Chapter I

Promotion of human rights

In 2002, human rights were promoted through a number of initiatives regarding legally binding instruments and the Commission on Human Rights and its subsidiary body, the Sub-commission on the Promotion and Protection of Human Rights. The Office of the United Nations High Commissioner for Human Rights continued its human rights coordination and implementation activities, and provided advisory services and technical cooperation.

The monitoring bodies of human rights instruments promoted civil, political, economic, social and cultural rights, and aimed to eliminate racial discrimination and discrimination against women, to protect children and to end the practice of torture and other cruel, inhuman or degrading treatment or punishment.

The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography entered into force, the latter on 18 January and the former on 12 February.

The Optional Protocol to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, intended to establish a system of regular visits to places of detention, was adopted by the Commission in April, the Economic and Social Council in July and the General Assembly in December.

The Assembly approved the Secretary-General’s appointment of Sergio Vieira de Mello (Brazil) as United Nations High Commissioner for Human Rights for a four-year term, beginning on 12 September.

UN machinery

Commission on Human Rights


On 5 April [dec. 2002/102], the Commission, by a roll-call vote of 28 to 25, taking note of Council decision 2001/304 [YUN 2001, p. 579] on the Secretariat practice of sharing information with the Division for the Advancement of Women (UN Department of Economic and Social Affairs) under the procedure for dealing with communications concerning violations of human rights and fundamental freedoms established by Council resolution 1503(XVIII) [YUN 1970, p. 330] (the 1503 procedure), decided that the practice had no legal basis. It asked the secretariat of the 1503 procedure to discontinue forwarding confidential monthly lists to the Division and recommended that the Council endorse its decision. During the Council’s consideration of the item, on 25 July, a motion by Cuba to defer action on the item was rejected by a recorded vote of 33 to 18, with 2 abstentions. On the same date, the Council rejected a draft decision, which would have endorsed the Commission’s decision, by a recorded vote of 30 to 21, with 2 abstentions. In 2002, the Commission on the Status of Women considered a report of the Secretary-General on reform of the 1503 procedure [E/CN.6/2002/12] (see p. 1163).

On 26 April [dec. 2002/118], the Commission, noting the initiative by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to use electronic voting during the 2002 session, called on the Secretary-General to continue to make the system available in future. The Council endorsed the decision on 25 July (decision 2002/252). Also on 26 April, the Commission adopted two further decisions: one on the expiration of office-holders’ terms of appointment under special procedures mandates [dec. 2002/114], which was approved by the Council on 25 July (decision 2002/279); and the other calling for the issue of statements prepared by non-governmental organizations (NGOs), which were inscribed on the list of speakers but for lack of time were unable to deliver statements [dec. 2002/117]. The NGO statements were issued in a note by the Secretariat [E/CN.4/2002/192].

Pursuant to a Commission decision adopted in 2000 [YUN 2000, p. 995], the Chairman of the Commission convened a one-day informal meeting on 24 September to facilitate exchange of informa-
tion in advance of the General Assembly [E/CN.4/IM/2002/1]. Summaries of post-sessional meetings held from May to August were contained in a September report [E/CN.4/IM/2002/2].

Notes by Secretariat. A February note by the Secretariat [E/CN.4/2002/16] presented the main rules and practices followed by the Commission in the organization of its work and the conduct of business. Also in February [E/CN.4/2002/142], the President of the Economic and Social Council convened to the Commission Chairperson his intention to work with his person and the links between the Council and its subsidiary bodies. Annexed to a March note by the Secretariat [E/CN.4/2002/135] was an exchange of letters between the Chairman of the Council’s Committee on NGOs and the Commission Chairperson calling for greater vigilance and observance of established procedures on the relationship between NGOs in consultative status with the Council and the United Nations.

Organization of work in 2002

On 19 March [dec. 2002/101], the Commission invited special rapporteurs, special representatives, chairpersons/rapporteurs of various working groups and boards of trustees, and experts to participate in its meetings.

The Commission, on 26 April [dec. 2002/115], decided that its first meeting of each year would henceforth take place on the third Monday in January, with the sole purpose of electing its officers, and that its fifty-ninth session would be held from 17 March to 25 April 2003. The Economic and Social Council endorsed the decision on 25 July (decision 2002/278).

On 26 April [dec. 2002/115], the Commission, by a recorded vote of 41 to none, with 12 abstentions, authorized its Bureau, working with regional coordinators, to consider steps for recommendation to the 2003 session’s Expanded Bureau (composed of the OHCHR Commission team, the Commission Chairperson and Deputies, and representatives from each regional group) regarding the work of the session, in close coordination with the Council’s Bureau and OHCHR (see below), and other concerned UN bodies. The Council endorsed the Commission’s decision on 25 July (decision 2002/280).

Also on 26 April [res. 2002/91], by a recorded vote of 36 to none, with 17 abstentions, the Commission decided to initiate in 2003 a review of the enhancement of the effectiveness of its working methods, particularly of issues related to the duration of its annual session, the periodicity of the consideration of agenda items and sub-items, documentation, the organization of work during the annual session, arrangements for holding a special debate, arrangements for the participation of dignitaries in the annual session, the establishment and programming of intersessional working groups, and the organization and programming of parallel activities during annual sessions. It called on the Commission’s regional groups to initiate an analysis of those matters. OHCHR was requested to solicit ideas on enhancing the Commission’s working methods from Governments, the Expanded Bureau, regional groups and organizations and other Commission participants, including NGOs, and to submit a compilation of views by 31 December (see below). The Expanded Bureau was asked to submit proposals on how to proceed to consider the question in 2003. On 25 July, the Economic and Social Council endorsed the Commission’s decision and its request to OHCHR and the expanded Bureau (decision 2002/274).

On the same date [dec. 2002/116], the Commission recommended that the Council authorize 14 fully serviced additional meetings for the Commission’s 2003 session, and requested the Chairperson of that session to try to organize the session’s work within the time normally allotted, so that additional meetings would be utilized only if necessary. The Council, by a recorded vote of 50 to 2, on 25 July, authorized 14 additional meetings for 2003, and approved the Commission’s request that additional meetings would be held only if absolutely necessary (decision 2002/281).

Report of OHCHR. OHCHR presented a compilation of views [E/CN.4/2003/31] submitted pursuant to Commission resolution 2002/91 on working methods; some responses specified that they were submitted in accordance with decision 2002/115. The compilation included a list of issues that arose during informal consultations of the Expanded Bureau at the expert level. The report contained submissions by the African Group, the Asian Group, the Group of Latin American and Caribbean States, a cross-regional group of States, the like-minded group, the Organization of the Islamic Conference, the Czech Republic, the Russian Federation, the Rapporteur of the Commission’s 2002 session, the Chair of the ninth meeting of the special procedures (see p. 640) on behalf of the special procedures mandate holders, a group of NGOs and Amnesty International.

Thematic procedures
Pursuant to a request of the Commission in 2000 [YUN 2000, p. 508], the Secretary-General pre-
pared a list of all persons currently constituting the thematic and country-specific procedures [E/CN.4/2002/1/Add.1], and the Secretariat issued a February note [E/CN.4/2002/1 Add.1] containing references to the conclusions and recommendations of thematic special rapporteurs and working groups.

A meeting of the special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission and of the advisory services programme was held in June [E/CN.4/2003/6] (see p. 640).

Commission action. On 26 April [res. 2002/84], the Commission asked the thematic special rapporteurs, representatives, experts and working groups to make recommendations to prevent human rights violations; follow progress made by Governments; continue close cooperation with relevant treaty bodies and country rapporteurs; focus resources in ways that best advanced their mandates; provide comprehensive and focused reports; include in their reports information provided by Governments on follow-up action, as well as their own observations thereon; include in their reports gender-disaggregated data and address human rights violations directed against women, or to which women were particularly vulnerable; and address human rights violations directed against children, or to which children were particularly vulnerable, and include age-disaggregated data. The Commission requested them to comment on problems of responsiveness and the result of analyses, and to suggest areas where Governments might request OHCHR advisory services. The Secretary-General was asked to convene periodic meetings of thematic special rapporteurs, representatives, experts and chairpersons of working groups and treaty bodies to enable them to continue to exchange views, cooperate and coordinate more closely and make recommendations. He was also asked to issue annually their conclusions and recommendations; to present annually a list of all persons currently constituting the thematic and country procedures; and to ensure the availability of resources to implement all thematic mandates.

Subcommission on the Promotion and Protection of Human Rights

2002 session

The Subcommission on the Promotion and Protection of Human Rights, at its fifty-fourth session (Geneva, 29 July–16 August) [E/CN.4/2003/2], adopted 31 resolutions and 18 decisions, and recommended 10 draft decisions for adoption by the Commission.

Regarding its session in 2003, the Subcommission approved the composition of its working groups [dec. 2002/117] and decided on the order of consideration of agenda items [dec. 2002/118].

A January note and later addenda by the Secretary-General [E/CN.4/2002/100 & Add.1,2] contained the nominations and biographical data of candidates for election to the 26-member Subcommission and their corresponding alternates, as the term of office of half the membership was due to expire.


Commission action. On 25 April [res. 2002/66], the Commission, welcoming the improved working methods of the Subcommission in 2001, proposed a number of further improvements and suggested guidelines for States when nominating and electing Subcommission members and alternates.

The Commission invited the Secretary-General to support the Subcommission by making available documentation in good time before each session in the UN official languages, and by assisting the Subcommission with regard to requests for information from Governments, intergovernmental organizations and NGOs, once the requests had been approved by the Commission. The Chairperson of the Subcommission’s 2002 session was invited to report to the Commission in 2003, including an assessment of how the changes had worked in practice.

The Commission decided not to endorse a 2001 Subcommission recommendation [E/CN.4/2002/2] that it take action on Subcommission proposals at its one-day annual informal meeting in September, and requested OHCHR to report in 2003 on possible ways of addressing issues raised by the Subcommission and of improving the Commission’s action on Subcommission proposals.

Office of the High Commissioner for Human Rights

Reports of High Commissioner. The United Nations High Commissioner for Human Rights,
Mary Robinson (Ireland), in her annual report to the Commission ([E/CN.4/2002/18]), discussed the promotion of human rights as a unifying framework in view of present-day human insecurity, particularly in view of recent terrorist acts. In addition to threats of terrorism, many people experienced insecurity for other reasons, such as armed conflict, racial discrimination, injustice, arbitrary detention, torture, rape, extreme poverty, HIV/AIDS, job insecurity and environment degradation. The High Commissioner reviewed various international instruments regarding the rights of refugees and migrants, who were a special concern as their vulnerability had increased after the terrorist attacks of 11 September 2001 [YUN 2001, p. 60]. Achieving global security, she said, required a comprehensive strategy to address the causes of insecurity, not only its consequences and manifestations. The strategy had to place individuals and their universal rights at the centre of national and global security policies. The High Commissioner outlined action to enhance international cooperation, to promote a culture of prevention regarding armed conflict, terrorism and human rights violations, to reinforce equality, tolerance and respect and to fulfil human rights commitments. Annexed to her report were proposals for further guidance regarding the submission of reports pursuant to Security Council resolution 1373(2001) [YUN 2001, p. 61]. Addenda to the High Commissioner’s report discussed the human rights of persons with disabilities ([E/CN.4/2002/18/Add.1]) (see p. 771, 1091) and OHCHR activities to promote tolerance and pluralism ([E/CN.4/2002/18/Add.2]) (see p. 684).

In a May report ([E/2002/68], the High Commissioner focused on the implementation of goals outlined in the Millennium Declaration, adopted in General Assembly resolution 55/2 [YUN 2000, p. 49], as they affected the rights of people living with and affected by HIV/AIDS (see p. 772), persons with disabilities (see p. 771, 1091), indigenous peoples (see p. 762) and trafficked persons (see p. 748). An addendum to the report ([E/2002/68/Add.1]) contained recommended principles and guidelines on human rights and human trafficking (see p. 748). On 25 July, the Economic and Social Council took note of the High Commissioner’s report and addendum ([decision 2002/289]).

The High Commissioner’s report to the General Assembly ([A/57/36] focused on human rights and conflict, the Commission’s 2002 session, national protection systems, regional strategies to reinforce universal human rights standards, and human rights and development. In an overview of developments between 1 November 2001 and 31 August 2002, the High Commissioner noted that OHCHR: cooperated with regional organizations to clarify how human rights standards could be respected while terrorism was being eradicated; was involved in ensuring accountability in societies in transition; assisted societies in conflict (for example in Afghanistan, East Timor and Sierra Leone); and made the promotion of the rule of law a priority in its technical cooperation programme, particularly by strengthening national human rights institutions. The High Commissioner worked to develop partnerships, and during the period under review had visited 13 countries to engage in dialogue with public officials and civil society about human rights issues.

On 20 September, the Assembly, on the recommendation of the General Committee, decided to consider the High Commissioner’s report as a sub-item under the agenda item “Human rights questions” and to allocate it to the Third (Social, Humanitarian and Cultural) Committee. The Third Committee discussed the report. No action was taken under the sub-item. On 18 December ([decision 57/536], the Assembly took note of the Committee’s report ([A/57/556/Add.5]) pertaining to the High Commissioner’s report.

Appointment. On 23 July, the General Assembly approved the appointment by the Secretary-General ([A/56/109]) of Sergio Vieira de Mello (Brazil) as United Nations High Commissioner for Human Rights for a four-year term, beginning on 12 September 2002 and ending on 11 September 2006 ([decision 56/323]).

Commission action. On 12 April [res. 2002/2], the Commission, in a resolution on strengthening OHCHR, called on the High Commissioner to take into account the relevant General Assembly and Commission resolutions in planning OHCHR activities and to reflect them in her annual reports. It called on her to emphasize the promotion and protection of economic, social and cultural rights; strengthen the management structure of the Office; provide information on cooperation with other UN bodies and with Governments; and inform States about financial contributions and appeals, including the status and use of all voluntary, particularly earmarked, contributions to the OHCHR budget. The High Commissioner was asked to inform Member States about all aspects of follow-up, and preparation of, annual appeals, and to submit information pursuant to the Commission’s resolution in her annual report.

Report of Secretary-General. In a September report on strengthening the United Nations ([A/57/987 & Corr.1]), the Secretary-General called on the High Commissioner to develop and implement a plan, in cooperation with the United Nations Development Group and the Executive
Committee for Humanitarian Affairs, for strengthening human rights–related UN actions at the country level; to consult with treaty bodies on streamlined reporting procedures and to submit recommendations by September 2003; to review the special procedures for investigations and report by September 2003 on how to enhance their effectiveness and improve support provided through them; and to develop a plan on strengthening management, taking into account the management review conducted by the Office of Internal Oversight Services (below) and to report by March 2005.

OIOS review
In accordance with General Assembly resolution 56/253 [YUN 2001, p. 1297], the Secretary-General, by an October note [A/57/488], transmitted the report of the UN Office of Internal Oversight Services (OIOS) on the management review of OHCHR, which concluded that three problems needed to be addressed. First, there had been a steady expansion of activities driven largely by an extemporaneous accumulation of new mandates, reaction to emergencies and decisions responding to various requests. The High Commissioner needed to develop a strategy that could guide priority choices in substantive activities, servicing functions, technical cooperation and field presence. Second, the OHCHR organizational structure had evolved largely in an ad hoc manner and had become unwieldy; it needed to be streamlined and made more functional, with clear and effective reporting lines. Lastly, the management of the Office needed to become more consistent and coherent. OIOS presented a series of actions to improve the functioning of OHCHR, with which the Secretary-General and the High Commissioner concurred.

Composition of staff

Commission action. On 25 April [res. 2002/80], by a recorded vote of 36 to 14, with 3 abstentions, the Commission, expressing concern that no progress had been made in implementing resolutions on the composition of OHCHR staff and that one region accounted for more than half the posts and more posts than the four remaining regional groups combined, called for action to change the prevailing geographical distribution of the staff. It asked the Secretary-General to ensure that attention was paid to recruiting personnel from developing countries. The Commission requested the High Commissioner to correct the current imbalance and to report in 2003 on the composition of staff, measures to improve the current situation and their results, and recommendations to improve the situation. It requested the Joint Inspection Unit to review OHCHR’s management and administration and to report in 2004. Annexed to the Commission’s resolution was a staffing table of OHCHR posts by geographical distribution for 2000, 2001 and 2002.

ECONOMIC AND SOCIAL COUNCIL ACTION
On 25 July, the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/2002/25], adopted decision 2002/272 by recorded vote (31-18-2) [agenda item H (g)].

Composition of the Staff of the Office of the United Nations High Commissioner for Human Rights
At its 39th plenary meeting, on 25 July 2002, the Economic and Social Council, taking note of Commission on Human Rights resolution 2002/80 of 25 April 2002, endorsed the Commission’s decision to request the Joint Inspection Unit to undertake a comprehensive review of the management and administration of the Office of the United Nations High Commissioner for Human Rights, in particular with regard to its impact on the recruitment policies and the composition of the staff, and to submit a report thereon to the Commission at its sixtieth session containing concrete proposals for the implementation of Commission resolution 2002/80.

RECORDED VOTE ON DECISION 2002/272:
In favour: Angola, Argentina, Bahrain, Benin, Bhutan, Brazil, Burkina Faso, Burundi, Chile, China, Costa Rica, Cuba, Egypt, El Salvador, Ethiopia, Ghana, India, Iran, Libyan Arab Jamahiriya, Nepal, Nigeria, Pakistan, Peru, Qatar, Russian Federation, South Africa, Sudan, Suriname, Uganda, Ukraine, Zimbabwe.

