all parts of the world. The Commission urged Governments to provide for compulsory instruction on human rights in military schools. The Commission has remained interested in this topic, but it would be fair to say that human rights education has still not seen lift-off in the international community. One of the issues that the Commission may wish to place high on the list of issues for consideration in the future is how more stimulus could be given to spreading human rights education in primary and secondary schools and in other institutions of learning around the globe. Human rights education can promote respect, tolerance and universal values and thereby help prevent conflicts and promote development.

30. In addition to the promotion of human rights education in schools, it would also be important to put more vigour into the development of training materials and relevant sensitization tools for law-enforcement officials and parliamentarians and to provide assistance to grass-roots projects on the promotion and protection of human rights.

31. We have, elsewhere, broached the idea of an international convention on human rights education in the hope that the process of drafting such a convention might lead Governments to take stock of where matters stand in each country and to commit themselves to providing teaching materials in local languages. The importance of human rights education cannot be overemphasized, and I should like to appeal to the Commission to consider what it might do to stimulate international cooperation for the growth of human rights education and training, particularly in primary and secondary schools.

E. Developing the role of the courts in the protection of human rights

32. In the United Nations human rights programme, as it has developed so far, the Commission on Human Rights has on its agenda a sub-item entitled "Independence of the judiciary, administration of justice, impunity", and the Commission has designated a special rapporteur on this topic who has done important work over the years. It needs to be said, however, that very little is being done so far to provide judges, in particular, with basic materials on international human rights norms and jurisprudence so that they can contribute to strengthened protection of human rights on the basis of the international norms. Some professional associations and international non-governmental organizations have been endeavouring to arrange international, regional and subregional consultations among judges and to distil the emerging human rights jurisprudence in the United Nations and in regional organizations.

33. Since courts have such a vital role to play in the protection of human rights, it surely must be a matter of the utmost priority to develop an action programme to bring judges around the table periodically - internationally, regionally and subregionally - to exchange information and views on the evolving body of international human rights norms and jurisprudence. The Bangalore Principles of Judicial Conduct, which the Commission on Human Rights has noted, could guide efforts in this area. The recommendations of a symposium which the Office of the High Commissioner and the Government of Austria organized in Vienna last November also have many practical insights that can help steer future work in this area.

34. I should like to appeal to the Commission on Human Rights, and to the wider international human rights movement, to consider ways and means of providing judges around the globe with basic materials, in local languages, on the core international human rights norms and jurisprudence.

35. Without a doubt, increasing emphasis must be placed on the pillars of protection within each country and, under the leadership of the Secretary-General, different parts of the United Nations system are reinforcing their cooperation to assist Member States, at their request, in the strengthening of their national protection systems. Over the past year the Office of the High Commissioner has supported several human rights components of United Nations peace operations, and has had its own field offices in five countries and has provided advice and assistance, including the presence of human rights advisers in a number of countries. The Office has also supported national institutions in many countries and has provided advice and assistance for the establishment of such institutions in others. The Office of the High Commissioner coordinated with the Government of Mexico, civil society organizations and the United Nations Country Team a path-breaking and unprecedented diagnosis on the state of human rights in the country, the recommendations of which will now influence the adoption of a national human rights plan of action and follow-up implementation activities. The Office of the High Commissioner is thus forging ahead with practical activities in support of the efforts of Governments to strengthen domestic capacity for the promotion and protection of human rights. This is important work. At the same time, the state of human rights in the world, which we discussed at the outset of this report, is such that we must examine the state of protection in the contemporary world - which, alas, gives cause for deep anguish.

