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

Draft report of the Commission

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**2002/54. International Convention on the Protection of the Rights
of All Migrant Workers and Members of Their Families**

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the basic instruments for 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,

Bearing in mind the principles and standards 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 United Nations bodies,

Aware 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,

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

Underlining the importance of the creation and development 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 perpetrated by individuals or groups against migrant workers in certain segments of many societies,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly 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, contained in the annex to the resolution,

Considering that the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) urges all States to guarantee the protection of all migrant workers and their families and invites them 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 and degrading treatment directed against migrant workers in different parts of the world;

2. *Welcomes* the signing 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 (E/CN.4/2002/89);

3. *Calls again upon* all States to consider seriously signing and ratifying or acceding to the Convention as a matter of priority, especially taking into account that only one more ratification is needed for the Convention to enter into force;

4. *Expresses the hope* that the Convention will enter into force at an early date, since pursuant to article 87 of the Convention, only one more ratification or accession is needed;

5. *Requests* the Secretary-General to make all the necessary provisions for the timely establishment of the Committee referred to in article 72 of the Convention, as soon as the Convention enters into force, and calls on States parties to submit in due time their first periodic report;

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

7. *Welcomes* the work of the Special Rapporteur on the human rights of migrants in relation to the Convention and encourages her to persevere in this endeavour;

8. *Also welcomes* the increasing activities of the global campaign for the entry into force of the Convention and invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to continue and intensify their efforts with a view to disseminating information on the Convention and promoting understanding of the importance of the Convention;

9. *Requests* the Secretary-General to report to the Commission at its fifty-ninth session on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

10. *Decides* to include in the provisional agenda of its fifty-ninth session the sub-item entitled “Specific groups and individuals: migrant workers”.

*55th meeting
25 April 2002*

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

2002/55. Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

The Commission on Human Rights,

Recalling the Preamble to the Charter of the United Nations, which enjoins the peoples of the United Nations to practise tolerance and live together in peace with one another as good neighbours,

Recalling also the purposes and principles of the Charter of the United Nations,

Recalling further that the Universal Declaration of Human Rights affirms 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 shall promote understanding, tolerance and friendship among all nations and all racial or religious groups,

Recalling the relevant paragraphs of the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

Reaffirming the principles of equality and non-discrimination in the Universal Declaration of Human Rights and encouraging respect for human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Noting that tolerance involves a positive acceptance of and respect for diversity and that pluralism encompasses the willingness to accord equal respect to the civil, political, economic, social and cultural rights of all individuals, without distinction based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Noting also that tolerance and mutual respect are values upheld by all religions in the world,

Recognizing that tolerance and pluralism strengthen democracy, facilitate the full enjoyment of all human rights and thereby constitute a sound foundation for civil society, social harmony and peace,

Fully aware that, even at the onset of the twenty-first century, forces of aggressive nationalism, absence of religious tolerance and ethnic extremism continue to produce fresh challenges,

Noting that in a multi-ethnic, multi-religious and multicultural world, no society is beyond the dangers posed by the absence of tolerance and the violence that this can breed,

Reaffirming that cultural diversity is a cherished asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature which enriches all societies,

Recognizing that the equal participation of all individuals and peoples in the formation of just, equitable, democratic and inclusive societies can contribute to a world free from racism, racial discrimination, xenophobia and related intolerance,

Underlining the importance attached by the Committee on the Elimination of Racial Discrimination to States parties' providing for educational measures for the teaching of the principles of tolerance and peaceful coexistence in a multicultural society,

Conscious that all forms of discrimination, including on ethnic grounds, are factors that promote intolerance and infringe upon human rights and fundamental freedoms, which in turn may threaten democratic pluralism and endanger harmony, peace and stability both within States and internationally,

Convinced that the guiding principles of democratic society, such as equality, the rule of law, accountability of Government, the observance of human rights, respect for pluralism and the practice of tolerance, need to be actively promoted by the international community,

Recognizing that efforts to promote tolerance require cooperation by States, civil society, media and individuals,

Recognizing also that promoting a culture of tolerance through human rights education is an objective that must be advanced in all States, and that the Office of the United Nations High Commissioner for Human Rights and mechanisms of the United Nations human rights system have an important role to play in this regard,

Noting the contribution made to promoting tolerance and respect for diversity by the special debate held on 26 March 2001, during the fifty-seventh session of the Commission, on the theme of tolerance and respect,

1. *Condemns unequivocally* all violent acts and activities that infringe upon human rights, fundamental freedoms and democracy and thereby undermine the values of tolerance and pluralism;

2. *Affirms* that the ethnic, cultural, linguistic and religious identity of minorities, where they exist, must be protected and that persons belonging to such minorities should be treated equally and enjoy their human rights and fundamental freedoms without discrimination of any kind;

3. *Also affirms* that all peoples and individuals constitute one human family, rich in diversity, and have contributed to the progress of civilizations and cultures that form the common heritage of humanity, and that preservation and promotion of tolerance, pluralism and respect for diversity can produce more inclusive societies;

4. *Reiterates* the obligation of all States and the international community:

(a) To promote universal respect for and observance of all human rights and fundamental freedoms;

(b) To protect effectively the human rights of all persons belonging to national or ethnic, religious and linguistic minorities without any discrimination and in full equality before the law;

(c) To oppose all forms of discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status in order to promote tolerance and pluralism at the national and international levels and take all appropriate means towards their prevention and elimination;

(d) To take steps to prevent all manifestations of hatred, intolerance and acts of violence, in particular through education and dialogue;

(e) To promote and enhance tolerance, coexistence and harmonious relations between ethnic, religious, linguistic and other groups and ensure that the values of pluralism, respect for diversity and non-discrimination are promoted effectively;

(f) To foster a culture conducive to promoting and protecting human rights, fundamental freedoms and tolerance, inter alia through education leading to genuine pluralism, a positive acceptance of diversity of opinion and belief, and respect for the dignity of the human person;

5. *Invites* the media to promote tolerance and respect for diversity;

6. *Notes with appreciation* the activities undertaken by the Office of the United Nations High Commissioner for Human Rights to promote the values of tolerance and pluralism and calls upon the High Commissioner and her Office to continue to take steps:

(a) To include, in the work programmes of the Office, within overall existing resources, the promotion of tolerance, where appropriate through workshops and seminars, using mass media and non-governmental organizations, and, through its programme of advisory services and technical cooperation, to assist countries in their national programmes;

(b) To undertake, in that regard, specific educational initiatives and public-awareness activities for the promotion of tolerance and pluralism within the programmes and activities being implemented as part of the United Nations Decade for Human Rights Education (1995-2004), the International Decade of the World's Indigenous People (1994-2003) and the Third Decade to Combat Racism and Racial Discrimination (1993-2002);

(c) To advise or assist countries, upon request, through the programme of advisory services and technical cooperation, to put in place effective safeguards, including appropriate legislation, to guarantee the full enjoyment of all human rights by all segments of their population, without discrimination of any kind;

7. *Also notes with appreciation* the various initiatives that have promoted respect for diversity and tolerance, in particular in the context of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including those supported by the High Commissioner for Human Rights in her capacity as the Secretary-General of the Conference;

8. *Calls upon* the High Commissioner and her Office to include details of activities undertaken by the Office to implement the present resolution in her report to the Commission at its sixtieth session;

9. *Also calls upon* the relevant mechanisms of the Commission:
- (a) To continue to attach the highest priority to the effective promotion, at the national and international levels, of the values of democracy, pluralism and tolerance;
 - (b) To further study situations and conditions that promote intolerance;
 - (c) To continue efforts aimed at identifying commonly accepted principles and best practices to promote tolerance and pluralism;
10. *Welcomes* the role of civil society, particularly non-governmental organizations working at the grass-roots level, in disseminating the importance of tolerance and pluralism through their awareness-raising activities;
11. *Decides* to consider this question at its sixtieth session under the appropriate agenda item.

55th meeting
25 April 2002
[Adopted without a vote. See chap. XIV.]

2002/56. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the alarmingly high numbers throughout the world of persons who have been forced or obliged to flee or leave their homes, without having crossed an internationally recognized State border and who often do not receive adequate protection and assistance,

Conscious of the human rights and humanitarian dimensions of the problem of internal displacement,

Aware of the serious challenge this is creating for the international community and of the responsibility of States and the international community to explore methods and means to better address the specific protection and assistance needs of internally displaced persons,

Emphasizing the primary responsibility of national authorities to provide protection and assistance to internally displaced persons within their jurisdiction as well as to address the root causes of their displacement in appropriate cooperation with the international community,

Noting the growing awareness of the international community of the issue of internally displaced persons worldwide and of the urgency of finding durable solutions, notably voluntary return in safety and with dignity, local integration or relocation, based on a free choice,

Recalling the relevant norms of international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex),

Noting with appreciation the work of the Representative of the Secretary-General in developing normative and institutional frameworks for protecting and assisting internally displaced persons, in particular the compilation and analysis of legal norms and the development of guiding principles; undertaking country missions to engage in dialogue with Governments and other pertinent actors; as well as conducting research and issuing reports on particular country situations, together with proposals for remedial measures, and on other issues relating to internal displacement,

Welcoming the cooperation established between the Representative of the Secretary-General and the United Nations as well as other international and regional organizations, in particular the participation of the Representative in the work of the Inter-Agency Standing Committee and its subsidiary bodies, and encouraging further strengthening of this collaboration in order to promote better assistance, protection and development strategies for internally displaced persons,

Noting the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. 1), which encouraged the bodies, agencies and relevant programmes of the United Nations system and States to promote and to make use of the Guiding Principles on Internal Displacement, in particular those provisions relating to non-discrimination,