Against: Andorra, Australia, Austria, Finland, France, Georgia, Germany, Hungary, Italy, Japan, Malta, Netherlands, Republic of Korea, Romania, Spain, Sweden, United Kingdom, United States.

Abstaining: Croatia, Mexico.

Annual Appeal 2002
The overall target for the 2002 Annual Appeal amounted to $55.8 million, an increase of $2 million over 2001. During the year, some 70 donors pledged $40 million, compared to $34.7 million in 2001. The carry-over of funds available for implementation totalled $36.8 million. Implementation levels remained high in 2002, with expenditures amounting to $42.8 million, although a number of activities were underfunded by year’s end.
Strengthening action to promote human rights

Report of Secretary-General. Pursuant to General Assembly resolution 56/153 [YUN 2001, p. 582], the Secretary-General, in September [A/57/385], submitted the proposals of one Member State to strengthen UN action in human rights through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Third Committee [A/57/556/Add.2 & Corr.1-3], adopted resolution 57/203 without vote [agenda item 109 (b)].

Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

Taking this General Assembly,

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,

Desiring of achieving further progress in international cooperation to promote and encourage respect for human rights and fundamental freedoms,

Considering that such international cooperation should be based on the principles embodied in international law, especially the Charter of the United Nations, as well as the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Deeply concerned that United Nations action in this field should be based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them, in strict compliance with the purposes and principles of the Charter and for the basic purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Recalling its previous resolutions in this regard,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, as affirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,

Affirming the importance of the objectivity, independence and discretion of the special rapporteurs and representatives on thematic issues and on countries, as well as of the members of the working groups, in carrying out their mandates,

Underscoring the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially the Charter, as well as various international instruments in the field of human rights,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity;

2. Reaffirms that it is a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. Calls upon all Member States to base their activities for the promotion and protection of human rights, including the development of further international cooperation in this field, on the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant international instruments, and to refrain from activities that are inconsistent with that international framework;

4. Considers that international cooperation in this field should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

5. Reaffirms that the promotion, protection and full realization of all human rights and fundamental freedoms, as a legitimate concern of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

6. Requests all human rights bodies within the United Nations system, as well as the special rapporteurs and representatives, independent experts and working groups, to take duly into account the contents of the present resolution in carrying out their mandates;

7. 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;

8. Stresses, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events of all countries;

9. Invites Member States to consider adopting, as appropriate, within the framework of their respective legal systems and in accordance with their obligations under international law, especially the Charter, and international human rights instruments, the measures that they may deem appropriate to achieve further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms;

10. Requests the Commission on Human Rights to take duly into account the present resolution and to
consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity;

11. Takes note of the report of the Secretary-General, and requests the Secretary-General to invite Member States to present practical proposals and ideas that would contribute to the strengthening of United Nations action in the field of human rights, through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity, and to submit a comprehensive report on this question to the General Assembly at its fifty-eighth session.

12. Decides to consider this matter at its fifty-eighth session under the item entitled "Human rights questions".

On 20 December, the Assembly decided that human rights questions remained for consideration during its resumed fifty-seventh (2003) session (decision 57/585).

International cooperation and promotion of dialogue

On 26 April [res. 2002/86], the Commission, by a recorded vote of 40 to none, with 13 abstentions, called on Member States, specialized agencies and intergovernmental organizations to carry out a constructive dialogue and consultations to enhance human rights promotion and protection, and encouraged NGOs to contribute. States and relevant UN human rights mechanisms and procedures were invited to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Third Committee (A/57/556/Add.2 & Corr.1-3), adopted resolution 57/224 without vote [agenda item 109 (b)].

Enhancement of international cooperation in the field of human rights

The General Assembly,

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,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000 and its resolution 56/199 of 19 December 2001, and taking note of Commission on Human Rights resolution 2002/86 of 26 April 2002 on the enhancement of international cooperation in the field of human rights,

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

Recognizing 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,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field, and recalling its decision to proclaim the year 2001 as the United Nations Year of Dialogue among Civilizations, as well as its resolution 56/6 of 9 November 2001, entitled "Global Agenda for Dialogue among Civilizations",

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

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

Recalling the adoption of resolution 2000/22 of 18 August 2000, entitled "Promotion of dialogue on human rights issues", by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,

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

2. Also reaffirms that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of several conferences and meetings at the national, regional and international levels on dialogue among civilizations;

3. 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;

4. Reaffirms the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

5. 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 fundamental freedoms;

6. 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 set out in the Charter;
7. 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 protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;
8. 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;
9. Decides to continue its consideration of this question at its fifty-eighth session.

At the same meeting, the Assembly, also on the recommendation of the Third Committee [A/57/556/Add.2 & Corr.1-3], adopted resolution 57/217 by recorded vote (19-54-15) [agenda item 109 (b)].

Respect for the purposes and principles contained in the Charter of the United Nations or to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character

The General Assembly,
Recalling that, in accordance with Article 56 of the Charter of the United Nations, all Member States have pledged themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55, including universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,
Recalling also 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,
Recalling also the Declaration of the United Nations, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Elimination of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the International Convention on the Protection of the Rights of All Children, the Declaration of.science and the struggle against apartheid, and the African Union Declaration on Human Rights and Fundamental Freedoms; and
Recalling the various Articles of the Charter setting out the respective powers and functions of the General Assembly, the Economic and Social Council, the Security Council and the International Court of Justice, in the framework for the achievement of the purposes of the United Nations,
Recalling the commitment of all States to cooperate fully, through constructive dialogue, to ensure the promotion and protection of all human rights and fundamental freedoms for all without distinction as to race, sex, language or religion;
Recalling further the various Articles of the Charter setting out the respective powers and functions of the General Assembly, the Economic and Social Council, the Security Council, the International Court of Justice, the Secretariat, the United Nations Conference on Trade and Development, the United Nations Commission on Human Rights, the United Nations Office on Drugs and Crime, the United Nations Children’s Fund, the United Nations Industrial Development Organization, the United Nations Food and Agriculture Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations International Children’s Emergency Fund, the United Nations Conference onTrade and Development, the United Nations Conference on the Law of the Sea, the United Nations Environment Programme, the United Nations Development Programme, the United Nations Office for Project Services, the United Nations High Commissioner for Refugees, the United Nations International Fund for Agricultural Development and the United Nations Industrial Development Organization, and in the context of the application of international law, in particular those of international human rights and humanitarian law,
Tak ing into account that, in accordance with Article 103 of the Charter, in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail,
Recalling all its previous resolutions on the question, including its resolution 56/152 of 19 December 2001,
1. Reiterates the solemn commitment of all States to enhance international cooperation in the field of human rights and in the solution to international problems of a humanitarian character in full compliance with the Charter of the United Nations, inter alia, by the strict observance of all the purposes and principles set forth in Articles 1 and 2 thereof;
2. Stresses the vital role of the work of United Nations and regional arrangements, acting consistently with the purposes and principles enshrined in the Charter, in promoting and encouraging respect for human rights and fundamental freedoms, as well as in solving international problems of a humanitarian character, and affirms that all States, in these activities, must fully comply with the principles set forth in Article 2 of the Charter, in particular respecting the sovereign equality of all States and refraining from the threat or use of force against the territorial integrity or political independence of any State, or acting in any other manner inconsistent with the purposes of the United Nations;
3. Reaffirms that the United Nations shall promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion;
4. Calls upon all States to cooperate fully, through constructive dialogue, to ensure the promotion and protection of all human rights for all and in promoting peaceful solutions to international problems of a humanitarian character and, in their actions towards that purpose, to comply strictly with the principles and norms of international law, inter alia, by fully respecting international human rights and humanitarian law;
5. Requests the Secretary-General to bring the present resolution to the attention of Member States, organs, bodies and other components of the United Nations system, and intergovernmental and non-governmental organizations, and to disseminate it as widely as possible;

6. Decides to consider this question at its fifty-eighth session under the item entitled “human rights questions”.

RECORDED VOTE ON RESOLUTION 57/217:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, São Tomé and Príncipe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Armenia, Austria, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovenia, Slovakia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States, Yugoslavia.

Abstaining: Argentina, Brazil, Chile, Fiji, Guatemala, Latvia, Madagascar, Nauru, Peru, Philippines, Saint Vincent and the Grenadines, Singapore, Thailand, Tonga, Uruguay.

Right to promote and protect human rights

Human rights defenders

Reports of Special Representative. A February report [E/ CN.4/2002/106] of the Secretary-General’s Special Representative on human rights defenders, Hina Jilani (Pakistan), described her activities, discussed pressing issues and summarized urgent appeals and communications sent to and received from Governments in 2001 regarding alleged human rights violations targeting human rights defenders. During the year under review, she sent a total of 161 communications to Governments, of which 134 were urgent appeals and 27 allegation letters. A large number of communications were sent jointly with other thematic mechanisms, particularly the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture, the Special Rapporteur on freedom of opinion and expression, the Chairman-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on violence against women, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and the Special Rapporteur on the sale of children, child prostitution and child pornography. The Special Representative also joined with country mechanisms, in particular the Special Rapporteurs dealing with the situations in the Democratic Republic of the Congo, Iran, the Sudan and the former Yugoslavia.

Of the 161 communications sent, 118 related to violations committed against human rights defenders in their capacity as members of NGOs. Human rights defenders had also been targeted in their professional capacity, including human rights lawyers (32), trade unionists (22), indigenous rights activists (20) and journalists (11). The majority of cases featured in the communications concerned human rights defenders who had been subjected to sustained campaigns of harassment and intimidation (88), followed by their arrest, detention (8)—with or without charges—prosecution, conviction and imprisonment on spurious charges, and by killings (34), disappearances (10), assassination attempts (8) and torture or other ill-treatment (7). As for the perpetrators, of the 161 communications sent, 53 concerned police officers directly responsible for abusing the rights of human rights defenders. With respect to women human rights defenders or women’s organizations, 70 of the 161 communications concerned them. Information received following the terrorist attacks of 11 September 2001 [YUN 2001, p. 60] led the Special Representative to conclude that there was a danger that some Governments might be using the war on terrorism as a pretext to infringe human rights and to clamp down on human rights defenders.

The Special Representative concluded that human rights defenders continued to face serious violations of their rights throughout the world and in States with widely different political systems. Information received by her indicated a direct connection between the severity of human rights violations and the militarization of States through military governance or resort to military means as a response to security concerns. Impunity had become one of the most serious human rights problems and directly affected the security of human rights defenders. In her recommendations, the Special Representative proposed that Governments increase their tolerance of criticism, eliminate impunity, adopt measures to ensure the enjoyment of human rights and freedoms, and improve the environment for human rights promotion and the protection of human rights defenders in accordance with the 1998 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to promote and protect human rights.

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Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the General Assembly in resolution 53/144 [YUN 1998, p. 608]. She also recommended ensuring the independence of national human rights institutions, creating or strengthening defenders’ coalitions, national and regional networks, monitoring groups and support groups that could provide safe haven to defenders who were threatened, convening regional consultations with human rights defenders, organizing thematic consultations on women human rights defenders and on defenders of the rights of indigenous peoples, and the dissemination of the 1998 Declaration.

The Special Representative visited Guatemala (26 May–1 June) [E/CN.4/2003/104/Add.2] to study and evaluate the situation of human rights defenders, the conditions under which they pursued their activities and the degree of respect for the rights enshrined in the 1998 Declaration. Although the State had adopted positive measures to improve the human rights situation, the Special Representative expressed deep concern at the deteriorating human rights situation and the consequent effects on the security of human rights defenders. She was particularly disappointed by the performance of the Congress with regard to the adoption of laws to improve human rights protection, strengthen the rule of law and democratic institutions, and eliminate impunity. The Special Representative observed that the most basic rights of human rights defenders had been violated in recent years and were rarely investigated, noted allegations concerning police and military involvement in attacks against human rights defenders, and received credible accounts of the involvement of clandestine structures and groups, allegedly linked to State institutions, in many of the attacks. She recommended implementation of all peace agreements (see p. 243) and urged the Government to ensure the independence of bodies and institutions created to deal with corruption, impunity and threats against human rights defenders, to gain the trust of civil society and to discourage tendencies among public officials to view human rights defenders as adversaries.

By a July note [A/57/182], the Secretary-General transmitted a report of the Special Representative summarizing the outcome of regional consultations she had attended in Africa, Asia, Latin America and the Middle East and the Euro-Mediterranean region since the beginning of her mandate in 2000 [YUN 2000, p. 604]. She noted that human rights defenders were often unable to seek redress for violations of their rights through national forums or institutions. Impunity, though not widespread, was the most serious violation committed against defenders. A widespread problem was the use of national security legislation against them for their human rights activities. During consultations in all regions, defenders expressed the concern that, in many countries, national laws regulating the functioning of association imposed a wide range of restrictive conditions on the management, operation and financing of NGOs. The fact that many defenders had to flee their countries reflected the extreme nature of persecution they had experienced or feared; the problem seemed especially grave in Africa. Nonetheless, she said, the relocation of defenders at risk was only a temporary solution. Human rights defenders working on women’s rights needed the support of democracy movements, trade unions and other sectors engaged in the struggle to attain social and economic rights.

On 18 December, the General Assembly took note of the report (decision 57/533).

Commission action. On 25 April [res. 2002/70], the Commission, condemning human rights violations against human rights defenders, urged States to take action, consistent with the 1998 Declaration, to eliminate those violations. Governments were urged to cooperate with the Special Representative, and concerned UN agencies and organizations and the Secretary-General were asked to assist her.

General Assembly action

On 18 December [meeting 77], the General Assembly, on the recommendation of the Third Committee [A/57/556/Add.2 & Corr.1-3], adopted resolution 57/209 without vote [agenda item 109 (b)].

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Recalling its resolution 53/144 of 9 December 1998, by which it 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,

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,
Promoting human rights and human responsibilities

[UN 2001, p. 587], Special Rapporteur Miguel Alfonso Martínez (Cuba) submitted a preliminary report on human rights and human responsibilities [E/CN.4/2002/107 & Corr.1]. He set out the basic scope of his report, defined some of the terms used in it and explained the rationale for focusing his research on specifying the duties (or responsibilities) that each individual had towards the community in which he or she lived, referred to in the Universal Declaration of Human Rights, adopted by the General Assembly in resolution 217 A (III) [YUN 1948-49, p. 525], and in the final common preambular paragraph of the 1966 International Covenants on Human Rights, adopted by Assembly resolution 2200 A (XXI) [YUN 1966, pp. 419 & 423].

The Special Rapporteur also examined a declaration adopted in 1997 by the United Nations Educational, Scientific and Cultural Organization (UNESCO), as well as instruments adopted by regional intergovernmental organizations. He described teachings on the subject of some of the major religions and presented the opinions of NGOs and views of some leading subject specialists. Referring to previous studies on the subject [YUN 1989, p. 87] based on questionnaires on the individual’s duties/responsibilities to the community/society sent to Member States, the Special Rapporteur proposed a text to be sent to Member States and relevant non-governmental...
bodies, in order to canvass a wider range of opinion.

Commission action. On 25 April [dec. 2002/10], the Commission, by a recorded vote of 33 to 14, with 6 abstentions, took note of the Special Rapporteur’s report.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July, the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/2002/25], adopted decision 2002/277 by recorded vote (29-19-5) [agenda item 14 (g)].

Human rights and human responsibilities

At its 40th plenary meeting, on 25 July 2002, the Economic and Social Council, taking note of Commission on Human Rights decision 2002/110 of 25 April 2002, decided to request the Special Rapporteur, Mr. Miguel Alfonso Martínez, to submit to the Commission at its fifty-ninth session his final report on the study requested by the Commission in its resolution 2000/63 of 26 April 2000, and to request again the Secretary-General to grant the Special Rapporteur all the necessary assistance to make it possible for him to fulfil his mandate properly, in particular by facilitating the field missions he considers it necessary to carry out in 2002 in Africa, Asia and Europe.

RECORDED VOTE ON DECISION 2002/277:

In favour: Angola, Bahrain, Benin, Bhutan, Burkina Faso, Burundi, Chile, China, Cuba, Egyon, El Salvador, Ethiopia, Fiji, Ghana, India, Iran, Libyan Arab Jamahiriya, Mexico, Nepal, Nigeria, Pakistan, Qatar, Russian Federation, South Africa, Sudan, Suriname, Uganda, Zimbabwe.

Against: Andorra, Australia, Austria, Croatia, Finland, France, Georgia, Germany, Hungary, Italy, Japan, Malta, Netherlands, Romania, Spain, Sweden, Ukraine, United Kingdom, United States.

Abstaining: Argentina, Cameroon, Costa Rica, Peru, Republic of Korea.

Other aspects

Good governance

On 25 April [res. 2002/76], the Commission requested the High Commissioner, using extra-budgetary funding and working jointly with the United Nations Development Programme (UNDP), to convene a seminar before the Commission’s 2003 session on practical approaches and activities that had been effective in strengthening good governance practices for promoting human rights at the national level. It also asked her to invite States, national human rights institutions, relevant UN and other relevant international bodies and NGOs to attend the seminar, and to report in 2003.