III. THE STATE OF PROTECTION

36. One can examine the state of protection nationally, regionally and internationally. One can have in view the efforts of Governments, of independent human rights institutions, of the courts, of regional and international organizations, and of human rights non-governmental organizations. All of these have a part to play in the protection of human rights.
37. It must follow from the widespread gross violations of human rights that are to be found in different parts of the world that human rights protection is largely absent in many countries of the world and that the efforts of the international community have not yet succeeded in preventing the gross violations that, alas, proliferate within our midst.
38. If one asks whether, over the past year, there have been significant experiences at the national level to strengthen protection, one could point to models such as the national assessment of the state of human rights in Mexico undertaken by OHCHR at the request of the Government of that country and carried out with its cooperation. This model has much to commend it.
39. When it comes to significant models at the regional level, one might point to the efforts of the League of Arab States to revise the Arab Charter on Human Rights based on international human rights norms. Cooperation among regional institutions on the protection of human rights in counter-terrorism activities has been solid and substantial.
40. Internationally, the Security Council has been stepping up its role in the protection of human rights. The Council's consideration of the rule of law and the report to be presented by the Secretary-General on this topic are significant developments. The entry onto the scene of the International Criminal Court holds great promise for the principle of justice. The continuing processes of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are adding to the stock of jurisprudence and practice in the pursuit of justice for the victims of criminal violations of human rights.
41. Within the Commission on Human Rights, perhaps the strongest protection role is fulfilled by the special procedures of the Commission. Through their annual reports to the Commission and, for some of them, to the General Assembly, special procedures mandate-holders provide a wealth of information on human rights situations and contribute to highlighting specific concerns and keeping such issues high on the international agenda. Special procedures constitute "the eyes and ears" of the Commission all year long - through their dialogue with States, intercession on behalf of alleged victims, and interaction with other United Nations bodies and partners in the non-governmental community or other actors of the civil society, including the media and national institutions. In particular, the conduct of country visits provides privileged opportunities to raise the level of awareness about human rights protection issues, to indicate channels available at the international level to address them, and to trigger national follow-up and avenues for capacity-building which can contribute to creating and reinforcing national human rights protection systems.

42. The Office of the High Commissioner has about 40 field presences and 6 regional representatives, which certainly contributes in substantive ways to the promotion and protection of human rights at the national and regional levels. The regional representatives of the Office are an important institutional evolution and it would be important to strengthen their role and their assets in the future.

43. As regards the protection role of the High Commissioner for Human Rights, a significant development over the past year was the emergency report (E/CN.4/2004/5) submitted to the Bureau of the Commission - and to the wider Commission as well - in August 2003 in view of the fact that the situation in Liberia had deteriorated dramatically. In that report, the Acting High Commissioner for Human Rights drew the attention of the members of the Commission to the grave crimes that had been committed in Liberia and to the issue of how human rights could be integrated in the processes of peacemaking, peacekeeping and peace-building with a view to preventing recurrence of conflict in the future.

44. The report recorded that, since the conflict began, more than 1.3 million people had been uprooted from their homes, including hundreds of thousands who had fled into neighbouring countries. Torture had been widespread, with the number of victims running into the thousands. Hundreds of women and girls had been raped and subjected to other forms of sexual violence. The widespread nature of those crimes indicated that rape had been used as a weapon of war. One out of every 10 Liberian children might have been recruited into the war effort. Liberian children had suffered all kinds of atrocities, sexual violence, disruption of schooling and forced displacement. It was therefore urgent to investigate and assess human rights and humanitarian law violations and abuses perpetrated by all parties to the Liberian conflict.

45. The report emphasized that the crimes committed against the people of Liberia must not go unpunished. Those responsible for the atrocities committed in Liberia must be brought to justice irrespective of their position or status and whether they were members of the Government or rebel forces. Those who had deliberately targeted known civilian objectives or denied humanitarian access should be brought to justice.

46. Returning to the protection role of the Commission on Human Rights, there is great debate in its midst over the relative emphases to be given to cooperative approaches and to facing up squarely to gross violations of human rights taking place within a country. It must be possible to arrive at a synthesis in this debate, and we would suggest that the correct principle on which the Commission should act is that of international cooperation for the protection of human rights. At the end of the day, a commission on human rights, however much it is doing in the area of promotion, will lose its credibility if it is not seen to be acting effectively to put a stop to gross violations of human rights that are offensive to the conscience of the international community.

47. I should therefore like to invite the Commission and the human rights movement to consider what more could be done to strengthen international protection in the contemporary world.

IV. STRENGTHENING INTERNATIONAL PROTECTION

48. It is our firm contention that in the quest to strengthen international protection, we must place emphasis on the prevention of gross violations of human rights and on rapid intercession, where called for, for the protection of victims. The Commission on Human Rights has the leading role to play in enhancing the protection of human rights. On the occasion of its sixtieth session, we set out below some of the key features of the Commission that might be kept in mind in planning its future.

The significance of the Commission

49. The significance of the Commission was well brought out by one of the delegation leaders in his report on the San Francisco Conference. He considered that acceptance of the Commission in the Charter of the United Nations might “well prove one of the most important and significant achievements of the San Francisco Conference”. The Commission is today looked upon as a global body almost on a par with the Security Council and the General Assembly when it comes to the protection of human rights.