Recalling also its previous relevant resolutions, in particular resolution 2001/54 of 24 April 2001, and General Assembly resolution 56/164 of 19 December 2001, as well as the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), regarding the need to develop global strategies to address the problem of internal displacement,

1. *Takes note with appreciation* of the report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/2002/95 and Add.1-3);

2. *Commends* the Representative of the Secretary-General for his efforts to promote a comprehensive strategy that focuses on prevention and better protection, assistance and development for internally displaced persons;

3. *Expresses its appreciation* to the Representative of the Secretary-General for his activities undertaken so far, despite the limited resources available to him, and for the catalytic role he continues to play in raising the level of consciousness about the plight of internally displaced persons;

4. *Welcomes* the specific attention paid by the Representative of the Secretary-General to the special assistance, protection and development needs of internally displaced women and children and his commitment to pay more systematic and in-depth attention to women and children as well as other groups with specific needs among the internally displaced;

5. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the causes of internal displacement, measures of prevention, the needs of those displaced and ways to strengthen protection, assistance and solutions for the internally displaced, taking into account specific situations, and to include information thereon in his reports to the Commission and the General Assembly;

6. *Welcomes* the dissemination, promotion and application of the Guiding Principles on Internal Displacement and the fact that the Representative of the Secretary-General has made use of the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations, and requests him to continue his efforts in that regard;

7. *Expresses its appreciation* to Governments, intergovernmental and non-governmental organizations which have provided assistance and protection to internally displaced persons and supported the work of the Representative of the Secretary-General;

8. *Calls upon* all Governments to facilitate the activities of the Representative of the Secretary-General, in particular those Governments with situations of internal displacement which have not yet extended invitations or responded positively to requests for information from the Representative;

9. *Thanks* Governments which have invited the Representative of the Secretary-General to visit their countries and encourages them to follow up on his recommendations and suggestions and to make available information on measures taken thereon;

10. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, as well as to provide access for them to public services, including education, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons;

11. *Stresses* the importance of appropriate follow-up to the recommendations of the Representative of the Secretary-General by Governments as well as by the relevant parts of the United Nations system in the Inter-Agency Standing Committee, including at the country level;

12. *Expresses its appreciation* of the Guiding Principles, as an important tool for dealing with situations of internal displacement, and in this regard welcomes the fact that an increasing number of States, United Nations agencies, and regional and non-governmental organizations are making use of the Guiding Principles, and encourages the further use and application of the Guiding Principles;

13. *Expresses its appreciation* for the dissemination and promotion of the Guiding Principles, inter alia at regional and other seminars on displacement, and encourages the Representative to continue to initiate or support such seminars, in consultation with regional organizations, intergovernmental and non-governmental organizations and other relevant institutions, and to provide support for efforts to promote capacity-building and the use of the Guiding Principles;

14. *Stresses* the need to further strengthen inter-agency arrangements and the capacities of relevant United Nations agencies to meet the immense humanitarian challenge of internal displacement, and calls upon States to provide adequate resources for programmes to assist and protect internally displaced persons;

15. *Acknowledges with appreciation* the work of the International Committee of the Red Cross and the other components of the International Red Cross and Red Crescent Movement as well as of all the relevant humanitarian agencies in protecting and assisting internally displaced persons, and encourages them to cooperate closely with all relevant international bodies in this regard;

16. *Encourages* the Representative of the Secretary-General, the Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Children's Fund, the World Food Programme, the World Health Organization, the International Organization for Migration, the International Labour Organization, the Food and Agriculture Organization of the United Nations, and all other relevant humanitarian assistance, human rights and development agencies and organizations, including non-governmental organizations, further to enhance their collaboration and coordination in respect of internally displaced persons, especially through the Inter-Agency Standing Committee;

17. *Emphasizes* in this regard the central role of the Emergency Relief Coordinator in inter-agency coordination for the protection and assistance of internally displaced persons, welcomes the establishment of the Senior Inter-Agency Network on Internal Displacement and subsequently, within the Office for the Coordination of Humanitarian Affairs, of the Unit on Internal Displacement, and encourages them to collaborate closely with and provide all possible assistance and support to the Representative of the Secretary-General;

18. *Notes with appreciation* the increased attention paid to internally displaced persons in the consolidated inter-agency appeals process and encourages further efforts to improve the integration of the protection and assistance needs of internally displaced persons in consolidated appeals;

19. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Co-operation in Europe, the Council of Europe and the Economic Community of West African States, to address the assistance, protection and development needs of internally displaced persons and encourages them and other regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

20. *Also welcomes* the attention paid by relevant special rapporteurs, working groups, experts and treaty bodies to issues of internal displacement, and calls upon them to continue to seek information on situations which have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports and make them available to the Representative of the Secretary-General;

21. *Calls upon* the United Nations High Commissioner for Human Rights, in cooperation with Governments, the Representative of the Secretary-General and other relevant parts of the United Nations system, to promote the human rights of internally displaced persons and to develop projects in this regard, including in the area of human rights education, as part of the programme of advisory services and technical cooperation, and to include in her report to the Commission information on their implementation;

22. *Takes note* of decision 2001/122 of 16 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights concerning the preparation of a working paper on the return of refugees' or displaced persons' property;

23. *Recalls with appreciation* the establishment of the global internally displaced persons database, as advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing financial resources;

24. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Representative of the Secretary-General to continue to seek the contribution of States, relevant organizations and institutions in order to put the work of the Representative on a more stable basis;

25. *Requests* the Representative of the Secretary-General to continue to report on his activities to the General Assembly and to the Commission;

26. *Decides* to continue its consideration of the question of internal displacement at its fifty-ninth session.

55th meeting

25 April 2002

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

**2002/57. Rights of persons belonging to national or ethnic,
religious and linguistic minorities**

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, as well as subsequent resolutions of the General Assembly on the Declaration on the Rights of Persons

Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as Commission resolution 2001/55 of 24 April 2001 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recalling also Commission resolution 1995/24 of 3 March 1995 as well as Economic and Social Council resolution 1995/31 of 25 July 1995 and decision 1998/246 of 30 July 1998 on the mandate of the Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights,

Taking note of Sub-Commission resolution 2001/9 of 15 August 2001 on the rights of minorities,

Taking note also of the report of the International Seminar on Cooperation for the Better Protection of the Rights of Minorities (E/CN.4/2002/92) held in the framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 1, 2 and 5 September 2001 in Durban, South Africa,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural diversity and heritage of society,

Concerned at the growing frequency and severity of disputes and conflicts involving minorities in many countries, and their often tragic consequences, and that persons belonging to minorities are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Concerned also at instances of victimization or marginalization of persons belonging to minorities in situations of political or economic instability,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, as well as full and effective participation in matters affecting them, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Acknowledging that minority rights promote tolerance within societies and recognizing that the promotion of a culture of tolerance through human rights education shall be advanced by all States,

Acknowledging also that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Welcoming the work of the Office of the United Nations High Commissioner for Human Rights on the United Nations Guide for Minorities containing an overview of relevant procedures and mechanisms of regional and international organizations,

Welcoming also the work of the Working Group on Minorities in promoting regional and local initiatives for the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by organizing regional expert seminars,

Noting with satisfaction the emphasis by the Working Group on Minorities on the participation of minority representatives in its work,

1. *Takes note* of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/2002/91 and Add.1 and Add.2) and of the report of the Working Group on Minorities on its seventh session (E/CN.4/Sub.2/2001/22), in particular the conclusions and recommendations contained therein;
2. *Reaffirms* the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;
3. *Urges* States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;
4. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through equal access to education and the facilitation of their full participation in the economic progress and development in their country, and to apply a gender perspective while doing so;
5. *Urges* States to pay specific attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the situation of persons belonging to national or ethnic, religious and linguistic minorities, and draws attention to the relevant

provisions of the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the provisions on forms of multiple discrimination;

6. *Calls upon* States to give special attention to the promotion and protection of the human rights of children belonging to minorities, taking into account that girls and boys may face different types of risks;

7. *Also calls upon* States to take all appropriate measures to protect the cultural and religious sites of national or ethnic, religious and linguistic minorities;

8. *Calls upon* the United Nations High Commissioner for Human Rights to continue to promote, within her mandate, the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and to engage in a dialogue with Governments concerned for that purpose;

9. *Invites* the High Commissioner to continue her efforts to improve the coordination and cooperation of United Nations programmes and agencies active in the field of the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

10. *Invites* the human rights treaty monitoring bodies, when considering reports submitted by States parties, as well as special representatives, special rapporteurs, working groups of the Commission on Human Rights and relevant United Nations agencies and programmes, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities;

11. *Encourages* the Working Group, as requested by the Sub-Commission, within its mandate, to take due account of activities undertaken and reports prepared by intergovernmental regional organizations on human rights problems and situations involving minorities;

12. *Calls upon* States, intergovernmental organizations, United Nations bodies and non-governmental organizations to participate actively in the work of the Working Group, including through written contributions;

13. *Also calls upon* States to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to minorities in the work of the Working Group, and invites the High Commissioner to seek voluntary contributions in this regard;

14. *Requests* the Secretary-General to provide the Working Group, from within existing resources, with all the necessary services and facilities to fulfil its mandate;

15. *Requests* the High Commissioner to invite Governments and relevant intergovernmental and non-governmental organizations to submit their views on how best to protect the rights of persons belonging to minorities;

16. *Also requests* the High Commissioner to submit to the Commission at its fifty-ninth session a report containing an analysis of the information already provided in the reports of existing special procedures, human rights treaty monitoring bodies and the Working Group on Minorities on situations involving national or ethnic, religious and linguistic minorities, in particular with regard to conflict prevention;

17. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of conflicts, to assist in existing or potential situations involving minorities and to report to the Commission at its fifty-ninth session on concrete projects and activities in this regard;