Human rights instruments

General aspects


Human rights treaty bodies

In accordance with General Assembly resolution 55/90 [YUN 2000, p. 607], the Secretary-General transmitted the report of the chairpersons of the human rights treaty bodies on their fourteenth meeting (Geneva, 24-26 June) [A/57/399 & Corr.1]. The meeting considered follow-up to the recommendations of the thirteenth meeting of chairpersons [HRI/MC/2002/2] held in 2001 [YUN 2001, p. 587]; recent developments relating to the work of the treaty bodies; the status of the OHCHR 2002 Annual Appeal (see p. 615) and the 2002-2004 programme to support human rights organs and treaty bodies; national-level implementation of treaty body recommendations, particularly cooperation with UN departments, specialized agencies, funds, programmes and mechanisms, national human rights institutions and NGOs; strengthening support to and enhancing the effectiveness of the treaty bodies [HRI/ MC/2002/Misc.1]; an informal consultation with States on working methods of the treaty bodies [HRI/ MC/2002/Misc.2]; and the fourth joint meeting with the ninth meeting of special rapporteurs/representatives, experts and chairpersons of
working groups of the special procedures of the Commission and of the advisory services programme [HR/MC/2002/Misc.3, HR/MC/2002/Misc.4]. The chairpersons adopted recommendations on their work methods.

The first inter-committee meeting of the human rights treaty bodies was held (Geneva, 26-28 June) [HR/ICM/2002/3] to consider their methods of work and reservations of States parties to the human rights treaties, as the chairpersons had decided in 2001 [YUN 2001, p. 588]. It had before it a background document on methods of work relating to the State reporting process [HR/ICM/2002/2 & Corr.1]. Among other things, the meeting agreed that no actors should receive concluding observations before the State party concerned. Participants discussed a wide range of possibilities for further cooperation and collaboration between treaty bodies. The idea of systematically sharing concluding observations among all committees, as well as other means of information sharing, received support. The meeting adopted recommendations addressed to State parties, the treaty bodies, NGOs and the United Nations. It proposed that the second inter-committee meeting convene in two years to discuss issues outstanding from the first meeting, recommendations of that meeting and a substantive theme such as non-discrimination.

**Reports of Secretary-General.** The Commission had before it a report of the Secretary-General [E/CN.4/2002/10] on the effective implementation of international human rights instruments, which reviewed measures to ensure financing, adequate staff and information resources for the operation of the human rights treaty bodies. The report also remarked on the need to update the Manual on Human Rights Reporting [HR/PUB/98/1Rev.1].

As requested in General Assembly resolution 55/90 [YUN 2001, p. 607], the Secretary-General, in an October report [A/57/476], noted progress made on the effective implementation of international human rights instruments. He said he had requested the High Commissioner to consult with treaty bodies on new, streamlined reporting procedures and to report to him in 2003.

**Commission action.** On 26 April [res. 2002/85], the Commission requested the Secretary-General to provide adequate resources in respect of each treaty body and called on him to seek in the next biennium the resources from the UN regular budget necessary to give the treaty bodies adequate administrative support and better access to technical expertise and relevant information. The Commission asked the Secretary-General to report in 2004.

**Subcommission action.** On 15 August [dec. 2002/115], the Subcommission on the Promotion and Protection of Human Rights decided to request Emmanuel Decaux (France) to submit in 2003 a working paper on issues and modalities for the effective universality of international human rights treaties.

On the same date [res. 2002/31 B], the Commission regretted the Secretary-General’s decision to charge a fee from users of the online version of the United Nations Treaty Series [YUN 1997, p. 1570] and invited him to ensure, particularly in the area of human rights, free access to all non-commercial users, as well as to Subcommission members and treaty bodies. It asked the High Commissioner to consider means to ensure that non-commercial users had free access to the online version.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 77], the General Assembly, on the recommendation of the Third Committee [A/57/556/Add.1], adopted resolution 57/202 without vote [agenda item 109 (a)].

**Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights**

The General Assembly,

Recalling its resolution 55/90 of 4 December 2000, as well as other relevant resolutions, and taking note of Commission on Human Rights resolution 2002/85 of 26 April 2002,

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

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

Reaffirming the contribution of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted pursuant to their respective treaties,

Reiterating its concern about the lack of adequate resources, which impedes the effective functioning of the human rights treaty bodies,

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

Recalling also the initiatives taken by a number of human rights treaty bodies to elaborate early warning measures and urgent procedures, within their man-
dates, with a view to preventing the occurrence or recurrence of serious human rights violations.

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

(a) Promoting the effective functioning of the periodic reporting by States parties to those instruments,
(b) Securing sufficient financial, human and information resources for the Office of the United Nations High Commissioner for Human Rights to enable the human rights treaty bodies to carry out their mandates effectively, including in regard to their ability to work in the applicable working languages,
(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks,
(d) Addressing questions of reporting obligations and financial implications when elaborating any further instruments on human rights,

1. Takes note with appreciation of the report of the Secretary-General and the reports of the persons chairing the human rights treaty bodies on their thirteenth and fourteenth meetings, held at Geneva from 18 to 22 June 2001 and from 24 to 26 June 2002 respectively, and also takes note of the conclusions and recommendations contained in the reports;

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

3. Welcomes the holding of the first inter-committee meeting of the human rights treaty bodies, from 26 to 28 June 2002, to discuss issues of common concern, including issues relating to the methods of work of the treaty bodies, and encourages those bodies to continue this practice in future on an annual basis;

4. Encourages the persons chairing the human rights treaty bodies to continue to invite representatives of States parties to participate in a dialogue within the framework of their meetings, and welcomes broad participation by States parties in the dialogue;

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

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

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

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

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

7. Welcomes the efforts by the human rights treaty bodies and the States parties, with the assistance of the Secretary-General and the High Commissioner, to improve the effectiveness of the treaty body system, and encourages them to continue to examine ways of further improving its effectiveness, inter alia, by streamlining and otherwise improving reporting procedures;

8. Also welcomes the initiative taken by certain human rights treaty bodies to set page limitations for the initial and periodic reports of States parties, and encourages other treaty bodies to consider setting page limitations;

9. Requests each State party to update its core document, incorporating as necessary material common to its multiple reports to the human rights treaty bodies;

10. Comments on the recent efforts by the human rights treaty bodies, with the assistance of the Office of the High Commissioner, to improve the petition system and to reduce the backlog;

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

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

(b) To assist States to implement their obligations under such instruments, including the preparation of their initial reports;

12. Calls upon the Office of the High Commissioner and the Division for the Advancement of Women of the Department of Economic and Social Affairs of the Secretariat to enhance awareness of the availability of technical assistance for States parties;

13. Welcomes, in this respect, the first regional pilot workshop for dialogue on the concluding observations of the Human Rights Committee, held at Quito from 27 to 29 August 2002;

14. Encourages the human rights treaty bodies and the Office of the High Commissioner to continue to identify specific possibilities for technical assistance to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties, and encourages States parties to consider carefully the concluding observations of the treaty bodies in identifying their needs for technical assistance;
15. Invites States parties that have not yet submitted their initial reports pursuant to United Nations human rights instruments to avail themselves, where necessary, of technical assistance for this purpose;

16. Welcomes the efforts to eliminate the backlog of reports on the implementation by States parties of United Nations instruments on human rights and the progress made in ensuring timely consideration of reports of the human rights treaty bodies;

17. Reiterates its concern about the large number of overdue reports on the implementation by States parties of certain United Nations instruments on human rights, and:
   (a) Urges States parties to make every effort to meet their reporting obligations;
   (b) Welcomes the efforts made by certain human rights treaty bodies to consider the situations of some States parties with overdue reports;
   (c) Welcomes new initiatives by certain human rights treaty bodies actively to follow up concluding observations and comments with States parties, including through the appointment of one of their members as rapporteur for follow-up;

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

19. Welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and encourages the specialized agencies and other United Nations bodies, the various organs of the Commission on Human Rights, including its special procedures, the Subcommission on the Promotion and Protection of Human Rights, the Office of the High Commissioner and the persons chairing the human rights treaty bodies to continue to explore specific measures to improve further the quality of their work, including by:
   (1) Improving communication and information flow so as to improve the quality of their work, including by avoiding unnecessary duplication;

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

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

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

23. Requests the Secretary-General to submit to the General Assembly at its fifty-ninth session the reports of the persons chairing the human rights treaty bodies on their periodic meetings, and to report to it at the same session on measures taken to implement the present resolution and obstacles to its implementation, on measures to encourage technical cooperation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the treaty bodies;

24. Decides to consider this question on a priority basis at its fifty-ninth session under the item entitled “Human rights questions”.

Reservations to human rights treaties


Commission action. On 25 April [dec. 2002/111], the Commission, reaffirming its 2001 decision [YUN 2001, p. 589], requested the Subcommission to continue to keep in mind the work on reservations to human rights treaties under way in the International Law Commission (see p. 154).


Universal Declaration of Human Rights

On 18 December, the General Assembly, considering that 2003 would mark the fifty-fifth anniversary of the Universal Declaration of Human Rights, adopted by Assembly resolution 217 A (III) [YUN 1948-49, p. 555], requested the Secretary-General to make arrangements for the awarding of human rights prizes on 10 December 2003, in accordance with Assembly resolution 2217 A (XXI) [YUN 1966, p. 457] (decision 57/534).

Covenant on Civil and Political Rights and Optional Protocols

Accessions and ratifications

As at 31 December 2002, the number of parties to the International Covenant on Civil and Political Rights and the Optional Protocol thereto, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, p. 425], rose to 149 and 104, respectively. Djibouti and Eritrea acceded to the
Covenant, and Djibouti, Mexico and South Africa acceded to the Optional Protocol.

The Second Optional Protocol, aiming at the abolition of the death penalty, adopted by the Assembly in resolution 44/128 [YUN 1989, p. 484], was ratified or acceded to by Djibouti, Lithuania and South Africa, bringing the total number of States parties to 49 as at 31 December.

On 25 April [res. 2002/78], the Commission, appealing to States that had not done so to become parties to the Covenant and to accede to the Optional Protocols, asked the Secretary-General to report in 2003 and 2004 on their status.

Implementation

Monitoring body. The Human Rights Committee, established under article 28 of the Covenant, held three sessions in 2002: its seventy-fourth from 18 March to 5 April in New York, and its seventy-fifth from 8 to 26 July [A/57/40, vol. I] and its seventy-sixth from 14 October to 1 November [A/58/40, vol. I], both in Geneva. A working group met before each session to make recommendations regarding communications received under the Optional Protocol, prepare lists of issues regarding States parties’ reports before the Committee and consider presentations by NGOs.

In 2002, the Committee considered reports from nine States—Egypt, Georgia, Hungary, New Zealand, the Republic of Moldova, Sweden, Togo, Viet Nam and Yemen—under article 40 of the Covenant. The Committee applied for the first time a new procedure to a non-reporting State, the Gambia, by examining measures taken by the country to give effect to the rights recognized in the Covenant, without a report and in the absence of a delegation from the State party.

Subsequently, it examined the situation in Suriname, in the absence of a report but in the presence of a delegation. The Committee held a meeting with States parties on 24 October to focus on the Committee’s procedure for dealing with non-reporting States and its experience with the consideration of country situations in the absence of a report and a delegation; and the establishment of country report task forces for lists of issues and the examination of reports. The meeting also addressed difficulties encountered by States parties in meeting their reporting obligations and procedures for following up on concluding observations. The Committee adopted views on communications from individuals claiming that their rights under the Covenant had been violated, and decided that other such communications were inadmissible. Those views and decisions were annexed to the Committee’s reports [A/57/40, vol. II; A/58/40, vol. II].

OHCHR and Ecuador organized the first pilot workshop for dialogue on the concluding observations of the Committee (Quito, Ecuador, 27–29 August) [HRI/TB/FU/1], which emphasized the importance of follow-up to the Committee’s recommendations made in its concluding observations, and the obligation of each State party to ensure that they were implemented.

Peru notified other States parties of the declaration of a state of emergency in June in Arequipa province for a 30-day period. Colombia notified other States parties of two decrees adopted in August, declaring a state of internal disturbance throughout the national territory and introducing a special tax to meet expenditures under the country’s general budget to maintain democratic security. A further decree, in November, extended the state of internal disturbance.

A first reading of the draft of a general comment on article 2 of the Covenant on rights and obligations of States parties was concluded.

The twenty-first meeting of States parties to the Covenant (New York, 9 September) [CCPR/SP/58 & Add.1-3] was held to elect nine Committee members to replace those whose terms were due to expire on 31 December.

Covenant on Economic, Social and Cultural Rights

Accessions and ratifications

As at 31 December 2002, there were 146 parties to the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, p. 491]. During the year, Djibouti acceded to the Covenant.

On 22 April [res. 2002/24], the Commission called on States to consider signing and ratifying, and the States parties to implement, the Covenant. On 25 April [res. 2002/78], it asked the Secretary-General to report in 2003 and 2004 on the Covenant’s status.

Draft optional protocol

Report of independent expert. Independent expert Hatem Kotrane (Tunisia) reported in February [E/CN.4/2002/57] on a draft optional protocol to the Covenant. Having studied the draft, which would grant individuals or groups the right to submit communications regarding non-compliance with the Covenant [YUN 1996, p. 577], the report of a 2001 workshop on the justiciability of economic, social and cultural rights [YUN 2001, p. 590] and comments of States, intergovernmental-
The question of the nature and scope of States parties’ obligations under the Covenant;
(ii) Conceptual issues on the justiciable of economic, social and cultural rights, with particular reference to the experience gained in recent years from the application of universal, regional and national human rights instruments and mechanisms;
(iii) The question of the benefits and the practicability of a complaint mechanism under the Covenant and the issue of complementarity between different mechanisms;
(b) To establish, at the fifty-ninth session of the Commission, an open-ended working group of the Commission with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

Subcommission action. On 14 August [res. 2002/14], the Subcommission urged the Commission to mandate the working group to proceed with drafting a substantive text of an optional protocol in 2003.

Implementation

Monitoring body. The Committee on Economic, Social and Cultural Rights held its twenty-eighth (29 April–17 May) and twenty-ninth sessions (11–29 November), both in Geneva [E/2003/22]. The Committee’s pre-sessional, five-member working group met in Geneva for five days to identify issues to be discussed with reporting States.


In 2002, the Committee examined reports under articles 16 and 17 of the Covenant submitted by Benin, the Czech Republic, Estonia, Georgia, Ireland, Poland, Slovakia, Solomon Islands, Trinidad and Tobago, and the United Kingdom, the Crown Dependencies and the Overseas Dependent Territories.

On 13 May, the Committee held a day of general discussion on the equal right of men and women to the enjoyment of economic, social and cultural rights, as enshrined in article 3 of the Covenant. On 14 May, it held a meeting, organized in cooperation with UNESCO, on follow-up to the Committee’s day of general discussion on the right to education [YUN 1998, p. 67] and to the
World Education Forum, held in 2000 [YUN 2000, p. 1081].

On 26 November, the Committee adopted general comment No. 15 on the right to water covered in articles 11 and 12 of the Covenant.

Annexed to the Committee’s report were a May statement to the Commission on Sustainable Development acting as the Preparatory Committee for the World Summit on Sustainable Development (see p. 824), and a joint statement of the Committee and the Special Rapporteurs on economic, social and cultural rights on the Millennium Development Goals [YUN 2000, p. 51] and economic, social and cultural rights, adopted by the Committee in November.

**Commission action.** On 22 April [res. 2002/24], the Commission encouraged the Committee to continue efforts to promote, protect and fully realize the rights enshrined in the Covenant.

**Convention against racial discrimination**

**Accessions and ratifications**

As at 31 December 2002, the number of parties to the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in resolution 2106 A (XX) [YUN 1965, p. 440], rose to 165, with ratification by San Marino and Turkey and accession by Equatorial Guinea and Honduras.

On 25 April [res. 2002/68], the Commission, by a recorded vote of 37 to 11, with 5 abstentions, urged States that had not done so to accede to or ratify the Convention and to ratify the amendment to article 8 (see p. 629). States parties that had not done so were urged to consider making the declaration provided for in article 14 (see below).

The Secretary-General reported on the status of the Convention as at 1 July [A/57/351]. On 18 December, the Assembly took note of the report and urged States that had not become parties to ratify or accede to the Convention with a view to achieving universal ratification by 2005 (resolution 57/195).

**Implementation**

**Monitoring body.** The Committee on the Elimination of Racial Discrimination (CERD), established under article 8 of the Convention, held its sixtieth and sixty-first sessions, both in Geneva, from 4 to 22 March and from 5 to 25 August, respectively [A/57/18].

The Committee considered reports and information submitted by 24 States parties—Armenia, Austria, Belgium, Botswana, Canada, Costa Rica, Croatia, Denmark, Estonia, Fiji, Hungary, Jamaica, Liechtenstein, Lithuania, Mali, New Zealand, Qatar, the Republic of Moldova, Saint Vincent and the Grenadines, Senegal, Solomon Islands, Switzerland, Turkmenistan and Yemen—on measures they had taken to implement the Convention, and summarized its members’ views on each country report and the statements made by the States parties concerned.

Under article 14 of the Convention, CERD considered communications from individuals or groups of individuals claiming violation of their rights enumerated in the Convention by a State party. Forty-one States parties had recognized CERD’s competence to do so (Algeria, Australia, Austria, Azerbaijan, Belgium, Brazil, Bulgaria, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Luxembourg, Malta, Mexico, Monaco, Netherlands, Norway, Peru, Poland, Portugal, Republic of Korea, Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, The former Yugoslav Republic of Macedonia, Ukraine, Uruguay, Yugoslavia).

In accordance with article 15, the Committee was empowered to consider petitions, reports and other information relating to Trust and Non-Self-Governing Territories. The Committee noted, as it had in the past, the difficulty in fulfilling its functions as the documents did not include petitions and contained scant information directly related to the Convention’s principles and objectives. The Committee requested the appropriate information.

The Committee considered follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance [YUN 2001, p. 615] and adopted, in March, general recommendation XXVIII on the subject. Following a thematic discussion in August on descent-based discrimination, the Committee adopted general recommendation XXIX on article 1, paragraph 1 (descent).