It was the NGOs that pushed for the establishment of the Commission

50. It is a matter of historical record that had it not been for the lobbying of the NGOs in San Francisco, the Commission would never have been established. At the San Francisco Conference, consultants from 42 non-governmental organizations pressed for the inclusion of human rights provisions in the Charter and for the establishment of a commission on human rights. This is relevant to the relations between the Commission and NGOs. From the beginning, the NGOs have been the life-blood of the Commission.

Composition of the Commission

51. When the composition of the Commission was being discussed, one school of thought was that it should be composed of individual experts. Another approach was that it should be composed of representatives of Governments. It is instructive to recall that the Economic and Social Council provided, in the end, for the election of States members of the Commission. However, with a view to securing balanced representation of private experts and public officials, government representatives were to be selected after consultation with the Secretary-General and confirmation by the Council. When one looks to the future of the Commission one might keep in mind the relevance of this blueprint of the Council. One might ask the questions: How have the consultations proceeded and how has the confirmation process functioned? How might they be strengthened in the future? We see here the germ for future evolution in the strengthening of the Commission.

The vision of the International Bill of Human Rights

52. At the outset of its work the Commission on Human Rights set for itself the task of establishing an international bill of human rights which would have three parts: a universal declaration, one or more covenants, and measures of implementation. The first two parts have been well realized. In the implementation mechanisms of the human rights treaties and through the establishment of special procedures, the initial groundwork has been laid for the third part, namely measures of implementation. However, the Commission still needs to be actively engaged on the third part. Implementation must remain a high priority of the Commission.

Relationship between the Commission and other United Nations organs

53. The nuclear Commission on Human Rights had proposed that, pending the eventual establishment of an agency of implementation, the Commission might aid the appropriate organs of the United Nations in the task defined for the General Assembly and the Economic and Social Council, as well as the Security Council. In the case of the Security Council, the nuclear Commission thought that the Commission might bring to the Council's attention "cases where violations of human rights committed in one country may, by [their] gravity, [their] frequency, or [their] systematic nature, constitute a threat to peace". This was fascinating foresight, and the question might be asked whether the time has not come to bring this approach into operation. The Commission might wish to consider how it can work more closely with the Security Council in the future.

The drafting of universal norms

54. If there is one great contribution that the Commission has made, it was in pioneering the drafting of the Universal Declaration, the International Covenants and other international treaties. The Commission has continued to do this and is currently engaged in the process of drafting a declaration on the rights of indigenous populations. The Commission is also engaged at the present time on a draft convention against enforced and involuntary disappearances and on the consideration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. The adaptation and strengthening of international norms to meet the requirements of an evolving world will remain an enduring feature of the Commission.

The implementation of universal norms

55. As was mentioned above, it was very much in the minds of the pioneers of the Commission that the implementation of universal norms would be the third plank of the International Bill of Human Rights. The Commission has had a chequered record when it comes to implementation. Early in its history, it adopted an unfortunate doctrine that it was not competent to take action on petitions received by the United Nations from persons seeking relief from gross violations of human rights. In the late 1960s, with the entry of the newly independent countries into the United Nations, the Commission began to move away from this doctrine and to consider ways of advancing implementation, and of dealing with allegations of gross violations of human rights. If there is one thing on which there ought to be agreement in the Commission as it looks to the future, it should be that the purpose of international cooperation is to protect human rights. Cooperation for protection should be the rallying cry for the Commission in the future.

Criteria for identifying situations of international concern

56. It is instructive to recall that when the General Assembly and the Economic and Social Council took steps to get the Commission to respond to gross violations of human rights, they asked the Commission to consider ways and means of improving its capacity to put a stop to violations of human rights wherever they may occur. In its resolutions 1235 (XLII) and 1503 (XLVIII), the Economic and Social Council called upon the Commission to react to

situations where there is a consistent pattern of gross violations of human rights in any part of the world. This is the standard of the United Nations and it is the standard of the Commission in various of its pronouncements over the years. It also bears recalling that, in 1975, the Commission decided that it would also pay attention to situations of gross violations of economic, social and cultural rights.

Diplomatic activity for human rights protection

57. The Commission on Human Rights has, on more than one occasion, adopted resolutions calling upon the Secretary-General to undertake good offices and other diplomatic actions for the protection of human rights and for the prevention of gross violations. The mandate of the High Commissioner for Human Rights expressly includes actions to prevent gross violations of human rights. The Commission may wish to consider how this preventive role can be activated in the future.

Model rules for fact-finding

58. At an earlier stage in its history, the Commission initiated a study on model rules of procedure for United Nations fact-finding bodies in the field of human rights. While the Commission itself did not proceed to the adoption of such model rules in the final analysis, the study it commissioned has provided a reference point over the years.