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

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

55th meeting

25 April 2002

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

2002/58. Violence against women migrant workers

The Commission on Human Rights,

Recalling all previous resolutions on violence against women migrant workers adopted by the General Assembly, the Commission on the Status of Women, the Commission on Crime Prevention and Criminal Justice and the Commission on Human Rights, as well as the Declaration on the Elimination of Violence against Women,

Reaffirming the outcomes of the World Conference on Human Rights, the International Conference on Population and Development, the Fourth World Conference on Women and the World Summit for Social Development and their five-year reviews, specifically as the results pertain to women migrant workers,

Recalling the adoption by the General Assembly in its resolution 55/25 of 15 November 2000 of the United Nations Convention against Transnational Organized Crime and its two protocols, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,

Welcoming the pertinent provisions that apply to women migrant workers in the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Reaffirming the necessity of eliminating racial discrimination against migrants, including migrant workers, in relation to issues such as employment, social services, including education and health, as well as access to justice, and that their treatment must be in accordance with international human rights instruments, free from racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the need for accurate, objective, comprehensive and comparable information, as well as for a wide and systematic exchange of experiences and lessons learned by individual countries in protecting and promoting the rights and welfare of women migrant workers for policy formulation and joint action,

Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of, inter alia, poverty, unemployment and other socio-economic conditions, and acknowledging the duty of sending States to work for conditions that provide employment and security for their citizens,

Deeply concerned over the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries,

Encouraged by some measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

Recognizing the importance of continued cooperation at the bilateral, regional and international levels in protecting and promoting the rights and welfare of women migrant workers,

1. *Takes note* of the report of the Secretary General on violence against women migrant workers (E/CN.4/2002/90);
2. *Welcomes* the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2002/94 and Add.1), particularly the observations made on violence against women migrant workers, and encourages her to continue to address the issue of violence against women migrant workers, in particular the problem of gender-based violence and of discrimination, taking into account the conclusions in the report of the Secretary-General;
3. *Calls upon* concerned Governments, in particular those of countries of origin and destination, if they have not yet done so, to put in place penal sanctions to punish perpetrators of violence against women migrant workers and, to the extent possible, to provide the victims of violence with the full range of immediate assistance, such as counselling, legal and consular assistance, temporary shelter and other measures that will allow them to be present during the judicial process, to safeguard their dignified return to the country of origin as well as to establish reintegration and rehabilitation schemes for returning women migrant workers;
4. *Invites* the States concerned, specifically countries of origin and destination, to consider adopting appropriate legal measures against intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers in violation of their human dignity;
5. *Urges* States to seek full respect for, and compliance with, the Vienna Convention on Consular Relations of 1963, especially as it relates to the right of foreign nationals, regardless of their legal and immigration status, to communicate with a consular officer of their own State in the case of arrest or detention and to be informed without delay of this right;
6. *Encourages* States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the United Nations Convention against Transnational Organized Crime and its

two protocols, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as well as the Slavery Convention of 1926;

7. *Requests* the Secretary-General to submit to the Commission at its sixtieth session a comprehensive follow-up report on the problem of violence against women migrant workers, taking into account the views of States and based on all available information from authorities and bodies within the United Nations system, intergovernmental organizations and other sources, including non-governmental organizations;

8. *Decides* to continue its consideration of this question at its sixtieth session under the appropriate agenda item.

*55th meeting
25 April 2002*

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

2002/59. Protection of migrants and their families

The Commission on Human Rights,

Considering that the Universal Declaration of Human Rights states that all human beings are born free and equal in dignity and rights, and that every individual is entitled to equal protection against any discrimination in violation of the Declaration and against any incitement to such discrimination,

Bearing in mind the obligations undertaken by every State party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and other international instruments on human rights,

Bearing in mind also the conclusions relating to the issue of migrants and their families adopted in the final documents of the World Conference on Human Rights, the World Summit for Social Development and other international conferences and summits and their follow-up processes organized under United Nations auspices,

Taking note of the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001 and of its recommendations concerning the human rights of migrants and their families,

Recalling General Assembly resolution 40/144 of 13 December 1985, by which the Assembly adopted the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live, and Assembly 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,

Taking note with deep concern of the persistent obstacles that prevent many migrants and their families from achieving the full enjoyment of their human rights, and bearing in mind that migrants are often victims of ill-treatment and of acts of discrimination, racism and xenophobia,

Recalling the adoption by the General Assembly, in its resolution 55/25 of 15 November 2000, of the United Nations Convention against Transnational Organized Crime, the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention,

Emphasizing the responsibilities of all States, in conformity with the Charter, to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Bearing in mind the importance of the participation of all countries involved in migration in international initiatives aimed at protecting the human rights of migrants and their families, and the essential role of international and regional cooperation in addressing in an integral manner diverse issues related to migration,

Reaffirming the sovereign right of each State to formulate and apply its own legal framework and policies for migration and that these policies must be consistent with applicable human rights instruments, norms and standards,

1. *Calls upon* States to facilitate family reunification in an expeditious and effective manner, with due regard to applicable laws, as such reunification has a positive effect on the integration of migrants;

2. *Encourages* States of origin to promote and protect the human rights of those families of migrant workers which remain in the countries of origin, paying particular attention to children and adolescents whose parents have emigrated, and encourages international organizations to consider supporting States in this regard;

3. *Encourages* all Governments to remove unlawful obstacles that may prevent the safe, unrestricted and expeditious transfer of earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

4. *Urges* States to consider giving special attention, when devising and implementing legislation and policies designed to enhance the protection of workers' rights, to the serious situation of lack of protection, and in some cases exploitation, of trafficked persons, smuggled migrants and domestic workers;

5. *Requests* all States, in conformity with national legislation, firmly to prosecute cases of violation of labour law with regard to migrant workers' conditions of work, including those related to, inter alia, their remuneration and the conditions of health and safety at work;

6. *Urges* States, when xenophobic or intolerant acts, or manifestations or expressions against migrants occur, to apply the existing laws in order to eradicate impunity for those who commit xenophobic and racist acts;

7. *Requests* Governments to adopt concrete measures in order to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints; to train public officials who work in those facilities and in border areas to treat migrants and their families respectfully and in accordance with the law; and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants and their families - inter alia arbitrary detention, torture and violations of the right to life, including extrajudicial executions - during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

8. *Encourages* States of origin and of destination of migrants to consider the adoption of bilateral or regional strategies aimed at protecting the human rights of migrants and their families, as a matter of priority and in conformity with the appropriate legislation, to combat effectively international trafficking and smuggling of migrants and to protect migrants and their families from exploitation and intimidation by traffickers, smugglers and criminal organizations, and urges States to consider signing and ratifying the United Nations Convention against Transnational Organized Crime and the two Protocols supplementing the Convention;

9. *Encourages* States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone, in particular women, to make informed decisions and to prevent them from becoming victims of trafficking and utilizing dangerous means of access that put their lives and physical integrity at risk;

10. *Calls upon* all States to consider the possibility of signing, ratifying and acceding to, as a matter of priority, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

11. *Invites* the Special Rapporteur on the human rights of migrants to incorporate relevant information on the implementation of the present resolution in her next annual report to the Commission;

12. *Agrees* to explore the possibility at its fifth-ninth session of merging the resolution on the protection of migrants and their families with the resolution on the human rights of migrants, with a view to having one resolution covering all aspects of migrant rights and their protection.

*55th meeting
25 April 2002*

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

2002/60. Missing persons

The Commission on Human Rights,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by the principles and norms of international humanitarian law, in particular the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, as well as international standards of human rights, in particular the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,

Noting with deep concern that armed conflicts continue to exist in various parts of the world, often resulting in serious violations of international humanitarian law and human rights law,

Noting in this regard that the issue of persons reported missing in connection with international armed conflicts, in particular those who are victims of serious violations of international humanitarian law and human rights law, continues to have a negative impact on efforts aimed at putting an end to these conflicts,

1. *Urges* States strictly to observe and respect and ensure respect for the rules of international humanitarian law, as set out in the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977;

2. *Reaffirms* the right of families to know the fate of their relatives reported missing in connection with armed conflicts;

3. *Also reaffirms* that each party to an armed conflict, as soon as circumstances permit and at the latest from the end of active hostilities, shall search for the persons who have been reported missing by an adverse party;

4. *Calls upon* States which are parties to an armed conflict to take immediate steps to determine the identity and fate of persons reported missing in connection with the armed conflict;

5. *Requests* States to pay the utmost attention to cases of children reported missing in connection with armed conflicts and to take appropriate measures to search for and identify those children;

6. *Invites* States which are parties to an armed conflict to cooperate fully with the International Committee of the Red Cross in establishing the fate of missing persons and to adopt a comprehensive approach to this issue, including all practical and coordination mechanisms as may be necessary, based on humanitarian considerations only;

7. *Urges* States and encourages intergovernmental and non-governmental organizations to take all necessary measures at the national, regional and international levels to address the problem of persons reported missing in connection with armed conflicts and to provide appropriate assistance as requested by the concerned States;

8. *Invites* all relevant human rights mechanisms and procedures, as appropriate, to address the problem of persons reported missing in connection with armed conflicts in their forthcoming reports to the Commission;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations;

10. *Also requests* the Secretary-General to report to the Commission on Human Rights at its sixtieth session on the progress made in the implementation of the present resolution;

11. *Decides* to remain seized of the matter at its sixtieth session.