In a March decision [dec. 1660], CERD, noting its review of the Convention’s implementation by Papua New Guinea under the early warning procedure, stated that the State party had not resumed its dialogue with the Committee. It urged Papua New Guinea to submit its periodic report and additional information about the situation in Bougainville and decided to consider the situation in March 2003. In a further decision [dec. 2(60)], CERD requested that of one of its sessions in 2003 or 2004 be held in New York in order to examine the reports of States parties that encountered difficulties in attending meetings in Geneva. It asked the General Assembly to imple-
ment the decision, taking into account an explanatory note attached to the decision.

In August [A/57/333], the Secretary-General reported that States parties’ arrears outstanding to the Committee as at 1 July totalled $172,043. As at 31 December, 36 States parties had accepted an amendment to article 8 of the Convention regarding the financing of CERD [YUN 1992, p. 741]. The amendment was to enter into force when accepted by a two-thirds majority of States parties.

A meeting of States parties (New York, 17 January) [CERD/S/P/63 & Add.1] considered the biographical data of candidates for elections to replace nine Committee members whose terms were to expire on 19 January.

GENERAL ASSEMBLY ACTION

On 27 March, the General Assembly, by decision 56/466, took note of CERD’s report on its 2001 sessions. On 18 December [meeting 77], the Assembly, on the recommendation of the Third Committee [A/57/554], adopted resolution 57/194 without vote [agenda item 107].

INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and its resolutions on the status of the International Convention on the Elimination of All Forms of Racial Discrimination, most recently its resolution 55/81 of 4 December 2000,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, in particular section II.B of the Declaration, relating to equality, dignity and tolerance,

Reiterating the need to intensify the struggle to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance throughout the world,

Welcoming the affirmation that universal adherence to and full implementation of the Convention are of paramount importance for promoting equality and non-discrimination in the world, as stated in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,

Reiterating the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Mindful of the importance of the contributions of the Committee to the effective implementation of the Convention and to the efforts of the United Nations to combat racism, racial discrimination, xenophobia and related intolerance, as well as all other forms of discrimination based on race, colour, descent or national or ethnic origin,

Noting that the reports submitted by States parties under the Convention contain, inter alia, information about the causes of, as well as measures to combat, contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations, and reiterating its deep concern that the amendment to the Convention has not yet entered into force,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

I

REPORTS OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

1. Takes note of the reports of the Committee on the Elimination of Racial Discrimination on its fifty-eighth and fifty-ninth and its sixtieth and sixty-first sessions;

2. Commends the Committee for its continuing efforts to contribute to the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, especially the examination of reports under article 9 and action on communications under article 14 of the Convention, which contribute to the fight against racism, racial discrimination, xenophobia and related intolerance;

3. Calls upon States parties to fulfil their obligation, under article 9, paragraph 1, of the Convention, to submit their periodic reports on measures taken to implement the Convention in due time;

4. Expresses its concern about the fact that a great number of reports are overdue and continue to be overdue, in particular initial reports, which constitutes an obstacle to the full implementation of the Convention;

5. Encourages States parties to the Convention whose reports are seriously overdue to avail themselves of the advisory services and technical assistance that the Office of the United Nations High Commissioner for Human Rights can provide, upon their request, for the preparation of the reports;

6. Commends the Committee for its continuing contribution to the prevention of racism, racial discrimination, xenophobia and related intolerance, and welcomes its relevant action thereon;

7. Encourages the Committee to continue to contribute fully to the implementation of the Third Decade to Combat Racism and Racial Discrimination and its revised Programme of Action, including by continuing to cooperate and exchange information with United Nations bodies and mechanisms and intergovernmental organizations, in particular with the Subcommission on the Promotion and Protection of Human Rights and with the Special Rapporteur of the Commission on Human Rights on contemporary
forms of racism, racial discrimination, xenophobia and related intolerance, as well as with non-governmental organizations;
8. Encourages States parties to continue to include a gender perspective in their reports to the Committee, and invites the Committee to take into account a gender perspective in the implementation of its mandate;
9. Expresses its appreciation to the Committee for its valuable participation in and contributions to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including its preparatory process;
10. Invites the Committee to consider the relevant provisions of the Durban Declaration and Programme of Action in the discharge of its mandate;

II Financial situation of the Committee on the Elimination of Racial Discrimination
1. Takes note of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;
2. Expresses its profound concern about the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination have not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfill their outstanding financial obligations under article 8, paragraph 6, of the Convention;
3. Strongly urges States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992, endorsed by the General Assembly in its resolution 47/111 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;
4. Requests the Secretary-General to continue to ensure adequate financial arrangements and to provide the necessary support, including an adequate level of Secretariat assistance, to ensure the functioning of the Committee and to enable it to cope with its increasing amount of work;
5. Also requests the Secretary-General to invite those States parties to the Convention that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its fifty-ninth session;

III Status of the International Convention on the Elimination of All Forms of Racial Discrimination
1. Takes note of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;
2. Expresses its satisfaction at the number of States that have ratified the Convention or acceded thereto, which now stands at one hundred and sixty-five;
3. Reaffirms once again its conviction that ratification of or accession to the Convention on a universal basis and the implementation of its provisions are necessary for the realization of the objectives of the Third Decade to Combat Racism and Racial Discrimination and for the implementation of the commitments undertaken under the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;
4. Urges all States that have not yet become parties to the Convention to ratify it or accede to it as a matter of urgency, with a view to achieving universal ratification by 2005;
5. Urges States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible so as to ensure that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international treaty law, to review their reservations on a regular basis with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention or that are otherwise incompatible with international treaty law;
6. Requests the States parties to the Convention that have not yet done so to consider making the declaration provided for in article 14 of the Convention;
7. Decides to consider, at its fifty-ninth session, under the item entitled “Elimination of racism and racial discrimination”, the reports of the Committee on the Elimination of Racial Discrimination on its sixty-second and sixty-third and its sixty-fourth and sixty-fifth sessions, the report of the Secretary-General on the financial situation of the Committee and the report of the Secretary-General on the status of the Convention.

The Committee retained paragraph 10 by a recorded vote of 154 to 2, with 2 abstentions, as did the Assembly by 168 votes to 2.

Convention against torture

Accessions and ratifications
As at 31 December 2002, 132 States were parties to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in resolution 39/46 [YUN 1984, p. 813]. Ireland ratified the Convention and Djibouti, Equatorial Guinea, the Holy See and Mongolia acceded to it. Forty-six parties had made the required declarations under articles 21 and 22 (under which a party recognized the competence of the Committee against Torture to receive and consider communications to the effect that a party claimed that another was not fulfilling its obligations under the Convention, and to receive communications from or on behalf of individuals who claimed to be victims of a violation of the Convention by a State party) and four had made the declaration only under article 21 and three under article 22. Amendments to articles 17 and 18, adopted in 1992 [YUN 1992, p. 755], had been accepted by 25 States parties as at year’s end.
On 22 April [res. 2002/38], the Commission urged States to become parties to the Convention and to limit the extent of their reservations. It invited all ratifying or acceding States that had not done so to make the declarations provided for in articles 21 and 22 and to consider withdrawing their reservations to article 20. The Secretary-General was requested to continue to report annually on the status of the Convention.

The Secretary-General reported on the status of the Convention as at 1 July [A/57/400] and 13 December [E/CN.4/2003/60]. On 18 December, the General Assembly took note of the former report (decision 57/533).

**Draft optional protocol**

**Working group activities.** The open-ended working group on a draft optional protocol to the Convention, intended to establish a system of regular visits to places of detention, at its tenth session (Geneva, 14-25 January) [E/CN.4/2002/78], made efforts to reach consensus on a proposed text introduced by the Chairperson-Rapporteur, which was annexed to the group’s report, as was an alternative text introduced by the United States. Previous proposals annexed to the group’s report included the original text proposed by Costa Rica in 1991 [YUN 199, p. 555], the text of articles which constituted the outcome of the second reading in 1996 [YUN 1996, p. 580], 1997 [YUN 1997, p. 604] and 1998 [YUN 1998, p. 620], and proposed new and revised articles submitted by Sweden on behalf of the European Union (EU) in 2001 [YUN 2001, p. 935]. Mexico stated that it did not insist on an alternative text, also annexed to the group’s report, which it had presented in 2001 [ibid.] with the support of the group of Latin American countries.

**Commission action.** On 22 April [res. 2002/33], the Commission, by a recorded vote of 29 to 10, with 14 abstentions, adopted the text of the Chairperson-Rapporteur (see above) and recommended its adoption by the Economic and Social Council and the General Assembly (see below).

**ECONOMIC AND SOCIAL COUNCIL ACTION**

On 24 July [meeting 58], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/2002/23], adopted resolution 2002/27 by recorded vote (35-8-10) [agenda item 11 (g)].

**Draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

The Economic and Social Council:

Taking note of Commission on Human Rights resolution 2002/33 of 22 April 2002, in which the Commission adopted the text of the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, relating to the creation of a mechanism for visits to places of detention in order to prevent torture,

1. **Expresses its appreciation to the Commission on Human Rights for the adoption of the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**

2. **Adopts** the draft optional protocol contained in the annex to Commission resolution 2002/33;

3. **Recommends** to the General Assembly that it adopt the draft optional protocol contained in the annex.

**Recorded vote on resolution 2002/27:**

In favour: Andorra, Angola, Argentina, Austria, Bahrain, Benin, Brazil, Burkina Faso, Burundi, Chile, Costa Rica, Croatia, El Salvador, Fiji, Finland, France, Georgia, Germany, Ghana, Guatemala, Hungary, Italy, Malta, Mexico, Netherlands, Peru, Republic of Korea, Romania, South Africa, Spain, Suriname, Sweden, Uganda, Ukraine, United Kingdom, against: Australia, China, Cuba, Egypt, Japan, Libyan Arab Jamahiriya, Nigeria, Sudan.

Abstaining: Bhutan, Cameroon, Ethiopia, India, Nepal, Pakistan, Qatar, Russian Federation, United States, Zimbabwe.

Prior to the Council’s adoption of the resolution, the United States introduced an amendment [E/2002/L.25], which was rejected by a recorded vote of 29 to 15, with 8 abstentions. The amendment would have recommended that the Assembly convene an intersessional working group to continue to consider the draft optional protocol, taking into consideration concerns about the text and the process connected to it, and to report to the Assembly.

**General Assembly action**

On 18 December [meeting 77], the General Assembly, on the recommendation of the Third Committee [A/57/556/Add.1], adopted resolution 57/199 by recorded vote (127-4-42) [agenda item 199 (a)].

**Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and all its subsequent relevant resolutions,

Reaffirming that freedom from torture is a right that must be protected under all circumstances,

Considering that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, firmly declared that efforts to eradicate torture should first and foremost be concentrated on prevention and called for the early adoption of an optional protocol to the
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, intended to establish a preventive system of regular visits to places of detention.

Welcoming the adoption of the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by the Commission on Human Rights in its resolution 2002/35 of 22 April 2002 and by the Economic and Social Council in its resolution 2002/27 of 24 July 2002, in which the Council recommended to the General Assembly the adoption of the draft optional protocol,

1. Adopts the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment contained in the annex to the present resolution, and requests the Secretary-General to open it for signature, ratification and accession at United Nations Headquarters in New York from 1 January 2003;

2. Calls upon all States that have signed, ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to sign and ratify or accede to the Optional Protocol.

ANNEX

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Preamble

The States Parties to the present Protocol,

Reaffirming that torture and other cruel, inhuman or degrading treatment or punishment are prohibited and constitute serious violations of human rights,

Convinced that further measures are necessary to achieve the purposes of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Convention) and to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that articles 2 and 16 of the Convention oblige each State Party to take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction,

Recognizing that States have the primary responsibility for implementing those articles, that strengthening the protection of people deprived of their liberty and the full respect for their human rights is a common responsibility shared by all and that international implementing bodies complement and strengthen national measures,

Recalling that the effective prevention of torture and other cruel, inhuman or degrading treatment or punishment requires education and a combination of various legislative, administrative, judicial and other measures,

Recalling also that the World Conference on Human Rights firmly declared that efforts to eradicate torture should first and foremost be concentrated on prevention and called for the adoption of an optional protocol to the Convention, intended to establish a preventive system of regular visits to places of detention,

Convinced that the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention,

Have agreed as follows:

Part I

General principles

Article 1

The objective of the present Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Article 2

1. A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (hereinafter referred to as the Subcommittee on Prevention) shall be established and shall carry out the functions laid down in the present Protocol.

2. The Subcommittee on Prevention shall carry out its work within the framework of the Charter of the United Nations and shall be guided by the purposes and principles thereof, as well as the norms of the United Nations concerning the treatment of people deprived of their liberty.

3. Equally, the Subcommittee on Prevention shall be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity.

4. The Subcommittee on Prevention and the States Parties shall cooperate in the implementation of the present Protocol.

Article 3

Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism).

Article 4

1. Each State Party shall allow visits, in accordance with the present Protocol, by the mechanisms referred to in articles 2 and 3 to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment.

2. For the purposes of the present Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

Part II

Subcommittee on Prevention

Article 5

1. The Subcommittee on Prevention shall consist of ten members. After the fiftieth ratification of or acces-
to the present Protocol, the number of the members of the Subcommittee on Prevention shall increase to twenty-five.

2. The members of the Subcommittee on Prevention shall be chosen from among persons of high moral character, having proven professional experience in the field of the administration of justice, in particular criminal law, prison or police administration, or in the various fields relevant to the treatment of persons deprived of their liberty.

3. In the composition of the Subcommittee on Prevention due consideration shall be given to equitable geographic distribution and to the representation of different forms of civilization and legal systems of the States Parties.

4. In this composition consideration shall also be given to balanced gender representation on the basis of the principles of equality and non-discrimination.

5. No two members of the Subcommittee on Prevention may be nationals of the same State.

6. The members of the Subcommittee on Prevention shall serve in their individual capacity, shall be independent and impartial and shall be available to serve the Subcommittee on Prevention efficiently.

**Article 6**

Each State Party may nominate, in accordance with paragraph 2 of the present article, up to two candidates possessing the qualifications and meeting the requirements set out in article 5, and in doing so shall provide detailed information on the qualifications of the nominees.

2. (a) The nominees shall have the nationality of a State Party to the present Protocol; (b) At least one of the two candidates shall have the nationality of the nominating State Party; (c) No more than two nationals of a State Party shall be nominated; (d) Before a State Party nominates a national of another State Party, it shall seek and obtain the consent of that State Party.

3. At least five months before the date of the meeting of the States Parties during which the elections will be held, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall submit a list, in alphabetical order, of all persons thus nominated, indicating the States Parties that have nominated them.

**Article 7**

1. The members of the Subcommittee on Prevention shall be elected in the following manner:

(a) Primary consideration shall be given to the fulfillment of the requirements and criteria of article 5 of the present Protocol; (b) The initial election shall be held no later than six months after the entry into force of the present Protocol; (c) The States Parties shall elect the members of the Subcommittee on Prevention by secret ballot;

2. The members of the Subcommittee on Prevention shall be elected for a term of four years. They shall be eligible for re-election once if renominated. The term of half the members elected at the first election shall expire at the end of two years; immediately after the first election the names of those members shall be chosen by lot by the Chairman of the meeting referred to in article 7, paragraph 1 (d).

3. In the composition of the Subcommittee on Prevention, the candidates possessing the qualifications and meeting the requirements set out in article 5, taking into account the need for a proper balance among the various fields of competence, shall serve until the next meeting of the States Parties, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

**Article 8**

If a member of the Subcommittee on Prevention dies or resigns, or for any cause can no longer perform his or her duties, the State Party that nominated the member shall nominate another eligible person possessing the qualifications and meeting the requirements set out in article 5, taking into account the need for a proper balance among the various fields of competence, to serve until the next meeting of the States Parties.

3. The Secretary-General of the United Nations shall address a letter to the States Parties present and voting.

1. The Subcommittee on Prevention shall elect its officers for a term of two years. They may be re-elected.

2. The Subcommittee on Prevention shall elect a quorum; (b) Decisions of the Subcommittee on Prevention shall be made by a majority vote of the members present;

(c) The Subcommittee on Prevention shall meet in camera.

3. The Secretary-General of the United Nations shall convene the initial meeting of the Subcommittee on Prevention. After its initial meeting, the Subcommittee on Prevention shall meet at such times as shall be provided by its rules of procedure. The Subcommittee on Prevention and the Committee against Tor-
In order that they may, without delay, make the necessary practical arrangements for the visits to be conducted.

3. The visits shall be conducted by at least two members of the Subcommittee on Prevention. These members may be accompanied, if needed, by experts of demonstrated professional experience and knowledge in the fields covered by the present Protocol who shall be selected from a roster of experts prepared on the basis of proposals made by the States Parties, the Office of the United Nations High Commissioner for Human Rights and the United Nations Centre for International Crime Prevention. In preparing the roster, the States Parties concerned shall propose no more than five national experts. The State Party concerned may oppose the inclusion of a specific expert in the visit, whereupon the Subcommittee on Prevention shall propose another expert.

4. If the Subcommittee on Prevention considers it appropriate, it may propose a short follow-up visit after a regular visit.