Use of experts

59. Economic and Social Council resolution 5 (I) of 16 February 1946, which established the Commission authorized it “to call in ad hoc working groups of non-governmental experts in specialized fields or individual experts, without further reference to the Council, but with the approval of the President of the Council and the Secretary-General”. Keeping in mind contemporary needs for the protection of human rights, it might be asked whether it might be time for the Commission to revisit this concept and authorize its Bureau to call upon the services of such experts in situations of emergency.

Advisory services and technical assistance

60. The Commission on Human Rights embarked on advisory services and technical assistance in the midst of the process of drafting the Covenants. The reasons for this are much discussed. However, since then, the concept has taken root and the Commission has consistently registered the importance of advisory services and technical assistance in assisting Member States, at their request, in national capacity-building for the promotion and the protection of human rights.

National institutions

61. From the very early years, the Commission identified the important role that national institutions could play in advancing the implementation of human rights within countries. After the World Conference on Human Rights the Commission broke significant new ground in cooperating with national institutions and the Commission might wish to consider how this process could be intensified in the future.

Responding to gross violations of human rights

62. After ridding itself of the much-criticized no-power doctrine, the Commission, in 1967, adopted resolution 8 (XXIII) in which it pledged to consider annually the question of violations of human rights and fundamental freedoms in any part of the world. Since then, the Commission has pioneered a special procedures system of special rapporteurs, independent experts, representatives of the Secretary-General and working groups, which examine a broad range of situations and practices violative of human rights.

63. As the Commission contemplates the future, one thought should be ever-present in the minds of representatives serving on it: while it is a political Commission composed of representatives of sovereign States, its mission is to act for the protection of human rights. It thus has a duty of conscience to discharge when it comes to the protection of human rights. Whatever else it does, and however it is presented, if the general public in today's Internet world forms the view that the Commission is not discharging the duty of protection, it will lose their respect. I have always had faith in the Commission and in its historic mission, and I continue to believe that it would want to rise to the challenge and retain the respect of the peoples of the world in whose name it acts.

64. When it comes to the duty of protection, the Commission might wish to reflect on the following issues:

(a) Should the Expanded Bureau of the Commission consider, monthly, urgent situations raised by special rapporteurs and working groups of the Commission? Might it avail itself of the possibility of calling upon independent experts to help it in reacting to urgent situations?

(b) Should the Commission ask the High Commissioner for a monthly report on urgent situations to be submitted to the Expanded Bureau?

(c) Should the Commission, through the President of the Economic and Social Council, submit a quarterly update to the Security Council on situations with which the Council is seized?

(d) Should the Commission urge the High Commissioner to provide to the Security Council periodic updates based on materials coming, inter alia, from special rapporteurs and other mandate-holders of the Commission?

(e) Should the Commission submit annually to the Economic and Social Council situations where it considers there is a consistent pattern of gross violations of economic, social or cultural rights?

(f) Should the High Commissioner submit periodic updates to the Commission, the Economic and Social Council and the General Assembly on situations where there appears to be a consistent pattern of gross violations of economic, social or cultural rights?

(g) Should the Commission consider designating a thematic mechanism to protect the human rights of the victims of trafficking in human beings? This problem has troubled me greatly. We in the Office of the High Commissioner have elaborated human rights guidelines for

anti-trafficking activities and we have joined in studies and seminars to highlight the problem. But I fear that the international community needs to develop much more momentum to stamp out this problem, and a thematic mechanism of the Commission might well be one way of contributing meaningfully.

V. CONCLUDING OBSERVATIONS

65. **The United Nations High Commissioner for Human Rights was given the mandate by the General Assembly to promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights. The High Commissioner was tasked with promoting and protecting the realization of the right to development and with playing an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world.**

66. **The High Commissioner was specifically entrusted with the responsibility of enhancing international cooperation for the promotion and protection of all human rights. The present report has been submitted in this spirit. It has placed emphasis on foundation-building activities needed at the national level to ensure the effective protection of human rights. It is strongly submitted that there is need for a major mobilization effort to provide human rights education in all primary and secondary schools. This report has also sought to identify deficiencies in protection and to provide thoughts on how protection might be strengthened.**

67. **In concluding this report, we would make a strong appeal to the Commission to act on the problem of trafficking in young women. We would appeal to the Commission to consider the establishment of a mechanism to study and analyse the problem, to present findings and recommendations to the Commission, to engage in urgent action for the protection of those at risk and to lead an international campaign against trafficking in human beings. This is a call to conscience that we hope the Commission will heed.**