55th meeting

25 April 2002

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

2002/61. Human rights of persons with disabilities

The Commission on Human Rights,

Mindful of the pledge made by States, under the Charter of the United Nations, to take action jointly and separately, in cooperation with the United Nations, in order to promote a better quality of life, full employment, and conditions for economic and social progress and development,

Recalling that all persons with disabilities have the right to protection against discrimination and to full and equal enjoyment of their human rights, as laid down, inter alia, in the provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and International Labour Organization Convention No. 159 (1983) concerning Vocational Rehabilitation and Employment (Disabled Persons),

Recalling also the report of the Secretary-General to the General Assembly on the third quinquennial review and appraisal of the World Programme of Action concerning Disabled Persons (A/52/351),

Reaffirming the continuing validity and value of the World Programme of Action concerning Disabled Persons, adopted by the General Assembly at its thirty-seventh session, which provides a firm and innovative framework for promoting and protecting the human rights of persons with disabilities,

Recalling and reaffirming commitments relating to the human rights and fundamental freedoms of persons with disabilities made at the major United Nations conferences and summits since 1990 and their follow-up processes and stressing the importance of mainstreaming the disability issue in their implementation,

Reaffirming its resolution 2000/51 of 25 April 2000,

Recalling General Assembly resolution 48/96 of 20 December 1993, by which the Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,

Noting the resolution adopted by the Commission for Social Development on 21 February 2002 on a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities,

Committed to maintaining consistency with the high quality of existing international standards, and drawing the attention of the Ad Hoc Committee established in accordance with General Assembly resolution 56/168 to Assembly resolution 41/120 and to paragraph II.6 of the Vienna Declaration and Programme of Action reaffirming the guidelines relating to the elaboration of new international standards, notably on the need to consult with human rights treaty bodies on the necessity for drafting new standards,

Noting the final report of the Special Rapporteur of the Commission for Social Development on monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities for the period 2000-2002 (E/CN.5/2002/4),

Welcoming the resolution adopted by the Commission for Social Development on 27 February 2002 on further promotion of equalization of opportunities by, for and with persons with disabilities and protection of their human rights,

Welcoming also initiatives to hold international conferences relating to persons with disabilities,

Re-emphasizing the responsibility of Governments for removing or facilitating the removal of barriers and obstacles to the full integration and participation of persons with disabilities in society, and supporting their efforts to develop national policies to reach specific objectives,

Recognizing the contribution of non-governmental organizations, especially organizations of persons with disabilities, in the global effort to bring about full participation and equality for persons with disabilities and to ensure the full enjoyment of human rights by persons with disabilities,

Noting the International Labour Organization survey of the law and practice of States parties to Convention No. 159,

Noting with interest the adoption by the Organization of American States of the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities on 7 June 1999 as one good example of regional concern and action,

Also noting with interest the changes brought about by the Treaty of Amsterdam of 1997 enabling the European Community to adopt appropriate measures to combat discrimination on the grounds, inter alia, of disability,

Concerned at the extent of disabilities caused by the indiscriminate use of anti-personnel mines, particularly among civilian populations,

1. *Recognizes* that any violation of the fundamental principle of equality or any discrimination or other negative differential treatment of persons with disabilities inconsistent with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities is an infringement of the human rights of persons with disabilities;

2. *Calls upon* the Secretary-General to maintain the integrity of programmes within the United Nations system relating to persons with disabilities, including the United Nations Voluntary Fund on Disability, in order to promote the rights and the equalization of opportunities and full inclusion within societies of persons with disabilities;

3. *Welcomes* the valuable work undertaken by the Special Rapporteur on disability of the Commission for Social Development as well as his report to that Commission at its fortieth session and supports his recommendations for future action and his proposal for mainstreaming of the disability issue;

4. *Invites* the Special Rapporteur of the Commission for Social Development to address the Commission on Human Rights at its fifty-ninth session on the human rights dimension of his work and also invites him to regularly provide the Commission on Human Rights with reports of experience on the human rights dimension gained by him and his panel through monitoring the Standard Rules;

5. *Recalls* the third global survey undertaken by the office of the Special Rapporteur on disability in collaboration with the World Health Organization;
6. *Calls upon* States to cooperate fully with the Special Rapporteur of the Commission for Social Development, to meet his requests for information and to provide relevant data to the Committee on Economic, Social and Cultural Rights;
7. *Welcomes* the Study on Human Rights and Disability presented at the fifty-eighth session of the Commission on Human Rights and draws the attention of Governments, United Nations bodies, non-governmental organizations and other relevant actors to its recommendations;
8. *Calls upon* the Office of the High Commissioner for Human Rights to consider in its activities implementing the recommendations that relate to it in the Study on Human Rights and Disability;
9. *Urges* Governments to consider nominating persons with disabilities for election to the treaty monitoring bodies, bearing in mind relevant existing considerations for nominations to treaty monitoring bodies;
10. *Takes note with interest* of General Assembly resolution 56/168 of 19 December 2001 establishing an Ad Hoc Committee to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities;
11. *Recommends* that the Ad Hoc Committee take into account the relationship between the relevant human rights instruments and the Standard Rules and in so doing study carefully the report and proposals made by the Special Rapporteur on disability of the Commission for Social Development at the fortieth session of that Commission;
12. *Requests* the Office of the High Commissioner to make available to the Ad Hoc Committee the Study on the Human Rights of Persons with Disabilities presented at the fifty-eighth session of the Commission on Human Rights;
13. *Invites* States, relevant bodies and organizations of the United Nations system, including relevant human rights treaty bodies, the regional commissions, the Special Rapporteur on disability of the Commission for Social Development, as well as intergovernmental and non-governmental organizations with an interest in the matter, to make contributions to the work entrusted to the Ad Hoc Committee, based on the practice of the United Nations;

14. *Encourages* the Ad Hoc Committee to invite national institutions to make a contribution to the consideration of the issues addressed by the Ad Hoc Committee;
15. *Also encourages* the Ad Hoc Committee to adopt working methods which allow for full participation by relevant non-governmental organizations in its deliberations;
16. *Invites* the Ad Hoc Committee to consider meeting at least once in Geneva before the fifty-ninth session of the Commission on Human Rights and periodically thereafter, and to make an interim progress report to the Commission at that session;
17. *Notes with appreciation* the decision of the Office of the High Commissioner to designate a focal point within the Office whose primary purpose will be to follow questions relating to the human rights of persons with disabilities;
18. *Calls upon* the Office of the High Commissioner to report to the Commission on Human Rights at its fifty-ninth session on progress in the implementation of the recommendations contained in the Study on the Human Rights of Persons with Disabilities presented at the fifty-eighth session of the Commission on Human Rights and on the programme of work of the Office in relation to the human rights of persons with disabilities;
19. *Encourages* non-governmental organizations active in the promotion and protection of the human rights of persons with disabilities to cooperate closely with each other and to provide relevant information to the Committee on Economic, Social and Cultural Rights and to the Office of the High Commissioner for Human Rights;
20. *Also encourages* such non-governmental organizations to avail themselves of the technical assistance of the Office of the High Commissioner for Human Rights to assist them to function effectively in the human rights sphere and encourages Governments to support non-governmental organizations active in the promotion and protection of the human rights of persons with disabilities in accordance with rule 18 of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;
21. *Recognizes* the right of persons with disabilities, individually and collectively, to form and become members of organizations of persons with disabilities and the right of such organizations to speak for and act as legitimate representatives of their members;
22. *Invites* all the human rights treaty monitoring bodies to respond positively to its invitation to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure full enjoyment of those rights by persons with disabilities

and to include disability issues, as appropriate, in their preparation of lists of issues and concluding observations and to consider drafting general comments on human rights of persons with disabilities, in addition to General Comment No. 5 of the Committee on Economic Social and Cultural Rights which could serve as a mainstreaming model on disability issues;

23. *Urges* Governments to cover fully the question of the human rights of persons with disabilities in complying with reporting obligations under the relevant United Nations human rights instruments;

24. *Invites* all special rapporteurs, in carrying out their mandates, to take into account the situation and human rights of persons with disabilities;

25. *Urges* Governments to implement, with the cooperation and assistance of relevant organizations, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, having particular regard for the needs of women, children and persons with developmental and psychiatric disabilities in order to guarantee their human dignity and integrity;

26. *Invites* Governments, civil society and the private sector to contribute to the United Nations Voluntary Fund on Disability, with a view to providing additional support for the implementation of the Standard Rules, within the context of the World Programme of Action concerning Disabled Persons;

27. *Requests* the Secretary-General to continue to ensure appropriate support for the effective functioning of the Long-Term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond;

28. *Expresses grave concern* that situations of armed conflict have especially devastating consequences for the human rights of persons with disabilities;

29. *Welcomes* increased international efforts in various forums with respect to anti-personnel mines, and in this regard takes due note of the conclusion and entry into force of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, as well as of the amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects;

30. *Calls upon* all States and relevant United Nations bodies, including the Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine-clearance efforts, and urges States to take further action to promote gender- and age-appropriate mine-awareness programmes and rehabilitation, thereby reducing the number and the plight of victims;

31. *Encourages* the development of programmes for persons with disabilities to enable them to develop their potential to participate fully in all aspects of society;

32. *Requests* the Secretary-General to report annually to the General Assembly on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities;

33. *Also requests* the Secretary-General to transmit to the Commission at its fifty-ninth session the latest report of the Special Rapporteur on disability of the Commission for Social Development on his monitoring of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

34. *Calls upon* the United Nations Development Programme and all intergovernmental institutions for development cooperation to integrate disability measures into their mainstream activities and to reflect this in their activity reports;

35. *Requests* all United Nations organizations and specialized agencies to address the problems that exist in creating equal opportunities for persons with disabilities at all levels and to report on how these problems are being solved;

36. *Encourages* Governments to work towards developing appropriate education policies and practices for children and adults with disabilities, to include persons with disabilities in strategies and plans aimed at eradicating poverty, promoting education and enhancing employment, and to take account of the right of persons with disabilities to housing, health care, shelter, transport and supportive equipment;

37. *Invites* the International Labour Organization, in cooperation with Governments and intergovernmental bodies, to take the lead internationally in formulating policies and strategies that will lead to equal job opportunities;

