

Distr.
LIMITED

E/CN.4/1993/L.11/Add.5
9 March 1993

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Agenda item 30

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Zdzislaw KEDZIA (Poland)

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* E/CN.4/1993/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1993/L.11 and addenda.

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A. Resolutions

1993/23. Succession of States in respect of international human rights treaties

The Commission on Human Rights,

Affirming that the consistent and effective implementation of international human rights instruments is of major importance to the strengthening of peace, international cooperation and promotion of universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind the considerable changes within the international community, connected with the dissolution of States and the emergence of successor States,

Considering that as successor States they shall succeed to international human rights treaties to which the predecessor States have been parties and continue to bear responsibilities,

Emphasizing the special importance of the observance of universal norms and standards on human rights for the maintenance of stability and the rule of law in any State,

Noting that the confirmation of successor States to appropriate depositaries that they continue to fulfil international human rights treaty obligations of the predecessor State is important in facilitating full and effective cooperation between successor States and United Nations human rights bodies in the promotion of universal enjoyment of human rights and fundamental freedoms,

1. Encourages successor States to confirm to appropriate depositaries that they continue to be bound by obligations under relevant international human rights treaties;

2. Expresses its satisfaction that some successor States have already confirmed their succession to international human rights treaties to which the predecessor States were parties or have become parties to such treaties to which the predecessor States were not parties;

3. Urges successor States that have not yet done so to accede to or ratify those international human rights treaties to which the predecessor States were not parties;

4. Requests the Secretary-General to render advisory services with respect to succession or accession to international human rights treaties to successor States which are members of the United Nations and to report to the Commission on Human Rights at its fiftieth session in regard to action taken under this agenda item;

5. Decides to continue the consideration of this question at its fiftieth session under the agenda item entitled "Status of the International Covenants on Human Rights".

57th meeting
5 March 1993

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

1993/24. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Welcoming General Assembly resolution 47/135 of 18 December 1992 by which the Assembly adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the text of which is annexed to that resolution,

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

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Welcoming the increased attention given by human rights treaty bodies to the non-discrimination and protection of minorities,

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

Noting the growing frequency and severity of disputes and conflicts concerning minorities in many countries, and their often tragic consequences,

Noting the importance of an even more effective implementation of international human rights instruments with regard to the rights of all persons, including those belonging to national or ethnic, religious and linguistic minorities,

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 heritage of society as a whole,

Wishing to strengthen respect for the principles of the Declaration with a view to preventing disputes involving minorities,

Noting with appreciation the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on ways and means to facilitate the peaceful and constructive solution to and management of problems involving minorities by, inter alia, early warning and early action, communication and dialogue among the parties concerned, and looking forward to the final report of the Special Rapporteur of the Sub-Commission, Mr. Asbjørn Eide,

Believing that, as one means of promoting the Declaration, community mediation and other forms of voluntary dispute avoidance or resolution can contribute to the prevention or management of conflicts concerning minorities,

Believing that the programme of advisory services and technical assistance of the Centre for Human Rights can play a useful role in providing expertise, advice and services related to minorities,

1. Calls upon all States to promote and give effect as appropriate to the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the General Assembly in its resolution 47/135 of 18 December 1993;

2. Urges all treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to give due regard to the Declaration, as appropriate, within their mandates;

3. Invites intergovernmental and non-governmental organizations to continue to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

4. Calls upon the Secretary-General to make available, at the request of Governments, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified experts familiar with

minority issues, as well as with the prevention, resolution and/or management of disputes, to assist in existing or potential situations involving minorities;

5. Encourages Governments to consider availing themselves of such advisory services and technical assistance;

6. Requests the Secretary-General, in implementing the present resolution, to provide additional human and financial resources for such advisory services and technical assistance of the Centre for Human Rights, within the existing overall resources of the United Nations;

7. Requests the Secretary-General to report on the implementation of the present resolution under the same agenda item to the Commission at its fiftieth session.