**Article 14**

1. In order to enable the Subcommittee on Prevention to fulfill its mandate, the States Parties to the present Protocol undertake to grant it:

(a) Unrestricted access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;

(b) Unrestricted access to all information referring to the treatment of those persons as well as their conditions of detention;

(c) Subject to paragraph 2 below, unrestricted access to all places of detention and their installations and facilities;

(d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the Subcommittee on Prevention believes may supply relevant information;

(e) The liberty to choose the places it wants to visit and the persons it wants to interview;

2. Objection to a visit to a particular place of detention may be made only on urgent and compelling grounds of national defence, public safety, natural disaster or serious disorder in the place to be visited that temporarily prevent the carrying out of such a visit. The existence of a declared state of emergency as such shall not be invoked by a State Party as a reason to object to a visit.

**Article 15**

No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the Subcommittee on Prevention or to its delegates any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

**Article 16**

1. The Subcommittee on Prevention shall communicate its recommendations and observations confidentially to the State Party and, if relevant, to the national preventive mechanism.

2. The Subcommittee on Prevention shall publish its report, together with any comments of the State Party concerned, whenever requested to do so by that
State Party. If the State Party makes part of the report public, the Subcommittee on Prevention may publish the report in whole or in part. However, no personal data shall be published without the express consent of the person concerned.

3. The Subcommittee on Prevention shall present a public annual report on its activities to the Committee against Torture.

4. If the State Party refuses to cooperate with the Subcommittee on Prevention according to articles 12 and 13, or to take steps to improve the situation in the light of the recommendations of the Subcommittee on Prevention, the Committee against Torture may, at the request of the Subcommittee on Prevention, decide, by a majority of its members, after the State Party has had an opportunity to make its views known, to make a public statement on the matter or to publish the report of the Subcommittee on Prevention.

Part IV
National preventive mechanisms

Article 17
Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions.

Article 18
1. The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel.
2. The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country.
3. The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms.
4. When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status of national institutions for the promotion and protection of human rights.

Article 19
The national preventive mechanisms shall be granted at a minimum the power:
(a) To regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;
(b) To make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;
(c) To submit proposals and observations concerning existing or draft legislation.

Article 20
In order to enable the national preventive mechanisms to fulfil their mandate, the States Parties to the present Protocol undertake to grant them:
(a) Access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;
(b) Access to all information referring to the treatment of those persons as well as their conditions of detention;
(c) Access to all places of detention and their installations and facilities;
(d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the national preventive mechanism believes may supply relevant information;
(e) The liberty to choose the places they want to visit and the persons they want to interview;
(f) The right to have contacts with the Subcommittee on Prevention, to send it information and to meet with it.

Article 21
1. No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.
2. Confidential information collected by the national preventive mechanism shall be privileged. No personal data shall be published without the express consent of the person concerned.

Article 22
The competent authorities of the State Party concerned shall examine the recommendations of the national preventive mechanism and enter into a dialogue with it on possible implementation measures.

Article 23
The States Parties to the present Protocol undertake to publish and disseminate the annual reports of the national preventive mechanisms.

Part V
Declaration

Article 24
1. Upon ratification, States Parties may make a declaration postponing the implementation of their obligations under either part III or part IV of the present Protocol.
2. This postponement shall be valid for a maximum of three years. After due representations made by the State Party and after consultation with the Subcommittee on Prevention, the Committee against Torture may extend that period for an additional two years.

Part VI
Financial provisions

Article 25
1. The expenditure incurred by the Subcommittee on Prevention in the implementation of the present Protocol shall be borne by the United Nations.
2. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Subcommittee on Prevention under the present Protocol.

Article 26
1. A Special Fund shall be set up in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the financial regulations and rules of the United Nations, to help finance the implementation of the recommendations made by the Subcommittee on Prevention after a visit to a State Party, as well as education programmes of the national preventive mechanisms.

2. The Special Fund may be financed through voluntary contributions made by Governments, intergovernmental and non-governmental organizations and other private or public entities.

Part VII
Final provisions

Article 27
1. The present Protocol is open for signature by any State that has signed the Convention.

2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol of the deposit with the Secretary-General of the United Nations of the twentieth instrument of accession.

6. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

7. Any new matter regarding that State.

Article 34
1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference under the auspices of the United Nations, any amendment adopted by a majority of two thirds of the States Parties present and voting at the conference shall be submitted by the Secretary-General of the United Nations to all States Parties for acceptance.

2. An amendment adopted in accordance with paragraph 1 of the present article shall come into force when it has been accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment that they have accepted.

Article 35
Members of the Subcommittee on Prevention and of the national preventive mechanisms shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions. Members of the Subcommittee on Prevention shall be accorded the
privileges and immunities specified in section 22 of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, subject to the provisions of section 23 of that Convention.

**Article 36**

When visiting a State Party, the members of the Subcommittee on Prevention shall, without prejudice to the provisions and purposes of the present Protocol and such privileges and immunities as they may enjoy:

(a) Respect the laws and regulations of the visited State;

(b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

**Article 37**

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States.

**RECORDED VOTE ON RESOLUTION 57/199:**

In favour: Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Barbados, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jordan, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Lebanon, Lesotho, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Uganda, Ukraine, United Kingdom, Uruguay, Vanuatu, Venezuela, Yemen, Yugoslavia, Zambia, Zimbabwe.

Abstaining: Algeria, Australia, Bahamas, Bangladesh, Belize, Bhutan, Brunei Darussalam, Cameroon, China, Cuba, Djibouti, Egypt, Ethiopia, Grenada, Guyana, India, Jamaica, Japan, Kenya, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mauritania, Myanmar, Nepal, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Singapore, Somalia, Sudan, Syrian Arab Republic, Thailand, Togo, Tunisia, United Republic of Tanzania, Uzbekistan, Viet Nam.

In the Committee, on 5 November, the United States introduced an amendment [A/C.3/57/L.39], which would have replaced paragraph 1 of article 25 of the draft optional protocol with a text that said all expenses for the implementation of the protocol would be borne exclusively by the States parties and that they should reimburse the United Nations for any expenses it incurred; the amendment was rejected by a recorded vote of 98 to 11, with 43 abstentions. On 7 November, a motion by Japan to defer action on the draft text for 24 hours was rejected by a recorded vote of 85 to 12, with 43 abstentions.

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**Implementation**

**Monitoring body.** The Committee against Torture, established as a monitoring body under the Convention, held its twenty-eighth and twenty-ninth sessions in Geneva from 29 April to 17 May [A/57/44] and from 11 to 22 November [A/58/44], respectively. Under article 19, it considered reports submitted by Cyprus, Denmark, Egypt, Estonia, Luxembourg, Norway, the Russian Federation, Saudi Arabia, Spain, Sweden, Uzbekistan and Venezuela.

The Committee, in accordance with article 20, studied confidential information that appeared to contain well-founded indications that torture was systematically practised in a State party to the Convention. Also under article 20, the Committee, after consultations with the State party concerned (Sri Lanka), decided to include a summary account of the results of the proceedings, begun in April 1999, in its April/May report. Under article 22, the Committee considered communications submitted by individuals who claimed that their rights, as enumerated in the Convention, had been violated by a State party and who had exhausted all available domestic remedies.

Following a response of the United Nations Legal Counsel that the Convention was binding on Israel, “as the occupying Power in respect of the Occupied Palestinian Territory”, the Committee held a discussion in May on the situation in that territory in the light of the Convention.

In November, the Committee set up a working group to meet prior to its thirtieth (2003) session to discuss matters relating to the adoption of the Optional Protocol to the Convention.

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**Convention on elimination of discrimination against women and Optional Protocol**

For details on the status of the Convention and on the Optional Protocol, see p. 1156.

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**Convention on the Rights of the Child**

**Accessions and ratifications**

As at 31 December 2002, the number of States parties to the 1989 Convention on the Rights of the Child, adopted by the General Assembly in resolution 44/25 [YUN 1989, p. 560], remained at
The Optional Protocols to the Convention on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, both adopted by the Assembly in resolution 54/263 [YUN 2000, p. 653], were ratified or acceded to by 45 and 44 States parties, respectively. The latter entered into force on 18 January and the former on 12 February.

The Secretary-General reported on the status of the Convention as at 2 July [A/57/295] and 20 November [E/CN.4/2003/76].

An amendment to the Convention to expand the membership of the Committee on the Rights of the Child (CRC) from 10 to 18, approved by the Assembly in resolution 50/155 [YUN 1995, p. 706], had been accepted by 129 States parties in 2002. The amendment, which required acceptance by a two-thirds majority, entered into force on 18 November.

On 26 April [res. 2002/92], the Commission urged States that had not done so to sign and ratify or accede to the Convention and to consider signing and ratifying the Optional Protocols. It called on States parties to implement the Convention and to accept the amendment to expand CRC membership. The Secretary-General was asked to report on the Convention’s status in 2003.

On 18 December, the Assembly urged States that had not done so to sign and ratify or accede to the Convention with a view to achieving universal adherence as soon as possible, and called on States parties to implement it fully (resolution 57/190) (see p. 740). On the same date, the Assembly took note of the Secretary-General’s July report (decision 57/530).

**Implementation**

**Monitoring body.** In 2002, CRC held its twenty-ninth (14 January–1 February) [CRC/C/114], thirtieth (21 May–7 June) [CRC/C/118] and thirty-first (16 September–4 October) [CRC/C/121] sessions, all in Geneva. Each session was preceded by a working group meeting to review State party reports and identify the main questions to be discussed with representatives of the reporting States. The sessions also considered technical assistance and international cooperation.

Under article 44 of the Convention, CRC considered initial or periodic reports from Andorra, Argentina, Bahrain, Belarus, Belgium, Burkina Faso, Chile, Gabon, Greece, Guinea-Bissau, Israel, Lebanon, Malawi, Mozambique, the Netherlands (Netherlands Antilles), the Niger, Poland, the Republic of Moldova, Saint Vincent and the Grenadines, Seychelles, Spain, the Sudan, Switzerland, Tunisia, Ukraine, the United Arab Emirates and the United Kingdom.

In September, the Committee devoted its day of general discussion to the private sector as service provider and its role in implementing child rights.

On 4 October, the Committee adopted general comment No. 2 on the role of national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2).

CRC reports on its twenty-fourth to twentieth sessions were issued in a consolidated report [A/57/41 & Corr.1].

**Commission action.** On 26 April [res. 2002/92], the Commission, welcoming the work in examining progress made by States parties in implementing the Convention and in enhancing awareness of the Convention’s principles and provisions, requested the Secretary-General to ensure the provision of appropriate staff and facilities from the UN regular budget and invited the Committee to continue its constructive dialogue with the States parties.

**Convention on migrant workers**

**Accessions and ratifications**

As at 31 December 2002, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in resolution 45/158 [YUN 2000, p. 594], had been ratified or acceded to by 19 countries—Azerbaijan, Belize, Bolivia, Bosnia and Herzegovina, Cape Verde, Colombia, Ecuador, Egypt, Ghana, Guinea, Mexico, Morocco, the Philippines, Senegal, Seychelles, Sri Lanka, Tajikistan, Uganda and Uruguay—and signed by Bangladesh, Burkina Faso, Chile, the Comoros, El Salvador, Guatemala, Guinea-Bissau, Paraguay, Sao Tome and Principe, Sierra Leone, Togo and Turkey. The Convention was to enter into force three months following the date of deposit of the twentieth instrument of ratification or accession.

The Secretary-General reported on the status of the Convention as at 19 June [A/57/154] and 15 December [E/CN.4/2003/80].

**Commission action.** On 25 April [res. 2002/54], the Commission called on States to sign and ratify or accede to the Convention as a matter of priority. It asked the Secretary-General to make provisions for the timely establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families as provided for by the Convention, and to provide assistance to promote the Convention through the World Public Information Campaign for Human Rights, launched by the General Assembly in resolution 43/128 [YUN 1988, p. 539], and the human rights pro-
Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly

Guided by the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, and reaffirming the obligation of States to promote and protect human rights and fundamental freedoms,

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Recalling that, despite the existence of an already established body of principles and norms, there is an urgent need to make further efforts worldwide to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Conscious of the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Deeply concerned at the grave situation of vulnerability of migrant workers and members of their families,

Considering that, in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia directed against migrant workers by individuals or groups in segments of many societies,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in various parts of the world;

2. Welcomes the signature or ratification of or accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some States, and takes note of the report of the Secretary-General on the status of the Convention;

3. Again calls upon all Member States that have not yet ratified the Convention to consider urgently signing and ratifying or accessioning to it as a matter of priority, expresses the hope that it will enter into force at an early date, and in particular takes into account the fact that, pursuant to article 87 of the Convention, only one more ratification or accession is needed for it to enter into force;

4. Requests the Secretary-General to make all necessary provisions for the timely establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families referred to in article 72 of the Convention, as soon as the Convention enters into force, and calls upon States parties to submit their first periodic reports in due time;

5. Also requests the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

6. Welcomes the increasing activities of the global campaign for the entry into force of the Convention, and invites the organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations to intensify further their efforts with a view to disseminating information on and promoting understanding of the importance of the Convention;

7. Also welcomes the work of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants in relation to the Convention, and encourages her to persevere in this endeavour;

8. Requests the Secretary-General to submit an updated report on the status of the Convention to the General Assembly at its fifty-eighth session;

9. Decides to consider the report of the Secretary-General at its fifty-eighth session under the sub-item entitled “Implementation of human rights instruments”.

Convention on genocide

As at 31 December 2002, 134 States were parties to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly in resolution 260 A (III) [YUN 1948-49, p. 99]. During the year, Trinidad and Tobago acceded to the Convention.
Other activities

Follow-up to 1993 World Conference
Report of High Commissioner. In a February report [E/CN.4/2002/18] on follow-up to the World Conference on Human Rights [YUN 1993, p. 908], the High Commissioner stated that the key to enhancing human security was the pursuit of a comprehensive human rights agenda. The 1993 Vienna Declaration and Programme of Action, adopted by the World Conference, continued to provide all the elements of a comprehensive, universal human rights approach. The tenth anniversary of the Declaration and Programme of Action, in June 2003, would present States with the opportunity to reflect on implementation. Significant progress was made in implementing the 1993 recommendation that States ratify the six core international human rights conventions (see p. 622). The Millennium Declaration, adopted in General Assembly resolution 55/2 [YUN 2000, p. 49], had reinforced the emphasis placed by the Declaration and Programme of Action on the right to development. The High Commissioner highlighted challenges to the establishment of inclusive, participatory and democratic societies identified in the Declaration and Programme of Action, such as the rights of various vulnerable groups, gender-based violence and all forms of sexual exploitation. Addenda to the report described the current and potential use of UN human rights instruments regarding persons with disabilities [E/CN.4/2002/18/Add.1] (see pp. 771, 1091) and OHCHR activities to promote tolerance and pluralism [E/CN.4/2002/18/Add.2] (see p. 684).

Annual meeting. By an August note [E/CN.4/2003/6], the High Commissioner transmitted the report of the ninth meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures and advisory services programme of the Commission (Geneva, 24–28 June), as called for in the Vienna Declaration and Programme of Action. The participants exchanged experiences and information of common concern, particularly with regard to the human rights situation in the aftermath of the 11 September 2001 terrorist attacks in the United States [YUN 2003, p. 60] and the consequent fight against terrorism. The thematic discussion focused on cooperation with other UN organs, in particular the Security Council, bodies in the field and regional organizations. During the thematic discussion, the issue of human rights and corporate responsibility received special attention. The meeting adopted conclusions and recommendations, among them those regarding the organization of its work, the exchange of experiences among special procedures mandate-holders, enhancing the effectiveness of the procedures system and cooperation with human rights treaty bodies.

Tenth anniversary
Subcommission action. On 15 August [res. 2002/31 A], the Subcommission requested States to take stock of their commitment to the universal ratification of international human rights instruments on the occasion of the tenth anniversary of the World Conference in 2003, and, if they had made any reservations when ratifying them, to re-examine those reservations with a view to withdrawing them or limiting their scope.

General Assembly action. On 18 December, the General Assembly decided that in 2003, its plenary meeting on 10 December marking the fifty-fifth anniversary of the Universal Declaration of Human Rights (see p. 625) would also be devoted to the commemoration of the tenth anniversary of the adoption of the Vienna Declaration and Programme of Action, with contributions by Governments, the High Commissioner and relevant UN organs, funds and agencies (decision 57/335).

Advisory services and technical cooperation
A report of the Secretary-General [E/CN.4/2003/112] described the OHCHR technical cooperation programme, which supported countries in promoting and protecting human rights, at their request, by providing assistance for incorporating international human rights standards in national laws, policies and practices or by strengthening national capacities to implement the standards and ensure respect for human rights and the rule of law. The programme offered assistance in a wide range of areas related to national human rights institutions, the administration of justice, assistance for constitutional and legislative reform, national parliaments, the armed forces, electoral assistance, treaty reporting, NGOs and civil society, and the development of training materials. As at 31 October, there were 48 ongoing projects.

In 2002, OHCHR was present in the following countries with a technical cooperation mandate: Azerbaijan, Brazil, Ecuador, Guatemala, Mexico, Mongolia, Nicaragua, Palestine, the Philippines, Somalia, the Sudan, The former Yugoslav Republic of Macedonia, Yemen and the Federal Republic of Yugoslavia (FRY). OHCHR field pres-
quences combined a monitoring and technical cooperation mandate in Bosnia and Herzegovina, Burundi, Cambodia, Colombia, Croatia, the Democratic Republic of the Congo and FYI. Subregional offices were based in Addis Ababa, Ethiopia; Pretoria, South Africa; and Yaoundé, Cameroon (see p. 654). In addition, OHCHR continued to provide technical cooperation in collaboration with the human rights components of UN peace missions in Afghanistan, Angola, the Central African Republic, Georgia (Abkhazia), Guinea-Bissau, Sierra Leone, Tajikistan and Timor-Leste. The programme cooperated with UNDP through the joint Human Rights Strengthening (HURIST) programme, which supported the implementation of UNDP’s policy on human rights as presented in a policy document; HURIST was active in some 30 countries in 2002. The Assisting Communities Together (ACT) project, also jointly carried out with UNDP, aimed at financially supporting human rights initiatives undertaken by NGOs at the grass-roots level; the third phase of the project, expected to be completed by mid-2003, supported some 120 activities.