38. *Invites* Governments and non-governmental organizations to collect and collate appropriate information and data on the situation of persons with disabilities to assist in the formulation of effective policies to address issues of equality;

39. *Recommends* that the Office of the High Commissioner for Human Rights take account of information on legislation affecting the human rights of persons with disabilities which has been collected by the Special Rapporteur on disability of the Commission for Social Development;

40. *Invites* multilateral development agencies, in the light of the Standard Rules, to pay due regard to the question of access and related disability rights issues in connection with the projects they sponsor and fund;

41. *Reaffirms* its commitment to ensuring that the human rights of persons with disabilities and their concerns for full participation in all aspects of society continue to be addressed in all of its work;

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

*55th meeting
25 April 2002*

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

2002/62. Human rights of migrants

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that every State party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant,

Bearing in mind that every State party to the International Covenant on Economic, Social and Cultural Rights has undertaken to guarantee the exercise of all rights enunciated in that Covenant without discrimination of any kind, including in particular on the basis of national origin,

Reaffirming the provisions concerning migrants adopted by the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women,

Recalling the renewed commitment made in the United Nations Millennium Declaration to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in all societies and to promote greater harmony and tolerance,

Welcoming the provisions on the human rights of migrants contained in the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and expressing its satisfaction at the important recommendations made for the development of international and national strategies for the protection of migrants and for the design of migration policies that fully respect the human rights of migrants,

Recalling General Assembly resolution 40/144 of 13 December 1985, by which it approved the Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live,

Aware of the increasing number of migrants worldwide,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, inter alia, to their absence from their State of origin and to the difficulties they encounter because of differences of language, custom and culture, as well as the economic and social difficulties and obstacles to the return of migrants, especially for those who are undocumented or in an irregular migratory situation, to their States of origin,

Deeply concerned at the manifestations of violence, racism, racial discrimination, xenophobia and other forms of intolerance and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

Recognizing the positive contributions that migrants frequently make, including through their eventual integration into their host society, and the efforts that some host countries undertake to integrate migrants,

Highlighting the importance of creating conditions that favour greater harmony, tolerance and respect between migrants and the rest of society in the countries in which they find themselves, in order to eliminate manifestations of racism and xenophobia against migrants,

Welcoming the active role played by governmental and non-governmental organizations in combating racism and xenophobia and assisting individual victims of racist acts, including migrant victims,

Taking note of the judgment of the International Court of Justice of 27 June 2001 and of the Advisory Opinion OC-16/99 issued by the Inter-American Court of Human Rights of 1 October 1999 on The Right to Information on Consular Assistance in the Framework of the Guarantees of Due Process of Law, in the case of foreign nationals detained by the authorities of a receiving State,

Bearing in mind the mandate of the Special Rapporteur on the human rights of migrants contained in its resolution 1999/44 of 27 April 1999,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them;
2. *Also strongly condemns* all forms of racial discrimination and xenophobia related to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public;
3. *Requests* States effectively to promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their migratory condition, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination, and other relevant human rights instruments, norms and standards;

4. *Calls upon* States to implement fully the commitments and recommendations related to the promotion and protection of the human rights of migrants contained in the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

5. *Also calls upon* all States to consider reviewing and, where necessary, revising immigration policies with a view to eliminating all discriminatory practices against migrants and to provide specialized training for government policy-making and law enforcement, migration and other concerned officials, thus underlining the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

6. *Reaffirms emphatically* the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations, particularly with regard to the right of foreign nationals, regardless of their immigration status, to communicate with a consular official of their own State in the case of detention, and the obligation of the State in whose territory the detention occurs to inform the foreign national of that right;

7. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants, including by individuals or groups;

8. *Encourages* States that have not yet done so to enact domestic legislation and to take further effective measures to combat international trafficking and smuggling of migrants, which should take into account, in particular, trafficking and smuggling that endangers the lives of migrants or entails different forms of servitude or exploitation, such as any form of debt bondage, slavery and sexual exploitation or forced labour, and also encourages them to strengthen international cooperation to combat such trafficking and smuggling;

9. *Calls upon* States to protect all human rights of migrant children, particularly unaccompanied migrant children, ensuring that the best interests of the children are the paramount consideration, and underlines the importance of reuniting them with their parents, when possible, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations to strengthen their protection;

10. *Welcomes* immigration programmes adopted by some countries that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant environment, and encourages States to consider the possibility of adopting these types of programmes;

11. *Encourages* States to consider participating in international and regional dialogues on migration that include sending and receiving countries, as well as countries of transit, and invites them to consider negotiating bilateral and regional agreements on migrant workers in the framework of applicable human rights law and designing and implementing programmes with States of other regions to protect the rights of migrants;
12. *Welcomes* the third report of the Special Rapporteur (E/CN.4/2002/94 and Add.1) submitted pursuant to Commission resolution 2001/52 of 24 April 2001, especially regarding the work she has undertaken, and takes note of her observations and recommendations;
13. *Decides* to extend for a period of three years the mandate of the Special Rapporteur and encourages her to continue to examine ways and means of overcoming existing obstacles to the full and effective protection of the human rights of persons belonging to this large vulnerable group, including obstacles to and difficulties for the return of migrants who are undocumented or in an irregular situation, in conformity with her mandate as contained in Commission resolution 1999/44;
14. *Requests* the Special Rapporteur, in carrying out her mandate and within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, to request, receive and exchange information on violations of the human rights of migrants, wherever they may occur, from Governments, treaty bodies, specialized agencies and the special mechanisms of the Commission, as well as from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;
15. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;
16. *Requests* the Special Rapporteur, as part of her activities, to continue her programme of visits, which contribute to improving the protection afforded to the human rights of migrants and to the broad and full implementation of all the aspects of her mandate;
17. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable her to fulfil her mandate effectively, and notes with appreciation that some Governments have already invited her;
18. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to react promptly to her urgent appeals;

19. *Requests* the Special Rapporteur to take into account, while carrying out her mandate, the recommendations on migrants contained in the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

20. *Also requests* the Special Rapporteur, in carrying out her mandate, to take into account bilateral and regional negotiations which aim at addressing, inter alia, the return and reinsertion of migrants who are undocumented or in an irregular situation;

21. *Further requests* the Special Rapporteur to submit a report on her activities to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session;

22. *Requests* the Secretary-General to give the Special Rapporteur all necessary human and financial assistance for the fulfilment of her mandate;

23. *Calls upon* States, intergovernmental and non-governmental organizations to observe on 18 December of each year International Migrants Day, proclaimed by the General Assembly, by disseminating, inter alia, information on the human rights and fundamental freedoms of migrants and on their economic, social and cultural contributions to their host and home countries, and by sharing experiences, and adopting measures to ensure their protection and to promote greater harmony between migrants and the societies in which they live;

24. *Urges* States to ratify or to adhere to the United Nations Convention against Transnational Organized Crime and its two protocols, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and fully to implement those instruments;

25. *Decides* to examine this question further, as a matter of priority, at its fifty-ninth session under the same agenda item.

*55th meeting
25 April 2002*

[Adopted without a vote. See Chap. XIV.]

2002/63. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People

The Commission on Human Rights,

Recalling its previous resolutions on the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People, in particular resolution 1997/32 of 11 April 1997,

Recalling also Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

Affirming its recognition of the value and diversity of the cultures and forms of social organization of indigenous people and that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world,

Recalling that the goal of the International Decade of the World's Indigenous People is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

Mindful of the decision by the General Assembly in its resolution 49/214 of 23 December 1994 to observe the International Day of the World's Indigenous People on 9 August every year,

I. REPORT OF THE WORKING GROUP ON INDIGENOUS POPULATIONS OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

1. *Takes note* of the report of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2002/2-E/CN.4/Sub.2/2001/40) and of the report of the Working Group on its nineteenth session (E/CN.4/Sub.2/2001/17);

2. *Urges* the Working Group to continue its comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people, welcomes its proposal to highlight specific themes of the International Decade of the World's Indigenous People at its future sessions, noting that at its twentieth session the Working Group will continue to focus on the theme of "Indigenous peoples and their right to development, including their right to participate in development affecting them" and invites Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data on this theme to the Working Group at its twentieth session;

3. *Again invites* the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of indigenous people;

4. *Recommends* that the Economic and Social Council authorize the Working Group to meet for five working days prior to the fifty-fourth session of the Sub-Commission;

5. *Invites* the Working Group to continue its consideration of ways in which the expertise of indigenous people can contribute to the work of the Working Group, and encourages initiatives by Governments, organizations of indigenous people and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group;

6. *Requests* the Secretary-General:

(a) To provide adequate resources and assistance to the Working Group in the discharge of its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

(b) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

7. *Notes* General Assembly resolution 56/140 of 19 December 2001 which expanded the mandate of the United Nations Voluntary Fund for Indigenous Populations to assist representatives of indigenous communities and organizations in attending the sessions of the Permanent Forum on Indigenous Issues and appeals to all Governments, organizations and individuals in a position to do so to consider contributing to the Fund, if possible with a substantial increase in the level of contributions;

II. INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

8. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the implementation of the programme of activities for the International Decade of the World's Indigenous People (E/CN.4/2002/96);

9. *Invites* the Working Group on Indigenous Populations to continue its review of activities undertaken during the Decade and encourages Governments and intergovernmental and non-governmental organizations to provide information on the implementation of the goals of the Decade, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

10. *Welcomes* the affirmation by the General Assembly that a major objective of the Decade is the adoption of a declaration on the rights of indigenous people;

11. *Welcomes* the convening of the first annual session of the Permanent Forum on Indigenous Issues at United Nations Headquarters from 13 to 24 May 2002 and encourages all parties concerned, including all mechanisms, procedures and programmes of the United Nations concerned with indigenous issues, to secure, from within existing resources, an adequately funded and well-functioning Forum that reflects its broad mandate, including through the provision of adequate secretariat support;