57th meeting

5 March 1993

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

1993/25. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Taking note of General Assembly resolution 47/129 of 18 December 1992, in which the Assembly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of

religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

Conscious of the importance of education in ensuring tolerance of religion and belief,

Alarmed that serious incidents of intolerance and discrimination on the grounds of religion or belief occur in many parts of the world, including acts of violence, as evidenced in the report of the Special Rapporteur (E/CN.4/1993/62 and Corr.1 and Add.1), Mr. Angelo Vidal d'Almeida Ribeiro,

Conscious that incidents of discrimination and intolerance carried out by persons or groups of persons on the grounds of religion or belief continue to occur in many parts of the world,

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Expresses its thanks to the Special Rapporteur and takes note of his report and the various views expressed thereon during its forty-ninth session;

3. Urges States to ensure that their constitutional and legal systems provide adequate guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

4. Recognizes that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

5. Urges all States, therefore, to take all appropriate measures to combat hatred, intolerance and acts of violence, including those motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

6. Also urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

7. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

8. Also calls upon all States in accordance with their national legislation to exert their utmost efforts to ensure that religious places, buildings and shrines are fully respected and protected;

9. Recognizes that the exercise of tolerance and non-discrimination by persons and groups of persons is necessary for the full realization of the aims of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

10. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure that appropriate measures are taken to this end in the World Public Information Campaign for Human Rights;

11. Reiterates, therefore, its invitation to the Secretary-General to continue to give priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief in all the official languages of the United Nations and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies;

12. Encourages the Special Rapporteur to continue to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

13. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

14. Recommends that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work of the United Nations programme of advisory services in the field of

human rights, including with regard to the drafting of basic legal texts in conformity with international instruments on human rights and taking into account the provisions of the Declaration;

15. Encourages the Special Rapporteur to consider whether the United Nations programme of advisory services in the field of human rights might be of assistance in certain situations, at the request of States, and to make appropriate recommendations in this regard;

16. Welcomes the intention of the Human Rights Committee to make available soon a general comment on article 18 of the International Covenant on Civil and Political Rights, dealing with freedom of thought, conscience and religion;

17. Also welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration, including the submission of their views to the Preparatory Committee for the World Conference on Human Rights;

18. Invites interested non-governmental organizations to consider what further role they could envisage playing in the implementation of the Declaration and its dissemination in national and local languages;

19. Calls upon all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages;

20. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to report to the Commission at its fiftieth session;

21. Also requests the Secretary-General to report to the Commission at its fiftieth session on measures taken to implement the present resolution;

22. Decides to continue its consideration of the question at its fiftieth session under the agenda item entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

57th meeting
5 March 1993

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

1993/26. United Nations Voluntary Trust Fund on
Contemporary Forms of Slavery

The Commission on Human Rights,

Recalling article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights, which state that no one shall be held in slavery or servitude,

Affirming that the struggle to eliminate slavery includes the provision of assistance to the victims and to the representatives of non-governmental organizations dealing with issues of contemporary forms of slavery,

Bearing in mind General Assembly resolution 46/122 of 17 December 1991, in which the Assembly decided to establish a voluntary trust fund on contemporary forms of slavery,

Convinced that the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery will play an important role in the protection of the human rights of victims of contemporary forms of slavery,

1. Welcomes the appointment by the Secretary-General of a Board of Trustees of the Voluntary Trust Fund on Contemporary Forms of Slavery, in accordance with General Assembly resolution 46/122;
2. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis;
3. Requests the Secretary-General to transmit to all Governments the appeal of the Commission on Human Rights for contributions to the Fund;
4. Also requests the Secretary-General to make use of all existing possibilities to assist the Board of Trustees of the Fund, inter alia, through the preparation, production and dissemination of information material, in its efforts to make the Fund and its humanitarian work better known.

57th meeting
5 March 1993

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

1993/27. Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling the provisions of the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, as well as article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights, which state that no one shall be held in slavery or servitude,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its seventeenth session (E/CN.4/Sub.2/1992/34), submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session,

Having considered the relevant Sub-Commission resolutions including its most recent resolution 1992/2 of 14 August 1992,

Recalling its resolution 1982/20 of 10 March 1982 on the question of slavery and the slave trade in all their practices and manifestations and its resolutions on the reports of the Working Group on Contemporary Forms of Slavery of the Sub-Commission, including its most recent resolution 1992/47 of 3 March 1992,

Recalling Economic and Social Council resolutions 1982/20 of 4 May 1982 and 1983/30 of 26 May 1983 on the suppression of the traffic in persons and of the exploitation of the prostitution of others, and the recommendations contained in resolution 1983/30,

Recalling also Economic and Social Council resolutions 1988/34 of 27 May 1988, 1989/74 of 24 May 1989, 1990/46 of 25 May 1990, 1991/35 of 31 May 1991 and 1992/10 of 20 July 1992,