Technical cooperation activities were funded mainly by the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and partly from the UN regular budget. The Fund’s Board of Trustees, at its seventeenth (3-5 June) and eighteenth (11-13 November) sessions, reviewed 35 new projects and discussed four evaluated projects, among other matters. Expenditure rose from $6 million in 1999 to $9.8 million as at 30 September 2002, while new contributions to the Fund totalled $7 million. A carry-over from previous years allowed OHCHR to implement many of its projects in 2002. As at 30 November, the Fund’s income amounted to $17.8 million for 2002; commitments totalled $14.5 million, leaving a balance of $3.3 million in available funds.

Commission action. On 26 April [res. 2002/87], the Commission called on OHCHR to continue to develop its potential to promote and protect human rights through the programme of advisory services and technical cooperation projects and to accord those activities the highest priority. It also called for a substantial increase in financial resources for the programme. The Secretary-General was requested to ensure efficient management of the Fund, strict and transparent project-management rules and periodic evaluations, and to arrange information meetings open to all Member States and organizations involved; to assist the Fund’s Board; and to report in 2004.

Cambodia

Commission action. On 26 April [res. 2002/89], the Commission expressed grave concern at the continued violations of human rights in Cambodia, the devastating consequences of antipersonnel landmines on society and the substantial number of small arms that still existed in society. The Commission noted with concern the continued problems related to the rule of law, the functioning of the judiciary, prison conditions and child labour. On the positive side, it welcomed the enactment of the Land Law, efforts to demobilize armed forces no longer required to meet defence needs, efforts to conduct polling for February commune elections, progress made in improving the status of women and action to combat HIV/AIDS. The Secretary-General was requested to assist the Government in ensuring human rights protection and adequate resources for the continued functioning of OHCHR/Cambodia and to enable his Special Representative to continue to fulfil his tasks. He was also asked to report in 2003.

Reports of Special Representative. Pursuant to General Assembly resolution 56/169 [YUN 2001, p. 690], the Secretary-General, in September [A/57/230], transmitted a report of his Special Representative for human rights in Cambodia, Peter Leuprecht (Austria), based on his visits to the country (5-11 March, 3-10 June). He noted that Cambodia had made important gains over the past 10 years, with peace leading towards stability and economic betterment. However, corruption, growing poverty, landlessness, political violence and mob violence were gaining ground. The negative phenomena prevented the rule of law from becoming established, prevented fair elections, hobbled economic growth and provided an opportunity for such crimes as human trafficking, money-laundering, prostitution and the trafficking of small arms and illegal narcotics. The Special Representative made recommendations relating to the independence of the judiciary, the prevention of election-related crimes and mob killings, efforts to seek truth and justice with respect to the crimes of the Khmer Rouge, ethnic minority (Montagnard) asylum-seekers from Viet Nam, education and housing.

A further mission of the Special Representative (12-19 November) [E/CN.4/2003/11] focused on the need for judicial reform, prison conditions, land and housing issues, preparations for the 2003 National Assembly elections and the problem of human trafficking. Regarding judicial reform, the court system continued to be plagued by corruption and a lack of independence and impartiality; there continued to be a shortage of lawyers; and impunity continued to
affect the delivery of justice. Steps taken in the right direction were insufficient. The Special Representative began a dialogue with prison authorities, government officials and NGOs on a more humane prison policy for Cambodia. Accused persons were routinely placed in pre-trial detention for long periods of time, even if the crime was very minor, and prisoners were subjected to overcrowding and lacked adequate medical treatment, food and water. Reports indicated that torture and other cruel, inhumane or degrading treatment within prisons had declined. Housing for displaced Cambodians remained an issue of concern, as did trafficking in humans, which occurred both in-country and from and to neighbouring countries. In view of the upcoming elections, considerable amendments were made, in August, to the Law on Election of Members of the National Assembly, which included positive changes but were adopted without much public consultation. As at 30 November, the Special Representative was aware of convictions in 10 of the 17 election-related killings and suspicious deaths recorded before the local elections of 3 February. In his conclusions and recommendations, the Special Representative urged donors and the Government to adopt policies for economic development and poverty reduction that were human rights-based. He noted a need to narrow the communication gap between the Government and NGOs and civil society. Other recommendations related to judicial reform, prevention of mob attacks, prison conditions, elections, land and forestry issues, housing in relocation areas, human trafficking, asylum-seekers and Cambodia’s reporting obligations.

OHCHR/Cambodia

Reports of the Secretary-General covered the role and achievements of OHCHR in assisting the Government of Cambodia in human rights promotion and protection from December 2001 to June 2002 [A/57/277] and from July to December 2002 [E/CN.4/2003/118]. On 18 December, the General Assembly took note of the former report (decision 57/339).

OHCHR/Cambodia continued to monitor the general human rights situation, document specific patterns of human rights violations and investigate complaints of violations; contribute to law-making and efforts to advance legal and judicial reform; implement education and technical assistance and advisory services programmes; and assist NGOs. It gave particular attention to the commune council elections of 3 February through monitoring, reporting, legal assistance and capacity-building. It produced a legislative guidebook and an updated compilation of Cambodian laws. The period from July to December was a phase of transition, which involved closing some programmes and offices and preparing the groundwork for the future.

In February 2002, the Government of Cambodia and the High Commissioner for Human Rights signed a new two-year memorandum of understanding for the implementation of a technical cooperation programme.

Khmer Rouge trials

On 22 November [A/57/626], the Secretary-General, in a letter to the President of the General Assembly, said that if the Assembly adopted the text on Khmer Rouge trials [A/C.5/57/L.70], as proposed by the Third Committee, he would be requested to resume negotiations with the Government on an agreement to establish Extraordinary Chambers within the existing court structure for the prosecution of crimes committed during the period of Democratic Kampuchea. He would ensure that prosecutions and trials before the Chambers complied with established international standards regarding the independence and impartiality of the judiciary, the effectiveness, impartiality and fairness of prosecutors and the integrity and credibility of the legal process. In the report requested by the resolution, the Secretary-General intended to include information on the financing needs of the Chambers, as well as a proposal on the method of funding.

For the implementation of the proposed resolution, the Secretary-General estimated that $44,800 was required to cover the cost of sending a team of experts to Cambodia for a two-week period [A/C.5/57/29]; the Advisory Committee on Administrative and Budgetary Questions recommended that the cost be met from existing resources [A/57/7/Add.22].

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Third Committee [A/57/556/Add.2 & Corr.1-3], adopted resolution 57/225 without vote [agenda item 109 (b)].

Situation of human rights in Cambodia

The General Assembly,
Recalling its resolution 56/169 of 30 December 2001, Commission on Human Rights resolution 2002/89 of 26 April 2002 and previous relevant resolutions,
Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political
Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

Reaffirming that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, and acknowledging that the final collapse of the Khmer Rouge and the continued efforts of the Government of Cambodia have provided the basis for the restoration of peace and stability with the aim of achieving national reconciliation in Cambodia and the investigation and prosecution of the leaders of the Khmer Rouge,

I

Support of and cooperation with the United Nations

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

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

3. Also welcomes the report of the Special Representative, encourages the Government of Cambodia to continue its cooperation at all levels of Government, supports the appeals of the Government and the Special Representative to increase international assistance to Cambodia and to continue working towards the reduction of poverty, and encourages donor countries and other relevant parties to follow up their pledges made at the Consultative Group Meeting on Cambodia, held at Phnom Penh on 29 and 31 June 2002;

4. Further welcomes the signature of the memorandum of understanding in February 2002 by the Government of Cambodia and the Office of the High Commissioner for the extension of the mandate of the office in Cambodia, and encourages the Government to continue to cooperate with the office in their joint efforts to promote human rights;

5. Commends the vital role played by non-governmental organizations in Cambodia, inter alia, in the development of civil society, and encourages the Government of Cambodia to continue to ensure the protection of those human rights organizations and their members and to continue to work closely and cooperatively with them;

II

Administrative, legislative and judicial reform

1. Acknowledges the ratification by Cambodia of the Rome Statute of the International Criminal Court;

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

3. Urges the Government of Cambodia to expedite the adoption of the laws and codes that are essential components of the basic legal framework, including the draft statute on magistrates, a penal code, a code of criminal procedure, a new civil code and a code of civil procedure and to enhance the training of judges and lawyers, and welcomes the opening of the Royal School for Training Judges and Prosecutors and the Centre for Lawyer Training and Professional Improvement of the Bar Association of the Kingdom of Cambodia;

4. Also urges the Government of Cambodia to strengthen its efforts to tackle the problems related to land, and notes with concern the remaining problems of land grabbing, forced evictions and further displacement;

5. Encourages further efforts by the Government of Cambodia to implement expeditiously and effectively its reform programme, including the Governance Action Plan and military reforms, inter alia, the demobilization programme;

6. Welcomes the progress made by the Government of Cambodia to eradicate anti-personnel landmines and to reduce the number of small arms in Cambodia, and encourages the continuing efforts of the Government and the international community to tackle these issues;

7. Expresses serious concern that the situation of impunity still exists in Cambodia, recognizes the commitment and efforts of the Government of Cambodia to respond to this problem, calls upon the Government, as a matter of critical priority, to increase its efforts to investigate urgently and to prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights;

8. Welcomes the progress achieved by the Government of Cambodia in conducting polling for the commune elections in February 2002, encourages the Government to work towards free and fair general elections in July 2003, bearing in mind the serious concerns over acts of intimidation, violence and killings and reports of vote-buying, to investigate fully such acts and to prosecute those responsible, to ensure that similar problems do not occur in connection with the general election and, in particular, to pay close attention to the safety and security of candidates and political activists and to ensure neutrality on the part of State institutions, including an independent national election committee, proper law enforcement and equitable access to all forms of media, including broadcast media, for all parties;

9. Notes with serious concern the prison conditions in Cambodia, notes with interest some important efforts to improve the prison system, recommends the continuation of international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take further measures to improve the conditions of detention, to provide proper
food and health care to prisoners and detainees and to meet the special needs of women and children.

III

Human rights violations and violence

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

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

IV

Protection of women and children

1. Welcomes the progress made in improving the status of women, including the progress made towards the adoption of the law on prevention of domestic violence and protection of victims of domestic violence, and urges the Government of Cambodia to take further appropriate measures to combat violence against women in all its forms and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women, including by seeking technical assistance;

2. Commends the Government of Cambodia for its efforts to combat the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), while remaining concerned about its increasing incidence;

3. Welcomes the series of efforts made by the Government of Cambodia to combat human trafficking, requests the Government and the international community to make concerted efforts comprehensively to address these problems and their underlying causes, while noting with serious concern the growing phenomenon of trafficking in, and sexual exploitation of, women and children;

4. Also welcomes the ratification by the Government of Cambodia of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

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

6. Encourages the efforts of the Government of Cambodia to improve further the health conditions of children and their access to education, to promote free and accessible birth registration and to establish a juvenile justice system;

V

Conclusion

1. Encourages the international community to assist the Government of Cambodia in its efforts to implement the present resolution;

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

3. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-eighth session under the item entitled “Human rights questions”.

On the same date [meeting 77], the Assembly, also on the recommendation of the Third Committee [A/57/256/Add.2 & Corr.1-3], adopted resolution 57/228 A by recorded vote (150-0-30) [agenda item 109 (b)].

Khmer Rouge trials

The General Assembly,

Recalling that the serious violations of Cambodian and international law during the period of Democratic Kampuchea from 1975 to 1979 continue to be matters of vitaly important concern to the international community as a whole,

Recognizing the legitimate concern of the Government and the people of Cambodia in the pursuit of justice and national reconciliation, stability, peace and security,

Recognizing also that the accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Conscious that the opportunity to bring those responsible to justice may soon be lost,

Recalling the request made in June 1997 by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law,

Recalling also its resolution 56/169 of 19 December 2001, taking note of Commission on Human Rights resolution 2002/89 of 26 April 2002, and recalling further previous relevant resolutions,

Welcoming the efforts of, and the substantial progress made by, the Secretary-General and the Government of Cambodia towards the establishment of Extraordinary Chambers within the existing court structure of Cambodia (hereinafter referred to as Extraordinary Chambers), with international assistance, for the prosecution of crimes committed during the period of Democratic Kampuchea,
Welcoming in particular the promulgation of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea, and noting with appreciation the general provisions and competence of the Law and its provision for a role for the United Nations,

Noting the statements of the Secretary-General on 8 February and 20 August 2002 concerning negotiations between the Secretary-General and the Government of Cambodia on the establishment of the Extraordinary Chambers,

Welcoming the subsequent discussions between the Secretary-General and the Government of Cambodia on the establishment of the Extraordinary Chambers,

Welcoming also the Joint Communiqué of the thirty-fifth Ministerial Meeting of the Association of South-East Asian Nations, held in Brunei Darussalam on 29 and 30 July 2002, which, inter alia, expressed support for the continued efforts of the Government of Cambodia to bring the senior leaders of Democratic Kampuchea and those most responsible for serious crimes committed to trial in accordance with international standards of justice, fairness and due process of law, and recognized the need for the Government of Cambodia and the United Nations to cooperate in this regard,

Desiring that the international community continue to respond positively in assisting efforts to investigate the tragic history of Cambodia, including responsibility for past international crimes such as acts of genocide and crimes against humanity committed during the regime of Democratic Kampuchea;

1. Requests the Secretary-General to resume negotiations, without delay, to conclude an agreement with the Government of Cambodia, based on previous negotiations on the establishment of the Extraordinary Chambers consistent with the provisions of the present resolution, so that the Extraordinary Chambers may begin to function promptly;

2. Recommends that the Extraordinary Chambers should have subject-matter jurisdiction consistent with that set forth in the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea;

3. Recommends also that the Extraordinary Chambers should have personal jurisdiction over the senior leaders of Democratic Kampuchea and those who were most responsible for the crimes referred to in paragraph 2 above;

4. Emphasizes that the arrangements for the establishment of Extraordinary Chambers, as devised in particular by the Royal Government of Cambodia, should:
   (a) Include arrangements for an appellate chamber;
   (b) Include arrangements for an appellate chamber; and
5. Also emphasizes the importance of ensuring the impartiality, independence and credibility of the process, in particular with regard to the status and work of the judges and prosecutors;

6. Appeals to the Government of Cambodia to ensure that persons referred to in paragraph 3 above are brought to trial in accordance with international standards of justice, fairness and due process of law, as referred to in paragraph 4 above, and notes the assurances of the Government of Cambodia in this regard;

7. Requests the Secretary-General to report to the General Assembly on the implementation of the present resolution, in particular on his consultations and negotiations with the Government of Cambodia concerning the establishment of the Extraordinary Chambers, no later than ninety days from the date of adoption of the resolution;

8. Also requests the Secretary-General, if necessary, to send a team of experts to Cambodia as may be required for the preparation of his report;

9. Further requests the Secretary-General to include in his report recommendations for the efficient and cost-effective operation of the Extraordinary Chambers, including the amount of voluntary contributions of funds, equipment and services to the Extraordinary Chambers, inter alia, through the offer of expert personnel, that may be needed from States, intergovernmental organizations and non-governmental organizations;

10. Appeals to the international community to provide personnel and financial and other assistance to permit the early establishment and the sustained operation of the Extraordinary Chambers.

RECORDED VOTE ON RESOLUTION 57/228 A:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Côte d’Ivoire, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, France, Gabon, Gambia, Georgia, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nauru, Nicaragua, Nigeria, Oman, Pakistan, Palau, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: None.

Abstaining: Belarus, Belgium, Botswana, Canada, Costa Rica, Croatia, Denmark, Estonia, Finland, Germany, Hungary, Iceland, Ireland, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Namibia, Nauru, Netherlands, New Zealand, Norway, Panama, Republic of Korea, Slovenia, Sweden, Switzerland, United Kingdom.

On 20 December, the Assembly decided that the budget requirements for the above resolution would be met from within existing resources under section 8. Legal affairs, of the programme budget for the biennium 2002-2003 (decision 57/382).

Equatorial Guinea

For information on action taken by the Commission on Human Rights regarding Equatorial Guinea, see p. 779.
Haiti

**Commission action.** In a statement of 26 April [E/2002/23], agreed on by consensus, the Commission Chairman requested independent expert Louis Josnet (France), appointed in March, to report in 2003 on developments in Haiti’s human rights situation and human rights technical cooperation.

On 25 July, the Economic and Social Council approved the request (decision 2002/284).

**Report of independent expert.** The independent expert visited Haiti (22-29 September) [E/CN.4/2003/116] where he held talks with government ministers, members of the legal profession and representatives of civil society, political parties, the press and numerous NGOs. He observed that the greatest violation of human rights for the majority of people was poverty. In addition, the serious, repeated and unpunished violations of civil and political rights not only oppressed individuals but also discouraged local and foreign companies from investing in the country. An indirect consequence of the political situation and of the decline in democracy was the continued freeze on international aid. Citing specific cases of impunity, the expert suggested that the Commission call on the Government to demonstrate its willingness to combat the phenomenon by helping the judicial system to fulfil its task. He recommended action by OHCHR, UNDP and the Organization of American States to promote human rights through training for the judiciary and the police, and a number of measures to combat impunity. The expert stated that the effectiveness of the recommendations depended on the establishment of an OHCHR office, which was desired by practically all NGOs.