12. *Requests* the High Commissioner, in her capacity as Coordinator of the Decade, to submit an updated annual report reviewing activities within the United Nations system under the programme of activities for the Decade to the Commission on Human Rights at its fifty-ninth session under the agenda item entitled "Indigenous issues", in accordance with the request by the General Assembly to the Secretary-General;

13. *Notes* that, in her report, the High Commissioner, in her capacity as Coordinator of the Decade, reviews the implementation of the programme of activities of the Decade, takes note of the information contained therein about the activities of the United Nations system, including the specialized agencies, and other intergovernmental activities relating to indigenous people and urges all parties concerned to intensify their efforts to achieve the goals of the Decade;

14. *Emphasizes* the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

15. *Appeals* to all Governments, organizations and individuals in a position to do so to support the Decade by contributing to the Voluntary Fund for the International Decade of the World's Indigenous People;

16. *Encourages* Governments, as appropriate, recognizing the importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with indigenous people, by:

(a) Preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(b) Seeking means of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;

(c) Identifying resources for activities designed to implement the goals of the Decade;

17. *Appeals* to intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people;

18. *Encourages* Governments to consider contributing, as appropriate, in support of the achievement of the goals of the Decade, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean;

19. *Requests* the High Commissioner to ensure that the indigenous people's unit in the Office of the United Nations High Commissioner for Human Rights is adequately staffed and resourced to enable the activities of the Decade to be effectively implemented;

20. *Recommends* that the High Commissioner, when developing programmes within the framework of the International Decade of the World's Indigenous People and the United Nations Decade for Human Rights Education, give due regard to the development of human rights training for indigenous people;

21. *Encourages* the High Commissioner to cooperate with the Department of Public Information in preparing and disseminating information on the International Decade of the World's Indigenous People, taking due care to portray accurately the information regarding indigenous people;

22. *Takes note* of the report of the Special Rapporteur of the Working Group on Indigenous Populations entitled "Study on treaties, agreements and other constructive arrangements between States and indigenous populations" (E/CN.4/Sub.2/1999/20) and requests the High Commissioner to seek information from Governments, non-governmental organizations and indigenous people's organizations on the report and the broader issues it raises, and to submit a report to the Commission at its fifty-ninth session on the views expressed as a basis for a decision by the Commission on a possible seminar;

23. *Invites* the United Nations financial and development institutions, operational programmes and specialized agencies, in accordance with the existing procedure of their governing bodies:

(a) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of these people in developing countries, including through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(b) To launch special projects, through appropriate channels and in collaboration with indigenous people, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(c) To designate focal points or other mechanisms for coordination with the High Commissioner of activities relating to the Decade and commends those organizations that have already done so;

24. *Recommends* that the situation of indigenous people be taken into account in forthcoming United Nations conferences of relevance, including the special session of the General Assembly on Children and the World Summit on Sustainable Development;

25. *Recalls* the recommendation of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that the Secretary-General conduct an evaluation of the results of the International Decade of the World's Indigenous People and make recommendations concerning how to mark the end of this Decade, including an appropriate follow-up, and requests the Secretary-General to begin the implementation of this evaluation;

26. *Takes note* of Economic and Social Council decision 2001/316 of 26 July 2001 requesting the Secretary-General to seek information from Governments, non-governmental organizations, indigenous people's organizations, the Permanent Forum and all existing mechanisms, procedures and programmes within the United Nations concerned with indigenous issues, including the Working Group on Indigenous Populations, as a basis for holding the review mandated in paragraph 8 of Council resolution 2000/22 as soon as possible and not later than the substantive session of 2003 of the Council;

27. *Decides* to consider the International Decade of the World's Indigenous People at its fifty-ninth session under the agenda item entitled "Indigenous issues".

*55th meeting
25 April 2002*

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

**2002/64. Working Group of the Commission on Human Rights
to elaborate a draft declaration in accordance with
paragraph 5 of General Assembly resolution 49/214
of 23 December 1994**

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and Part II, paragraph 28, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming its resolution 1995/32 of 3 March 1995, in which it established an open-ended intersessional working group with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on the Promotion and Protection of Human Rights, entitled "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People,

Reaffirming in particular that the invitation contained in that resolution was addressed to organizations of indigenous people seeking authorization to participate in the working group,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

Recalling General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission,

Welcoming the progress made in the process of drafting a declaration on the rights of indigenous people, and emphasizing the importance and special nature of such a draft declaration as an instrument specifically for promoting the rights of indigenous people,

Recalling the need for the working group to consider all aspects of the draft declaration, including its scope of application,

1. *Takes note* of the report of the working group (E/CN.4/2002/98) and welcomes the continuation and positive nature of the deliberations of the working group, particularly the measures taken to ensure effective input by organizations of indigenous people;

2. *Expresses its appreciation* for the work of the Economic and Social Council in considering applications from organizations of indigenous people to participate in the working group under the procedures set out in the annex to Commission resolution 1995/32;

3. *Welcomes* the decisions of the Council approving the participation of organizations of indigenous people in the work of the working group and urges the Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission resolution 1995/32;

4. *Recommends* that the working group meet for ten working days prior to the fifty-ninth session of the Commission, the cost of the meeting to be met from within existing resources;

5. *Invites* the Chairperson-Rapporteur of the working group and all interested parties to conduct broad informal intersessional consultations with a view to facilitating progress in drafting a declaration on the rights of indigenous people at the next session of the working group;

6. *Encourages* all interested States to participate in an informal intersessional meeting to consider the clusters of articles referred to in paragraph 83 of the report of the working group (E/CN.4/2002/98) and requests the Chairperson-Rapporteur of the working group to ensure that the outcome of this informal intersessional meeting is made available to all interested parties prior to the next session of the working group;

7. *Encourages* organizations of indigenous people which are not already registered to participate in the working group and which wish to do so to apply for authorization in accordance with the procedures set out in the annex to Commission resolution 1995/32;

8. *Requests* the working group to submit a progress report for consideration by the Commission at its fifty-ninth session under the agenda item entitled “Indigenous issues”;

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

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/64 of 25 April 2002, authorizes the working group of the Commission established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of ten working days prior to the fifty-ninth session of the commission, the costs of the meeting to be met from within existing resources.

“The Council endorses the Commission’s decision to invite the Chairperson-Rapporteur of the working group and all interested parties to conduct broad informal intersessional consultations with a view to facilitating progress in drafting a declaration on the rights of indigenous people at the next session of the working group.”

*55th Meeting
25 April 2002*

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

2002/65. Human rights and indigenous issues

The Commission on Human Rights,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an

economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights, that all are entitled to equal protection against any discrimination and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, national origin, birth or other status,

Recalling the International Labour Organization Convention No. 169 concerning indigenous and tribal peoples in independent countries, of 1989,

Guided by the relevant norms and standards of international human rights law, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women,

Bearing in mind the recommendations of the World Conference on Human Rights of June 1993,

Welcoming the provisions relevant to this resolution contained in the Durban Declaration and the Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001, in Durban, South Africa,

Being attentive to the developments of the working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994,

Recalling that the objective of the International Decade of the World's Indigenous People is the strengthening of international cooperation for the solution of the problems they face in areas such as human rights, the environment, development, education and health,

Underlining the importance of concluding, at the latest in 2004, the "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly, prior to the conclusion of the International Decade of the World's Indigenous People,

Noting with satisfaction that the Permanent Forum on Indigenous Issues, a subsidiary organ of the Economic and Social Council, will hold its first annual session in May 2002 and recalling that its mandate consists of discussing indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights,

Taking into account the mandate of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights to review developments pertaining to the promotion and protection of their human rights and fundamental freedoms, giving special attention to the evolution of standards concerning their rights,

Recalling its resolution 2001/57 of 24 April 2001,

Deeply concerned about the precarious levels of economic and social development that indigenous people endure in many parts of the world, and the disparities in their situation in comparison to the overall population, as well as about the persistence of grave violations of their human rights,

Reaffirming the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous people,

Encouraged by the renewed commitment and growing interest of the international community in the full and effective protection of the human rights of indigenous people,

1. *Welcomes* the first report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (E/CN.4/2002/97), submitted pursuant to Commission resolution 2001/57, especially the outline of his future programme of work;

2. *Encourages* the Special Rapporteur to continue to examine ways and means of overcoming existing obstacles to the full and effective protection of the human rights and fundamental freedoms of indigenous people, in conformity with his mandate as contained in Commission resolution 2001/57;

3. *Requests* the Special Rapporteur in performing his work, to consider the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on matters concerning his mandate;

4. *Also requests* the Special Rapporteur, in carrying out his mandate and within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, to request, receive and exchange information on violations of the human rights of indigenous people, wherever they may occur, from Governments, United Nations

human rights treaty bodies, specialized agencies, special mechanisms of the Commission and Sub-Commission on the Promotion and Protection of Human Rights, as well as from intergovernmental organizations, other relevant organizations of the United Nations system and civil society, including indigenous organizations, and to respond effectively to such information;

5. *Further requests* the Special Rapporteur to continue working on the topics included in his first report, in particular, those that impact on the situation of the human rights and fundamental freedoms of indigenous people, which may contribute to advancing the debate on fundamental issues of the “Draft United Nations declaration on the rights of indigenous peoples”;

6. *Invites* the Special Rapporteur, in carrying out his task, to take into account all the recommendations of the Permanent Forum on Indigenous Issues and of the Working Group on Indigenous Populations of the Sub-Commission relevant to his mandate;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to facilitate the attendance of the Special Rapporteur at the first annual session of the Permanent Forum on Indigenous Issues to be held at United Nations Headquarters from 13 to 24 May 2002;

8. *Reiterates* the invitation to the Special Rapporteur to pay special attention to violations of the human rights and fundamental freedoms of indigenous children and women, and to take into account a gender perspective;

9. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to react promptly to his urgent appeals;

10. *Welcomes* the intention of the Special Rapporteur to conduct visits in the discharge of his mandate and encourages Governments to respond positively to a request to visit their country;

11. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions, non-governmental organizations and, in particular, indigenous people to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his mandate;

12. *Urges* those States that have not yet done so to consider, as a matter of priority, signing, ratifying or acceding to the International Labour Organization Convention (No. 169) concerning indigenous and tribal peoples in independent countries of 1989;

13. *Urges* all States, in this context, to fulfil the commitments relevant to this resolution made in the Durban Declaration and the Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

14. *Requests* the Special Rapporteur to submit a report on his activities to the Commission at its fifty-ninth session;

15. *Requests* the Secretary-General and the High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the fulfilment of his mandate;

16. *Decides* to consider the follow-up to this question, as a matter of priority, at its fifty-ninth session, under the same agenda item.