Recalling further General Assembly resolutions 38/107 of 16 December 1983 and 40/103 of 13 December 1985 on the prevention of prostitution,

Gravely concerned that slavery, the slave trade, slavery-like practices and even modern manifestations of this phenomenon still exist, representing some of the gravest violations of human rights,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and

Protection of Minorities for its valuable work, in particular the progress made at its seventeenth session in implementing its programme of work, and for its continued broad approach and flexible methods of work;

2. Expresses its grave concern at manifestations of contemporary forms of slavery as reported to the Working Group;

3. Requests the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Sub-Commission regular reports on the situation in their countries, as provided for under the Conventions and in Economic and Social Council decision 16 (LVI) of 17 May 1974, which contains the mandate of the Working Group on Contemporary Forms of Slavery;

4. Invites those eligible States that have not ratified or acceded to the relevant Conventions to consider doing so as soon as possible, or to explain in writing, if they so wish, why they feel unable to do so, and invites them to consider providing information regarding their national legislation and practices in this field;

5. Invites intergovernmental organizations, relevant organizations of the United Nations system, including the United Nations Children's Fund, the United Nations Development Programme, the United Nations University, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Bank, the International Monetary Fund and the World Tourism Organization, as well as the International Criminal Police Organization and non-governmental organizations concerned, to continue to supply relevant information to the Working Group;

6. Appeals to all Governments to send representatives to the meetings of the Working Group on Contemporary Forms of Slavery;

7. Encourages the Sub-Commission, including its Working Group, to continue to elaborate recommendations on the ways and means of establishing an effective mechanism for the implementation of the Slavery Conventions on the basis of the study prepared by the Secretary-General on this issue

(E/CN.4/Sub.2/1989/37);

8. Recalls once again its request to the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery and requests the Secretary-General to report on the measures taken for this purpose to the Working Group at its eighteenth session and to the Commission on Human Rights at its fiftieth session;

9. Again requests the Secretary-General to reassign to the Working Group a full-time Professional staff member of the Centre for Human Rights, as was the case in the past, under the post which has been included in the budget of the Centre for questions relating to slavery, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre on issues relating to contemporary forms of slavery, and to report on the measures taken for this purpose to the Working Group at its eighteenth session and to the Commission on Human Rights at its fiftieth session;

10. Calls upon all relevant non-governmental organizations, including those interested in the rights of children and women, to attend the sessions of the Working Group;

11. Endorses the recommendation of the Sub-Commission in its resolution 1992/2 of 14 August 1992 that arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery, as contained in decision 1992/115 of 3 March 1992 of the Commission, be repeated in subsequent years;

12. Recommends that Governments avail themselves of the possibility of requesting assistance under the United Nations programme of advisory services in the field of human rights and of the technical assistance programmes of the specialized agencies, in particular that of the International Labour Office;

13. Also recommends that the supervisory bodies of the International Labour Organisation give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery;

14. Further recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining periodic reports of the States parties, give particular attention to the implementation of articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the

International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34, 35, 36 and 39 of the Convention on the Rights of the Child, and that these Committees include specific questions in their guidelines for reporting with a view to preventing and combating contemporary forms of slavery;

15. Invites once again the Special Rapporteur on the sale of children to examine ways and means of further cooperating with the Working Group on Contemporary Forms of Slavery;

16. Recalls that the Economic and Social Council in its resolution 1992/10 requested the Secretary-General to submit a further report to the Council on the steps taken by Member States, organizations of the United Nations system and intergovernmental organizations to implement the recommendations contained in Council resolution 1983/30, and invites the Working Group to take these reports into account, inter alia, when identifying lacunae and policy options;

17. Invites all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups such as children and migrant women against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve these objectives;

18. Requests Governments to pursue a policy of information, prevention and rehabilitation of children and women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that effect;

19. Recommends that these concerns be fully considered by the Working Group at its eighteenth session.

57th meeting
5 March 1993

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

1993/28. Work of the Sub-Commission on Prevention of
Discrimination and Protection of Minorities

The Commission on Human Rights,

Taking note of the report of the Sub-Commission on Prevention of
Discrimination and Protection of Minorities on its forty-fourth session
(E/CN.4/1993/2),