Somalia

**Commission action.** On 26 April [res. 2002/88], the Commission, while welcoming a number of positive political and human rights developments in Somalia, condemned widespread violations and abuses of human rights and humanitarian law and acts of violence, such as hostage-taking, abduction and murder. It called on the transitional National Government and the Transitional National Assembly to continue to engage all groups, including the two northern self-administering areas—Somaliland and Puntland. All States and other actors were called on to comply with the arms embargo established by Security Council resolution 753 (1992) [YUN 1992, p. 191], to refrain from any military intervention in the internal situation and to commit themselves to the long-term objective of regional stability. The United Nations, Member States and specialized agencies were asked to support and assist the Intergovernmental Authority on Development in implementing its decisions on Somalia (see p. 196). The High Commissioner was requested to provide for the translation of the Commission’s resolution, together with an explanatory note, into the Somali language for distribution within the country. The Commission decided to extend the independent expert’s mandate for a further year and requested him to report in 2003. The Secretary-General was requested to assist him.

On 25 July, the Economic and Social Council endorsed the Commission’s extension of the expert’s mandate and its request to the High Commissioner (decision 2002/273).

**Report of independent expert.** Independent expert Ghanim Alnajjar (Kuwait) undertook a mission to Kenya and Somalia (26 August–6 September) [E/CN.4/2003/115], including visits to Puntland (Bosasso) and Somaliland (Hargeisa). He described recent political developments (see p. 196) and the human rights situation.

Allegations of massive past human rights violations persisted, and attempts had been made to seek assistance regarding further investigations, notably with respect to alleged mass grave sites. Human rights abuses included violations of the right to life, intentional attacks on UN humanitarian personnel, hostage-taking, pillage, conscription of children under 15, rape and other forms of sexual violence, discrimination against minority groups, the illegal ordering of the displacement of civilians, the denial of due process and the suppression of press freedom. Economic, social and cultural rights were threatened by limited access to quality public health-care services, potable water and sanitation. Other factors limiting such rights were severe food shortages, restricted humanitarian access to vulnerable communities, the closure of a banking company that handled most remittances into Somalia due to suspicion of its links to Al-Qaeda and overfishing and waste dumping in the waters and shores of the country. Women’s and children’s rights were also violated.

The expert was struck by the growing political and clan-based instability in several regions and the attendant deterioration of security conditions, with negative consequences for human rights protection. Nevertheless, he was heartened by progress towards greater political maturity in Somaliland. He expressed concern about the state of internally displaced persons and called for addressing the problem within a human rights framework. With respect to illegal fishing, he called on the international community to set up an agency to protect the fisheries and shores, and reiterated the need for a similar model for
Aviation. Civil society and the media had assumed a vital role in human rights monitoring and other related activities. Regarding the presence of OHCHR in Somalia, the expert recommended a sustained and strengthened field presence beyond 2002; greater independence of the OHCHR presence; and strengthened technical cooperation activities, which included early integration of human rights in pre-peace programmes.

Human rights education


In response to Assembly resolution 56/167 [YUN 2001, p. 606], the Secretary-General transmitted, in August [A/57/323], the High Commissioner’s report on efforts made to implement the Plan of Action by OHCHR, UN agencies and programmes, NGOs and four Member States. The report highlighted the need for Governments to fulfill the commitments made at the international level to develop national strategies for human rights education which were comprehensive, participatory and effective.

Commission action. On 25 April [res. 2002/74], the Commission, welcoming steps taken by Governments, intergovernmental organizations and NGOs to implement the Plan of Action, urged Governments to contribute further to its implementation by: encouraging the establishment of national committees for human rights education responsible for the development of sustainable national plans of action; involving NGOs and community-based organizations in implementing the national plans of action; initiating development of cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance; and supporting and implementing human rights public information campaigns and training programmes. OHCHR was requested to continue to expand the ACT project and consider other ways to support human rights education activities, to develop and submit in 2003 a study on follow-up to the Decade, and to bring the Commission’s resolution to the attention of the international community, relevant intergovernmental organizations and NGOs. The Office was requested to report in 2003 on progress made towards the resolution’s implementation.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Third Committee [A/57/556/Add.2 & Corr.1-3], adopted resolution 57/206 without vote [agenda item 109 (b)].

Human rights education

The General Assembly,
Taking into account Commission on Human Rights resolution 2001/61 of 25 April 2001 regarding the importance of human rights education as a priority in education policies,
Considering Economic and Social Council resolution 2001/38 of 26 July 2001 on human rights education,
Recalling its resolution 56/147 of 19 December 2001 on human rights education,
Convinced that human rights education and information contribute to the concept of development consistent with the dignity of women and men of all ages, which takes into account particularly vulnerable segments of society of all ages, such as children, youth, older persons, indigenous people, minorities, rural and urban poor, migrant workers, refugees, persons with the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and disabled persons,
Considering the importance of human rights education,
Convinced that human rights education is a key to development,
Taking into account the recommendations resulting from the mid-term global evaluation,
1. Invites all Governments to reaffirm their commitments and obligations to develop national strategies for human rights education which are comprehensive, participatory and effective and which can be embodied in a national plan of action for human rights education as part of their national development plans;
3. Invites relevant regional human rights organizations, agencies and networks to develop human rights education programmes and human rights training programmes and strategies for wider distribution of material on human rights education in all possible languages;
4. Recognizes the role that non-governmental organizations play in developing and implementing strategies to assist Governments to integrate human rights education into all levels of education for children, youth and adults;
5. Requests the Secretary-General to submit to the General Assembly at its fifty-eighth session a report on the implementation of the present resolution.

At the same meeting, the Assembly adopted, also on the recommendation of the Third Committee [A/57/356/Add.2 & Corr.1-3], resolution 57/212 without vote [agenda item 109 (b)].


The General Assembly,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling article 26 of the Declaration, in which it is stated that "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms", and recalling the provisions of other relevant international human rights instruments that reflect the aims of the article,

Recalling the high importance attached to human rights education by the World Conference on Human Rights, held in Vienna from 14 to 25 June 1995,

Recalling also the relevant resolutions adopted by the General Assembly and the Commission on Human

Concerning the United Nations Decade for Human Rights Education, 1995-2004,

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

Convinced that every woman, man and child, in order to realize their full human potential, must be made aware of all their human rights and fundamental freedoms,

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

Recognizing that human rights education is essential to the realization of human rights and fundamental freedoms and that carefully designed training, dissemination and information programmes can have a catalytic effect on national, regional and international initiatives to promote and protect human rights and prevent human rights violations,

Convinced that human rights education contributes to a holistic concept of development consistent with the dignity of women and men of all ages, which takes into account particularly vulnerable segments of society, such as children, young persons, older persons, indigenous people, minorities, the rural and urban poor, migrant workers, refugees, persons with the human immunodeficiency syndrome (HIV/AIDS) and disabled persons,

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

Welcoming the holding of the International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination in Madrid from 23 to 25 November 2001,

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

Recognizing the outcomes of the regional conferences on human rights education organized by the United Nations Educational, Scientific and Cultural Organization, held in Turku, Finland, in 1997, in Dakar, Senegal, in 1998, in Pune, India, in 1999, in Rabat, Morocco, in 1999, and in Mexico City, Mexico, in 2001,

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

Aware of the potential role of the private sector in implementing at all levels of society the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004, and the World Public Information Campaign on Human Rights through financial support for governmental and non-governmental activities as well as their own creative initiatives,

Convinced that the effectiveness of existing human rights education and public information activities would be enhanced by better coordination and cooperation at the national, regional and international levels,

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

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

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

Welcoming also other United Nations public information activities in the field of human rights, including the World Public Information Campaign on Human Rights and the implementation of and follow-up to the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights, the project of the United Nations Educational, Scientific and Cultural Organization entitled "Towards a culture of peace", and the Dakar Framework for Action adopted at the World Education Forum, which, inter alia, confirmed the mandated role of the United Nations Educational, Scientific and Cultural Organization in coordinating "Education for All" partners and maintaining their collective momentum within the process of securing quality basic education,

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

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


2. Urges all Governments to promote the development of comprehensive, participatory and sustainable national strategies for human rights education and to establish and strengthen, as a priority in education policies, knowledge of human rights, in both the theoretical dimension and practical application;

3. Welcomes the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004, and to develop public information activities in the field of human rights, as indicated in the report of the High Commissioner;

4. Urges all Governments to contribute further to the implementation of the Plan of Action, in particular by:

   (a) Encouraging the establishment, in accordance with national conditions, of broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, taking into consideration the recommendations of the mid-term global evaluation of the Decade and the guidelines for national plans of action for human rights education developed by the Office of the United Nations High Commissioner for Human Rights;

   (b) Encouraging, supporting and involving national and local non-governmental and community-based organizations in the implementation of their national plans of action;

   (c) Initiating and developing cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance, and supporting and implementing public information campaigns and specific training programmes in the field of human rights, as emphasized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

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

   (a) The establishment of public access human rights resource and training centres to carry out research, including on child and gender-sensitive training of trainers;

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

   (c) The organization of courses, conferences, workshops and public information campaigns and other United Nations public information efforts undertaken by the Office of the High Commissioner to support the further development of the web site of the Office of the High Commissioner in the framework of the Plan of Action;

6. 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;

7. Calls upon Governments, in accordance with national conditions, to accord priority to the dissemination, in the relevant national local and indigenous 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, including information on human rights mechanisms and complaint procedures and reports of States parties submitted under international human rights treaties, and to provide information and education 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;

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

9. Requests the High Commissioner to continue to coordinate and harmonize human rights education and information strategies within the United Nations system, including the implementation of the Plan of Action, in cooperation, inter alia, with the United Nations Educational, Scientific and Cultural Organization, and to ensure maximum effectiveness and efficiency in the collection, use, processing, management and distribution of human rights information and educational materials, including through electronic means;

10. 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;

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

12. Urges the Department of Public Information of the Secretariat to continue to utilize United Nations information centres for the timely dissemination, within their designated areas of activity, of basic information, reference and audio-visual materials on human rights and fundamental freedoms, including the reports of States parties submitted under international human rights instruments and, to that end, to ensure that the information centres are supplied with adequate quantities of those materials;

13. Stresses the need for close collaboration between the Office of the High Commissioner and the Department of Public Information in the implementation of the Plan of Action and the World Public Information Campaign on Human Rights as well as the need to harmonize their activities with those of other international organizations, including with the United Nations Educational, Scientific and Cultural Organization on its project entitled "Towards a culture of peace" and the International Committee of the Red Cross, and relevant non-governmental organizations with regard to the dissemination of information on international humanitarian law;

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


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

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

18. Calls upon international, regional and national non-governmental organizations and intergovernmental organizations, in particular those concerned with children and youth, women, labour, development, food, housing, education, health care and the environment, as well as all other social justice groups, human rights advocates, educators, religious organizations, the private sector and the media, to undertake specific activities of formal, non-formal and informal education, including cultural events, alone and in cooperation with the Office of the United Nations High Commissioner for Human Rights, in implementing the Plan of Action;

19. Welcomes, in that context, initiatives to include civil society, non-governmental organizations, children and youth in national delegations to world conferences, summits and other meetings, as well as the work of non-governmental organizations and intergovernmental agencies in organizing parallel meetings of non-governmental organizations as well as youth satellite meetings, as an important component of human rights education;

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

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

22. Encourages intergovernmental organizations to assist, upon request, collaboration between governmental institutions and non-governmental organizations at the national level;

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

24. Requests the High Commissioner to bring the present resolution to the attention of all members of the international community and of intergovernmental and non-governmental organizations concerned with human rights education and public information and to report to the General Assembly at its fifty-eighth session on the progress made towards the achievement of the objectives of the Decade under the item entitled "Human rights questions".

Children and a culture of peace

Pursuant to General Assembly resolution 56/5 [YUN 2001, p. 609] on the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010), proclaimed in Assembly resolution 53/25 [YUN 1998, p. 659], the Secretary-General transmitted, in July [A/57/186], a report of the UNESCO Director-General covering implementation of the Programme of Action...
on a Culture of Peace, adopted in Assembly resolution 53/243 B [YUN 1999, p. 594]. The report was a preparatory contribution to the Secretary-General’s report, to be submitted in 2005, on the observance of the Decade and on the implementation of the Declaration on a Culture of Peace, adopted in Assembly resolution 53/243 A [ibid., p. 595], and the Programme of Action.

The report described activities carried out by UNESCO with the participation of other UN bodies, Governments and civil society and corresponded to the eight areas of the Programme of Action: fostering a culture of peace through education; promotion of sustainable economic and social development; respect for all human rights; equality between men and women; democratic participation; understanding, tolerance and solidarity; participatory communication and the free flow of information and knowledge; and international peace and security. Regarding formal and non-formal education for a culture of peace, the report recommended a coordinated effort by specialized agencies and UN funds and programmes, with a view to developing a comprehensive strategy for the Decade. It proposed inviting civil society to adopt a distinct programme of activities along the same lines as those undertaken by NGOs in consultative status with UNESCO, which had adopted a Plan of Action for the Decade and invited their members to implement it through national and local branches.

An addendum to the report [A/57/186/Add.1] transmitted information on activities undertaken by the United Nations Children’s Fund and the University for Peace.

GENERAL ASSEMBLY ACTION

On 4 November [meeting 43], the General Assembly adopted resolution 57/6 [draft: A/57/L.9/Rev.1 & Add.1] without vote [agenda item 24].

International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010

The General Assembly,

Bearing in mind the Charter of the United Nations, including the purposes and principles contained therein, and especially the dedication to saving succeeding generations from the scourge of war,

Recalling the Constitution of the United Nations Educational, Scientific and Cultural Organization, which states that, “since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed”,

Recalling also its previous resolutions on a culture of peace, in particular resolution 52/15 of 20 November 1997 proclaiming 2000 as the International Year for the Culture of Peace; resolution 53/25 of 10 November 1998 proclaiming the period 2001-2010 as the International Decade for a Culture of Peace; and resolution 56/5 of 5 November 2001,

Reaffirming the Declaration and Programme of Action on a Culture of Peace, recognizing that they serve, inter alia, as the basis for the observance of the Decade, and convinced that the effective and successful observance of the Decade throughout the world will promote a culture of peace and non-violence that benefits humanity, in particular future generations,

Recalling the United Nations Millennium Declaration, which calls for the active promotion of a culture of peace,


Taking note also of the report of the Secretary-General on the International Decade for a Culture of Peace and Non-Violence for the Children of the World, including paragraph 28 thereof, which indicates that each of the ten years of the Decade will be marked with a different priority theme related to the Programme of Action,

Noting the relevance of the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002, the International Conference on Financing for Development, held in Monterrey, Mexico, from 18 to 22 March 2002, the special session of the General Assembly on children, held in New York from 8 to 10 May 2002, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 7 September 2001, and the United Nations Decade for Human Rights Education, 1995-2004, for the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010, as well as the need to implement, as appropriate, the relevant decisions agreed upon therein,

Recognizing that all efforts made by the United Nations system in general and the international community at large for peacekeeping, peace-building, the prevention of conflicts, disarmament, sustainable development, the promotion of human dignity and human rights, democracy, the rule of law and good governance at the national and international levels contribute greatly to the culture of peace,

Taking into account the “Manifesto 2000” initiative of the United Nations Educational, Scientific and Cultural Organization promoting a culture of peace, which has so far received over seventy-five million signatures of endorsement throughout the world,

Taking note with appreciation of the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the implementation of General Assembly resolution 56/5,

1. Reiterates that the objective of the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010, is to strengthen further the global movement for a culture of peace following the observance of the International Year for the Culture of Peace in 2000;

2. Invites Member States to continue to place greater emphasis on and expand their activities promoting a culture of peace and non-violence, in particular during the Decade, at the national, regional and
international levels and to ensure that peace and non-violence are fostered at all levels;

3. **Commends** the United Nations Educational, Scientific and Cultural Organization for recognizing the promotion of a culture of peace as the expression of its fundamental mandate, and encourages it, as the lead agency for the Decade, to strengthen further the activities it has undertaken for promoting a culture of peace, including the dissemination of the Declaration and Programme of Action on a Culture of Peace and related materials in various languages across the world;

4. **Also commends** the relevant United Nations bodies, in particular the United Nations Children’s Fund, the United Nations Development Fund for Women and the University for Peace, for their activities in further promoting a culture of peace and non-violence, including the promotion of peace education and activities related to specific areas identified in the Programme of Action on a Culture of Peace, and encourages them to continue and further strengthen and expand their efforts;

5. **Encourages** the appropriate authorities to provide education, in children’s schools, that includes lessons in mutual understanding, tolerance, active citizenship, human rights and the promotion of a culture of peace;

6. **Encourages** civil society, including non-governmental organizations, to strengthen its efforts in furtherance of the objectives of the Decade, inter alia, by adopting its own programme of activities to complement the initiatives of Member States, the organizations of the United Nations system and other international and regional organizations;

7. **Encourages** the involvement of the mass media in education for a culture of peace and non-violence, with particular regard to children and young people, including through the planned expansion of the Culture of Peace News Network as a global network of Internet sites in many languages;

8. **Welcomes** the efforts made by the United Nations Educational, Scientific and Cultural Organization to continue the communication and networking arrangements established during the International Year for providing an instant update of developments related to the observance of the Decade;

9. **Invites** Member States to observe 21 September each year as the International Day of Peace, as a day of global ceasefire and non-violence, in accordance with General Assembly resolution 55/282 of 7 September 2001;

10. **Also invites** Member States as well as civil society, including non-governmental organizations, to provide information to the Secretary-General on the observance of the Decade and the activities undertaken to promote a culture of peace and non-violence;

11. **Emphasizes** the significance of the plenary meetings on the item planned for its sixtieth session, and in that regard encourages participation at a high level, and decides to consider, at an appropriate time, the possibility of organizing those meetings as close as possible to the general debate;

12. **Requests** the Secretary-General to submit to the General Assembly at its fifty-eighth session a report on the implementation of the present resolution;

13. **Decides** to include in the provisional agenda of its fifty-eighth session the item entitled “Culture of peace”.