*55th meeting
25 April 2002*

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

2002/66. The work of the Sub-Commission on the Promotion and Protection of Human Rights

The Commission on Human Rights,

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

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

Taking note of:

(a) The report of the Sub-Commission on its fifty-third session (E/CN.4/2002/2-E/CN.4/Sub.2/2001/40);

(b) The report of the Chairperson of the Sub-Commission on its fifty-third session (E/CN.4/2002/99),

Bearing in mind the final working paper on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1999/2) and the Guidelines for the application by the Sub-Commission on the Promotion and Protection of Human Rights of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto, annexed to Sub-Commission decision 1999/114 of 26 August 1999,

1. *Reaffirms* its recognition of the valuable contribution made by the Sub-Commission, as a subsidiary body of the Commission, to the human rights work of the United Nations over the past fifty-five years;
2. *Recognizes* in particular the important contribution of the Sub-Commission and its thematic mechanisms to the development of a better understanding of human rights through the study of important issues, the elaboration of international human rights standards and the promotion and protection of human rights throughout the world, as well as the valuable contribution that Governments, intergovernmental organizations and non-governmental organizations have made to the success of the Sub-Commission;
3. *Reaffirms* that the Sub-Commission can best assist the Commission by providing it with:
 - (a) Independent expert studies carried out by its members or alternates;
 - (b) Recommendations based on, and after full consideration of, these studies;
 - (c) Studies, research and expert advice at the request of the Commission;
4. *Welcomes* the actions taken by the Sub-Commission at its fifty-third session to respond to recommendations by the Commission for the initiation of working papers and new studies;
5. *Also welcomes* the attention given by the Sub-Commission to economic, social and cultural rights, as well as its continued attention to civil and political rights;
6. *Further welcomes* the improved working methods of the Sub-Commission at its fifty-third session at which it:
 - (a) Reformed, improved and streamlined its agenda to seven items;
 - (b) Held a closed joint meeting with the Expanded Bureau of the fifty-seventh session of the Commission on Human Rights;
 - (c) Drafted many of its resolutions in closed session rather than attempting to do so in public sessions;

(d) Pursued other innovative and useful procedural approaches, in particular the use of the “question-and-answer” format and some expert panel discussions;

7. *Decides* not to endorse the proposal contained in draft decision 8 of the Sub-Commission that the Commission take action on proposals of the Sub-Commission at its one-day annual informal meeting in September and requests the Office of the United Nations High Commissioner for Human Rights to report to the Commission at its fifty-ninth session on possible ways and means of addressing the issues raised by the Sub-Commission and of improving the Commission’s action on proposals of the Sub-Commission;

8. *Reiterates and reaffirms:*

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

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

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

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

(b) Maintaining a streamlined agenda;

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

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

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

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

- (b) Giving particular attention to the selection of studies specifically recommended by the Commission and at the same time focusing on how and when the implementation of existing standards can be improved;
- (c) Respecting strictly the highest standards of impartiality and expertise, and avoiding acts which would affect confidence in the independence of its members;
- (d) Facilitating efficient and effective participation of non-governmental organizations;
- (e) Giving full consideration to studies and working papers by special rapporteurs and its members before sending them to the Commission;
- (f) Taking further steps to accomplish its work within a three-week session;
- (g) Making proposals to the Commission on how it might assist the Sub-Commission in improving its work and vice versa;
- (h) Focusing strictly on questions relating to human rights in accordance with its mandate;
- (i) Avoiding duplication of its work with that being carried out by other competent bodies and mechanisms;

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

- (a) To be conscious of the strong concern to ensure that the body is independent and is seen to be so;
- (b) To keep in mind the need for a balanced accommodation of the benefits of continuity and the importance of renewal;
- (c) To select members with acknowledged expertise in human rights; and
- (d) To submit nominations, if possible, at least two months prior to the beginning of the session at which they will be elected, so as to enable the members of the Commission thoroughly to assess the qualifications and the independence of the nominees;

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

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

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

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

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

55th meeting

25 April 2002

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

2002/67. Situation of human rights in Myanmar

The Commission on Human Rights,

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

Recognizing that the systematic violations of civil, political, economic, social and cultural rights by the Government of Myanmar have a significant adverse effect on the health and welfare of the people of Myanmar and are at the heart of a precarious humanitarian situation,

Aware that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government and therefore gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling the observation made by the Special Rapporteur that only the full release of all political prisoners will pave the way to national reconciliation and the establishment of the rule of law leading to the democratization process,

Mindful that Myanmar is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Geneva Conventions of 12 August 1949 on the protection of victims of war, as well as the 1930 Convention concerning forced or compulsory labour (No. 29) and the 1948 Convention concerning freedom of association and protection of the right to organize (No. 87) of the International Labour Organization,

Recalling the resolution adopted by the International Labour Conference at its eighty-eighth session, concerning the practice of forced or compulsory labour in Myanmar,

Recalling also previous resolutions of the General Assembly and the Commission on the subject, most recently Assembly resolution 56/231 of 24 December 2001 and Commission resolution 2001/15 of 18 April 2001,

Welcoming the cooperation extended to the Special Envoy of the Secretary-General as well as to the Special Rapporteur during their visits to Myanmar,

1. *Expresses its appreciation* for the assistance and collaboration that the Government of Myanmar has extended to the Special Rapporteur during his mission and urges it to continue cooperating with the Special Rapporteur and other relevant United Nations mechanisms, to allow them freely to carry out other missions on the ground and to implement their recommendations fully, specially those contained in the report of the Special Rapporteur;

2. *Welcomes:*

(a) The report of the Special Rapporteur on the situation of human rights in Myanmar (E/CN.4/2002/45), the observations on the situation and the recommendations contained therein;

(b) The report of the Secretary-General on the visit of his Special Envoy to Myanmar (A/56/505), his actions and good offices to facilitate the process of national reconciliation;

(c) The contacts between the Government and Aung San Suu Kyi, Secretary-General of the National League for Democracy, and hopes that such talks will be extended at an appropriate time to include, among others, representatives of ethnic minorities and thereby facilitate broad-based and inclusive national reconciliation and the restoration of democracy;

(d) The steps taken by the Government of Myanmar to allow some political functions to be resumed by the opposition, including the reopening of some branch offices of political parties and the cessation of the negative media campaign, but expresses deep concern at the unnecessary and discriminatory stringent restrictions that continue to hamper political parties' freedom of assembly, association, expression, information and movement, as noted by the Special Rapporteur;

(e) The release from detention of some political activists, and urges the Government of Myanmar to free all remaining political prisoners, to ensure their personal safety and allow them to take part in the process of national reconciliation;

(f) The ongoing ceasefires in some areas of the country, and calls upon the Government of Myanmar to formalize these agreements and pursue promises of political dialogue and urges the authorities and all parties in conflict to continue resolving their differences through political dialogue;

(g) Continued cooperation with the International Committee of the Red Cross in carrying out humanitarian missions involving visiting places of detention and communication with detainees, and expresses the hope that it will continue and develop further;

(h) The release from detention of some women with small children on humanitarian grounds;

(i) The reopening of all institutes of tertiary education, but remains concerned that enjoyment of the right to education continues to be limited, often for political reasons, by the reduction in the length of the academic year, the division of the student population and its dispersal to distant campuses, the lack of teachers, and inadequate material support from the Government, which seriously affects the future prospects for young people, and the inadequate allocation of resources;

(j) The dissemination of human rights standards for public officials through a series of human rights workshops, and encourages the Government of Myanmar to widen participation in these workshops to ensure that this information, and its practical implementation, can benefit all citizens of Myanmar;

(k) The understanding reached between the Government and the International Labour Organization concerning the appointment of an International Labour Organization Liaison Officer in Myanmar by June 2002, which will serve as a first step towards the establishment of a full and effective representation by the International Labour Organization in Myanmar;

(l) The launching of the United Nations Joint Action Plan on HIV/AIDS in Myanmar;

3. *Takes note* of the establishment of a Committee on Human Rights, leading to the establishment of a National Human Rights Commission, and urges that the Commission comply with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) annexed to General Assembly resolution 48/134 of 20 December 1993;

4. *Expresses its grave concern:*

(a) At the slow pace of the process of national reconciliation and democratization in Myanmar and urges greater momentum towards national reconciliation;

(b) At the persistence of a governmental policy based on the repression of all political activities of opposition and on the abuse of the legal system through arbitrary detention, imprisonment and systematic surveillance of persons who try to exercise their freedom of thought, expression, assembly and association and harassment of their families, as well as the lack of respect for and protection of freedom, health, education and human development of the population;