On 20 December, the Assembly decided that the item on a culture of peace remained for consideration during its resumed fifty-seventh (2003) session (**decision 57/583**).

**National institutions and regional arrangements**

**National institutions for human rights promotion and protection**

**Commission action.** On 26 April [res. 2002/83], the Commission welcomed the role of the International Coordinating Committee of National Institutions, in cooperation with OHCHR, in assessing conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights, adopted in General Assembly resolution 48/134 [YUN 1993, p. 899], the establishment of a national institutions web site and the decisions by States to establish such institutions. It asked the Secretary-General to continue to provide assistance to Coordinating Committee meetings and for international and regional meetings of national institutions. He was asked to report in 2003.

**Note by Secretariat.** An April note by the Secretariat [E/CN.4/2002/196] contained the statements of national institutions for the promotion and protection of human rights that could not be delivered orally during the Commission’s general debate.

**Report of Secretary-General.** A December report of the Secretary-General [E/CN.4/2003/106], covering the period from November 2001 to November 2002, described the activities of OHCHR, Governments and national institutions to establish and strengthen national institutions, consultations held by treaty bodies and Commission mechanisms with national institutions, and information regarding the work of national institutions with respect to specific thematic issues.

During the period under review, at the request of Governments, OHCHR provided advice to Afghanistan, Côte d’Ivoire, Denmark, Fiji, Ireland, Japan, Liberia, Mexico, Montenegro, New Zealand, the occupied Palestinian territories, Rwanda, Serbia, Sri Lanka, the Sudan, Switzerland, Thailand, Timor-Leste and the United Kingdom (England, Northern Ireland, Scotland). It also provided information, advice or material support to several national institutions in Australia, Canada, Colombia, Denmark, Ecuador, Fiji, Georgia, Hong Kong, Jamaica, Mexico,
Promotion of human rights

Mongolia, Nepal, New Zealand, Nigeria, the Republic of Moldova, Rwanda, South Africa, Sri Lanka, Thailand, Uganda and Zambia. Within OHCHR, the National Institutions Team, which acted as the International Coordinating Committee’s secretariat, and the Special Adviser on National Institutions worked closely with all branches of the Office. Support was given to other international initiatives, including the Sixth International Conference of National Institutions for the Promotion and Protection of Human Rights, the Rule of Law and Democracy: Perspectives for NGOs (Leipzig, Germany, 12-15 September) and the Special Adviser worked as the International Coordinating Committee’s secretariat, and the Special Adviser on National Institutions participated in the Friedrich Naumann Stiftung Conference on Targeting Human Rights, the Rule of Law and Democracy: Perspectives for NGOs (Leipzig, Germany, 12-15 September) and the Special Adviser participated in an EU-China dialogue (Copenhagen, 17-18 October) and on national institutions and on torture.

Support was provided to regional initiatives such as the first General Assembly of the Network of National Human Rights Institutions of the Americas (Kingston, Jamaica, March); the Meeting of Southern, Central and Eastern African National Institutions (Lusaka, Zambia, 26-29 June); the Fourth Conference of African National Human Rights Institutions (Kampala, Uganda, 14-16 August), which focused on a rights-based approach to development; the tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia and Pacific Region (see p. 654); the seventh annual meeting of the Asia-Pacific Forum of National Human Rights Institutions (New Delhi, India, 11-13 November), which discussed trafficking and the rights of persons with disabilities, and the Forum’s Advisory Council of Jurists, which met parallel to the Forum’s meeting; the Sixth Annual Conference of European Ombudsmen (Krakow, Poland, 22-24 May); and the Second Council of Europe Round Table of National Human Rights Institutions (Dublin, Ireland, 13-16 November). Other activities of national institutions were a meeting of the Association francophone des commissions nationales de promotion et de protection des droits de l’homme (Paris, 29-31 May) and the Seventh Annual Congress of the Ibero-American Federation of Ombudsmen (Lisbon, Portugal, 18-20 November). The report described cooperation between human rights treaty bodies and national institutions, cooperation between OHCHR, UN agencies and programmes, and international and regional organizations. It also dealt with thematic issues taken up by the institutions, such as the promotion and protection of economic, social and cultural rights, the rights of persons with disabilities, the rights of the child, racism and racial discrimination, human trafficking, HIV/AIDS and reproductive rights.

Regional arrangements

An August report of the Secretary-General [A/57/283], submitted in response to General Assembly resolution 55/105 [YUN 2000, p. 638], focused on OHCHR regional strategies. The Office had been systematically pursuing a regional and subregional approach through complementary methods, particularly by supporting the establishment of regional frameworks to promote and protect human rights, adopting a subregional focus wherever appropriate, outposting regional and subregional representatives, concluding cooperative agreements with UN agencies and regional institutions, undertaking joint regional projects and sponsoring or organizing consultations and dialogues.

Among the activities undertaken in Africa (see also p. 654) was the second African dialogue at Arusha, United Republic of Tanzania, from 24 to 26 May, held under the theme “Promoting justice and reconciliation in Africa: challenges for human rights and development”. At the end of the dialogue, participants adopted far-reaching conclusions and recommendations, which would form the basis for future OHCHR activities. OHCHR signed a memorandum of understanding with the Economic Community of Central African States in July. In the Arab region, the High Commissioner, in March, appointed two regional representatives, both based in Beirut, to provide advice to Economic and Social Commission for Western Asia member States to develop human rights plans of action, relevant legislation and the establishment of national human rights institutions, and provide technical support to civil society in the region. Referring to the Quito Framework for Technical Cooperation in the Field of Human Rights, adopted in 1999 [YUN 1999, p. 600], the Secretary-General said that it had served as the basis for the regional strategy of the Office. The Office held a pilot workshop on the concluding observations of the Human Rights Committee in Quito from 27 to 29 August. OHCHR, the Council of Europe and the Organization for Security and Cooperation in Europe maintained high-level contacts regularly, and OHCHR continued to coordinate and implement its country activities in consultation with their information centres. (See p. 654 for activities in Asia and the Pacific.)
Africa

The Secretary-General, in response to General Assembly resolution 56/230 [YUN 2001, p. 613], submitted a September report [A/57/394] on measures taken to build the capacity of the Sub-regional Centre for Human Rights and Democracy in Central Africa, based in Yaoundé, Cameroon, and on the Centre’s activities from September 2001 to June 2002. The Centre was officially inaugurated by the High Commissioner on 13 June.

OHCHR and other Secretariat bodies provided support to build the Centre’s capacity by providing personnel, contributing to local staff training, raising extrabudgetary funds, providing documentation, assisting the development of electronic communication and conducting advocacy activities to promote the Centre. During the reporting period, the Centre organized a sub-regional workshop on the development of national action plans on human rights in Central Africa (Yaoundé, 18-19 December 2001) and a subregional conference on reporting obligations under international instruments. It began implementing its human rights training scholarship programme in November 2001 for advanced students and young practitioners of the region specializing in human rights and democracy. In 2002, the Centre anticipated receiving eight trainees. Under its technical cooperation programme, the Centre provided support to Governments, national institutions and NGOs, at their request. In response to a request of Cameroon, the Centre granted technical assistance to build the capacities of the country’s National Committee for Human Rights and Freedoms; it received similar requests from Chad and Equatorial Guinea. Support to civil society was expected to begin during the second half of 2002; the Centre had formulated a three-year capacity-building project for civil society organizations in Central Africa. The Centre published the Human Rights and Democracy Bulletin, a newsletter issued three times a year on its activities and facts of special interest to the subregion. Partnerships were being developed with relevant organizations in the subregion, including the International Labour Organization Subregional Office in Central Africa, the Regional Office of the United Nations Development Fund for Women, UNESCO, the Economic Commission for Africa Central African Subregional Development Centre, various UNDP offices and the United Nations Development Assistance Framework process.

On 18 December, the Assembly took note of the Secretary-General’s report (decision 57/533).

Asia and the Pacific

Commission action. On 26 April [res. 2002/82], the Commission endorsed the conclusions of the tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia and Pacific Region (see below) and noted the decision of the High Commissioner to appoint regional representatives of OHCHR for the Asia and Pacific region (Bangkok) and for the Arab region (Beirut). The Secretary-General was asked to report in 2003 on the conclusions of the eleventh workshop.

Report of Secretary-General. A March report of the Secretary-General [E/CN.4/2002/115] contained the conclusions of the tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia and Pacific Region (Beirut, 4-6 March 2002). The workshop reviewed the implementation of the Plan of Action adopted by the eighth workshop held in Beijing [YUN 2000, p. 639] and adopted the 2002-2004 programme of action, which was aimed at developing national plans of action, strengthening national capacities for human rights education, supporting the role of national institutions, and building national capacities to develop the justiciability of economic, social and cultural rights. The statement of conclusions, among other things, welcomed the involvement of OHCHR regional representatives in advising Governments, at their request, on implementation of activities under a regional technical cooperation programme [YUN 1998, p. 641].

In a later report [E/CN.4/2003/109], the Secretary-General described other activities in the region. OHCHR, in cooperation with the Asia-Pacific Forum of National Human Rights Institutions and the host human rights institution, conducted a subregional workshop on human rights education and the administration of justice (Nadi, Fiji, 25-27 June); a regional workshop on national human rights institutions, human rights education, the media and racism (Sydney, Australia, 15-16 July); a training programme for national human rights institutions in Asia (Bangkok, 28 October-8 November); the seventh annual meeting of the Asia-Pacific Forum of National Human Rights Institutions (New Delhi, India, 11-13 November); and the Asia-Pacific regional training programme in human rights investigations (Canberra, Australia, 11-22 November). Under the HURIST project, a workshop was held (Ulaanbaatar, Mongolia, 28-30 August) for training government officials on reporting obligations under the International Covenant on Economic, Social and Cultural Rights (see p. 120). Another workshop focused on minority rights: cultural diversity and development in South-East Asia (Chiang Mai, Thailand, 4-7 December), and a
workshop was organized for the Melanesian States on universal adherence to principal international human rights instruments (Nadi, December). In 2002, ACT projects were implemented in Afghanistan, Cambodia, Fiji, Mongolia, the occupied Palestinian territory, including East Jerusalem, the Philippines, Samoa, Solomon Islands and Vanuatu; a total of 69 activities were supported.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Third Committee, already presented this report [A/57/556/Add.1-3], adopted resolution 57/210 without vote [agenda item 109 (b)].

Regional arrangements for the promotion and protection of human rights

The General Assembly, recalling its resolution 32/127 of 16 December 1977 and its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

recalling also Commission on Human Rights resolution 1995/31 of 9 March 1993 and its subsequent resolutions in this regard,

bearing in mind the relevant resolutions of the Commission concerning advisory services and technical cooperation in the field of human rights, including its most recent on that subject, resolution 2002/87 of 26 April 2002,

bearing in mind also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, which reiterates, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

recalling that the World Conference recommended that more resources should be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

reaffirming that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, and their protection,

noting the progress achieved thus far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

considering that cooperation between the United Nations and regional arrangements in the field of human rights continues to be both substantive and supportive and that possibilities exist for increased cooperation,

welcoming the fact that the Office of the High Commissioner has been systematically pursuing a regional and subregional approach through a variety of complementary means and methods in order to maximize the impact of the activities of the United Nations at the national level;

1. takes notes with satisfaction of the report of the Secretary-General;

2. welcomes the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular through technical cooperation which is aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

3. also welcomes, in that respect, the close cooperation of the Office of the High Commissioner in the organization of regional and subregional training workshops in the field of human rights, high-level governmental expert meetings and regional conferences of national human rights institutions, aimed at creating greater understanding in the regions of issues concerning the promotion and protection of human rights, improving procedures and examining the various systems for the promotion and protection of universally accepted human rights standards and identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;

4. recognizes, therefore, that progress in promoting and protecting all human rights depends primarily on efforts made at the national and local levels, and that the regional approach should imply intensive cooperation and coordination with all partners involved, while bearing in mind the importance of international cooperation;

5. stresses the importance of the programme of technical cooperation in the field of human rights, renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations under this programme of organizing information or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with Governments of all regions;

6. welcomes the growing exchanges between the United Nations and the bodies created by the United Nations in accordance with the treaties dealing with human rights, on the one hand, and regional intergovernmental organizations, such as the Council of Europe, the Organization for Security and Cooperation in Europe, the Inter-American Commission on Human Rights, the African Commission on Human and Peoples’ Rights, and other regional institutions on the other;

7. also welcomes the appointment by the United Nations High Commissioner for Human Rights of four human rights personalities to serve as regional advisers, who will play a significant role in the promotion of human rights and human rights advocacy through the design of strategies and the development of partnerships for human rights, facilitate coordination of human rights technical cooperation in the region and assist regional cooperation at large, for example, among national institutions, parliamentary human rights bodies, bar associations and non-governmental organizations;

8. further welcomes the placement by the Office of the High Commissioner of regional representa-
tives in subregions and in regional commissions to allow for closer working relations with States, international and regional organizations as well as with non-governmental organizations;

9. Recalls in this regard the positive experience of the regional and subregional presence in southern, central, eastern and western Africa;

10. Notes with interest the results of the African regional dialogues held at Geneva and Arusha, United Republic of Tanzania, from 5 to 7 November 2001 and 24 to 26 May 2002, respectively, in providing guidance to Governments, regional organizations and non-governmental organizations as well as better links with the African Union and other subregional organizations, and in this respect notes with appreciation the Constitutive Act of the African Union, in particular article 4, in which it is stated that the Union shall function in accordance with several principles, inter alia, the promotion of gender equality and the respect for democratic principles, human rights, the rule of law and good governance;

11. Also notes with interest the increased, valuable sharing of concrete national experiences, at the ninth and tenth Workshops on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region held in Bangkok and Beirut from 28 February to 2 March 2001 and from 4 to 6 March 2002, respectively, regarding the implementation of the Framework of Regional Technical Cooperation for the Asia-Pacific Region, which contributes to the enhancement of the promotion and protection of human rights in the region;

12. Takes note with interest of the Quito Framework for Technical Cooperation in the Field of Human Rights, which serves as a basis for the regional strategy of the Office of the High Commissioner, aimed at strengthening national capacities for the promotion of human rights in Latin America and the Caribbean, and in this regard welcomes the meeting on the enforcement of the system of treaty bodies held in Quito in August 2002;

13. Welcomes the continued cooperation between the Office of the High Commissioner and regional organizations in Europe and Central Asia, in particular the development, as a priority, of a regional approach to preventing trafficking in persons;

14. Notes with appreciation the holding of the International Conference on Human Rights and Democratization in Dubrovnik, Croatia, from 8 to 10 October 2001, co-organized by the Office of the High Commissioner, the Government of Croatia and the European Commission, which provided the opportunity to review developments in the field of human rights in the region;

15. Invites States in areas in which regional arrangements in the field of human rights do not yet exist to consider concludning agreements, with a view to establishing, within their respective regions, suitable regional machinery for the promotion and protection of human rights;

16. Requests the Secretary-General, as foreseen in programme 19, Human rights, of the medium-term plan for the period 2002-2005, to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to make available adequate resources from within the regular budget of technical cooperation to the activities of the Office of the High Commissioner to promote regional arrangements;

17. Requests the Office of the High Commissioner to continue to pay special attention to the most appropriate ways of assisting countries of the various regions, at their request, under the programme of technical cooperation and to make, where necessary, relevant recommendations;

18. Invites the Secretary-General, in the report he will submit to the Commission on Human Rights at its fifty-ninth session, to provide information on progress made since the adoption of the Vienna Declaration and Programme of Action on reinforcing the exchange of information and extending collaboration between the organs of the United Nations dealing with human rights and regional organizations in the field of the promotion and protection of human rights;

19. Requests the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the state of regional arrangements for the promotion and protection of human rights, to formulate concrete proposals and recommendations on ways and means to strengthen cooperation between United Nations and regional arrangements in the field of human rights and to include therein the results of action taken in pursuance of the present resolution;

20. Decides to consider this question further at its fifty-ninth session.

Cooperation with human rights bodies

Report of Secretary-General. The Commission had before it a report of the Secretary-General [E/CN.4/2002/56], which summarized allegations of intimidation or reprisals against private individuals and groups who sought to cooperate with the United Nations and with representatives of its human rights bodies regarding human rights violations.

Commission action. On 19 April [res. 2002/17], the Commission urged Governments to refrain from acts of intimidation or reprisal against persons who sought to cooperate or had cooperated with representatives of UN human rights bodies, or who had provided testimony or information to them; individuals who availed themselves of UN procedures and those who had provided legal assistance to them for that purpose; those who submitted communications under procedures established by human rights instruments; and relatives of victims of human rights violations. It requested representatives of human rights bodies and treaty bodies monitoring human rights to help prevent the hampering of access to UN human rights procedures, to take steps to prevent intimidation or reprisal, and to include in their reports allegations of intimidation or reprisal, as well as an account of action taken. The Secretary-General was asked to draw the Commission’s resolution to the attention of UN human rights treaty bodies and to report in 2003.