(c) At the composition and working procedures of the National Convention that do not permit either members of Parliament-elect or representatives of the ethnic minorities to express their views freely and urges the Government of Myanmar to intensify political dialogue and the confidence-building measures, both with the opposition and with all the ethnic groups, to search for new procedures to allow the promotion of a real national reconciliation based on cooperation and the adoption of joint measures, and to establish a chronological framework for so doing;

(d) At the keeping of Daw Aung San Suu Kyi under de facto house arrest and other members of the National League for Democracy in prison, and urges the Government of Myanmar to release them immediately and unconditionally and allow them to exercise their freedom of association, movement and expression;

(e) At the imprisonment of elected members of Parliament for peacefully exercising their freedom of assembly, association and expression;

(f) At the fact that there was only very modest improvement in the eradication of forced labour since, in spite of the official prohibition, there have been only uneven efforts to disseminate order 1/99 on the Supplementary Orders among the population, since the orders have not been observed by the military at the local level and since, in spite of widespread instances of forced labour, there have been no criminal prosecutions;

(g) At the persistence of grave and massive violations of human rights of civilians, especially in areas where the military conflict is still ongoing between the army and the armed groups in the States of Shan, Karen and Karenni, and urges all the parties to the hostilities in Myanmar to respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law, and to avail themselves of services offered by impartial humanitarian bodies;

(h) At the ever-increasing impact of HIV/AIDS on the population of Myanmar and urges the Government of Myanmar to recognize further the gravity of the situation, the need to commit adequate resources and the need to take measures, in cooperation with the National League for Democracy, ethnic groups, non-governmental organizations and women's groups, in particular preventive measures, to fight this epidemic including through the effective implementation of the United Nations Joint Action Plan which must reach the communities that are most affected by HIV/AIDS and therefore more vulnerable to it;

(i) At the deeply unsatisfactory conditions which still exist in prisons, labour camps and other detention centres in Myanmar as reported by the Special Rapporteur, such as cruel and degrading treatment, lack of medical assistance, inadequate nutrition, prolonged solitary confinement and detention in excessively small cells, the discriminatory treatment of political prisoners, as well as the high mortality rate among labour camp inmates;

5. *Deplores:*

(a) The continuing pattern of gross and systematic violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, forced labour, including the use of children, forced relocation and denial of freedom of assembly, association, expression, religion and movement;

(b) The lack of independence of the judiciary from the executive and the wide disrespect for the rule of law, including for the basic guarantees of due process, especially in cases involving the exercise of political and civil rights and freedoms resulting in arbitrary arrests and detentions, the absence of judicial control over detentions, sentences passed without trial, keeping the accused in ignorance of the legal basis of the charge brought against them, trials held in secret and without proper legal representation of the accused, continued instances of detention and sentencing of people for political offences, the failure to inform the family and counsel of the accused about the sentence, and arbitrary extension of completed sentences;

(c) The continued violations of the human rights of, and widespread discriminatory practices against, persons belonging to ethnic and religious minorities, including extrajudicial execution, rape, torture, ill-treatment and the systematic programmes of forced relocation directed against ethnic minorities, notably in Karen, Karenni, Rakhine, Chin and Shan States and in Tenasserim Division, destruction of places of worship, use of anti-personnel landmines, destruction of crops and fields and dispossession of land and property, which deprive these persons of all means of subsistence and result in large-scale displacement of persons and flows of refugees to neighbouring countries and an increasing number of internally displaced persons;

(d) Reports of restrictions on the exercise of freedom of religion, such as the restriction on the building of new mosques and churches and forced conversions, notably of Muslims in Rakhine State and Christians in Chin State;

(e) The continuing violations of the human rights of women, in particular forced labour, trafficking, sexual violence and exploitation and abuse in detention, often committed by military personnel and especially directed towards women who are returning refugees, internally displaced, or belong to ethnic minorities or the political opposition;

(f) The continuing violations of the rights of children in Myanmar, in particular through the lack of conformity of the existing legal framework with the Convention on the Rights of the Child, conscription of children into forced labour programmes, sexual exploitation of children and their recruitment and other forms of exploitation by the military, discrimination against children belonging to ethnic and religious minorities, and high rates of infant and maternal mortality and malnutrition;

(g) The severe restrictions on the freedoms of opinion, expression, assembly and association, the restrictions on citizens' access to information, including censorship of all forms of domestic media and many international publications, and the restrictions imposed on citizens wishing to travel within the country and abroad including the denial of passports on political grounds, and gross interference in private life, family, home and correspondence;

(h) The situation of the large number of internally displaced persons and reaffirms the need to give them the necessary protection and assistance and urges the Government to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies;

6. *Calls upon* the Government of Myanmar:

(a) To develop further a constructive dialogue with the United Nations system, including the human rights mechanisms, for the effective promotion and protection of human rights in the country;

(b) To continue to cooperate with the Secretary-General and his Special Envoy and to implement their recommendations fully;

(c) To cooperate fully with all United Nations representatives, in particular to develop further the contacts established with the Special Rapporteur, to allow him freely to return to Myanmar and to conduct field missions, thereby furthering his contacts with the Government and all other relevant sectors of society and enabling him fully to discharge his mandate;

(d) To consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention relating to the Status of Refugees and its Protocol;

7. *Strongly urges* the Government of Myanmar:

(a) To implement fully the recommendations made by the Special Rapporteur;

(b) To ensure full respect for all human rights and fundamental freedoms, including economic, social and cultural rights, in particular to ensure full respect for the freedoms of expression, religion, association, movement and assembly, the right to a fair trial by an independent and impartial judiciary, and the protection of the rights of persons belonging to ethnic and religious minorities;

(c) To put an end to violations of the right to life and integrity of the human being and to the practices of torture, abuse of women, forced labour and forced relocations, enforced disappearances and summary executions;

(d) To fulfil its obligations to restore the independence of the judiciary and due process of law, to end impunity and bring to justice all perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged breaches of international humanitarian and human rights law committed by government agents in all circumstances;

(e) To recognize the political rights of members of all political parties, to allow the National League for Democracy and all other political parties to participate in the democratic process and to enter into a substantive political dialogue with them in order to accelerate the democratic transition, to ensure the irreversibility of the process and to develop, as a matter of priority, an electoral system that allows the creation of a structure of democratic governance and guarantees the participation of all political forces including ethnic minorities;

(f) To fulfil its obligations under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women by bringing national legislation and practice into conformity with these conventions, and to consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Optional Protocols to the Convention on the Rights of the Child;

(g) To implement fully the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular the request to prosecute and punish those who violate the human rights of women and to carry out human rights education and gender-sensitization training, in particular for military personnel;

(h) To release immediately and unconditionally those detained or imprisoned for political reasons, with special urgency with respect to those who are old, sick and imprisoned beyond the terms of their sentence, and to offer guarantees to released prisoners that they will not be arrested again or subjected to harassment and to allow them to participate freely in the political process;

(i) To apply the Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment adopted by the General Assembly in its resolution 42/173 of 9 December 1988 in order to improve conditions of detention, in particular in the field of health, and to eliminate unnecessary restrictions imposed on the detainees;

(j) To put an end to the causes of the systematic forced displacements of persons and the flow of refugees to neighbouring countries and create adequate conditions for their safe and voluntary return and complete reintegration, to allow humanitarian personnel safe and unhindered access to assist their return and reintegration, and to address the problems of trafficking of women and children, especially in the border area;

(k) To cease the laying of landmines, in particular as a means of ensuring forced relocation, and to desist from the forced conscription of civilians to serve as human minesweepers, and to consider becoming a party to the 1997 Convention on the Prohibition of the Use, Stockpiling and Transfer of Anti-personnel Mines and on Their Destruction;

(l) To implement fully concrete legislative, executive and administrative measures to eradicate the practice of forced labour and to sanction those responsible;

(m) To implement fully the recommendations of the International Labour Organization Commission of Inquiry and the high-level team and to cooperate fully with the International Labour Organization in establishing, as soon as possible, a continued and effective International Labour Organization representation in Myanmar, in agreeing to the appointment of an independent ombudsman and in carrying out the other conclusions adopted by the Governing Body of the International Labour Organization at its 282nd session in November 2001 and 283rd session in March 2002 concerning the observance by the Government of Myanmar of Convention No. 29 concerning forced or compulsory labour;

(n) To cooperate fully with the United Nations international humanitarian organizations, and all sectors of the community through consultation, to facilitate the granting of authorization to work throughout the country to United Nations and international humanitarian personnel, to allow the provision of humanitarian assistance and to guarantee that it actually reaches the most vulnerable groups of the population, in cooperation with all relevant political and ethnic groups;

(o) To promote and protect the human rights of persons living with HIV/AIDS and guard against any marginalization and discrimination that they may experience;

(p) To ensure that sufficient funding is allocated to the health care system to enable health workers to provide the highest possible standard of health care for all in need;

(q) To enable the building up of a pluralist civil society by creating conditions for the full exercise of the freedoms of expression, association and assembly, including through the revision of relevant legislation, holding a constructive human rights dialogue with the organizations of civil society and finally allowing the creation of these organizations in all sectors of life;

8. *Decides:*

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-seventh session and to report to the Commission at its fifty-ninth session, and to keep a gender perspective in mind when seeking and analysing information;

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

(c) To request the Secretary-General to continue his discussions with the Government on the situation of human rights and the restoration of democracy and with anyone he may consider appropriate in order to assist in the implementation of General Assembly resolution 56/231 and of the present resolution;

(d) To request the United Nations High Commissioner for Human Rights to cooperate with the Director-General of the International Labour Office with a view to identifying ways in which their offices might usefully collaborate for the improvement of the human rights situation in Myanmar;

(e) To request the Secretary-General to bring the present resolution to the attention of all relevant parts of the United Nations system;

(f) To continue its consideration of this question at its fifty-ninth session.

55th meeting
25 April 2002

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