Expressing its appreciation for the positive contribution made by the
Sub-Commission to the work of the Commission in the promotion and protection
of human rights,

Recalling the terms of reference of the Sub-Commission as defined by the
Commission and its particular responsibilities established, inter alia, in
Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of
10 March 1981, Economic and Social Council resolutions 1235 (XLII) of
6 June 1967 and 1503 (XLVIII) of 27 May 1970 and the relevant resolutions of
the General Assembly,

Recalling also its resolution 1992/66 of 4 March 1992, in which it
provided certain guidelines for the work of the Sub-Commission, and Economic
and Social Council resolution 1991/32 of 31 May 1991 on strengthening the
independence of the experts members of the Sub-Commission,

Taking note of the report of the Chairman of the Sub-Commission on the
work of its forty-fourth session (E/CN.4/1993/60) and the proposals contained
therein,

Noting with appreciation the intensified dialogue and the spirit of
cooperation between the Commission and the Sub-Commission through the mutual
exchange of information by their respective chairpersons, in accordance with
paragraphs 17 and 18 of Commission resolution 1990/64 of 7 March 1990,

Convinced of the need for a further strengthening of substantial and
meaningful dialogue between the Commission and the Sub-Commission,

Also convinced that it is essential that the impartiality and objectivity
of the Sub-Commission and the independent status of its members and their
alternates should continue to be its guiding principles,

Further convinced that the credibility and effectiveness of the
Sub-Commission as an expert human rights body are dependent on Governments
nominating and the Commission electing as members and alternates of the
Sub-Commission only individuals who possess genuine expertise in the field of
human rights and who are able to act independently of their Governments,

Stressing the valuable role that the Sub-Commission, as a body of independent experts, can play, inter alia, in addressing new developments in the field of human rights and also in providing a forum for the contributions of non-governmental organizations in the field of new developments,

Mindful of the important contribution in general that non-governmental organizations in consultative status with the Economic and Social Council make to the work of the Sub-Commission, in conformity with the principles embodied in Council resolutions 1296 (XLIV) of 23 May 1968 and 1919 (LVIII) of 5 May 1975,

Welcoming the report of the inter-sessional working group on the methods of work of the Sub-Commission established pursuant to Commission resolution 1992/66 of 4 March 1992 (E/CN.4/Sub.2/1992/3) and the results of the work of the group,

Convinced that it is highly appropriate for the Commission to give considered attention to the work of the Sub-Commission and thereby maintain the effectiveness of both bodies in their respective roles,

Reaffirming that it remains important for the Commission to give guidance to the Sub-Commission, and for the Sub-Commission to follow that guidance, in the light of the mandate already granted to it, in order to ensure the complementarity of its activities with those of the Commission,

1. Reaffirms that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

2. Calls upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council;

3. Takes note with appreciation of the significant steps taken by the Sub-Commission to rationalize and streamline its work;

4. Welcomes Sub-Commission resolution 1992/8 of 26 August 1992 and the guidelines annexed thereto;

5. Invites the Sub-Commission to continue its consideration of ways in which its work should be improved with a view to making recommendations on the following points:

(a) Initiatives for a better coordination with the Commission on Human Rights and the other competent organs of the United Nations acting in the field of human rights;

(b) Further strengthening the independence of its experts;

(c) Proposals concerning the rationalization of the agenda, bearing in mind, inter alia, the relationship between the agenda of the Sub-Commission and that of the Commission on Human Rights;

(d) Initiatives which would facilitate the widest possible dissemination of the findings of the Sub-Commission, such as the preparation of a short summary of each completed study, the purpose being that the summaries of all studies completed during a session be published separately in various languages, for example in the Fact Sheet series of the Centre for Human Rights, thus contributing to better publicity for the studies;

(e) Developing a programme of familiarization with the work of the Sub-Commission for new members and alternates, in particular by providing them in good time with a wide variety of documents from the Sub-Commission and other information material;

6. Reaffirms that one of the tasks of the Sub-Commission is a thorough examination of information concerning alleged human rights violations, as well as the presentation of the results of the examination to the Commission;

7. Requests the Sub-Commission to restrict its requests to the Secretary-General to ask Governments, intergovernmental organizations, the specialized agencies and other such bodies for their views and comments on requests relating to those studies that have received prior explicit approval from the Commission;

8. Invites the Sub-Commission to continue to give due regard to new developments in the field of human rights;

9. Calls upon States to nominate as members and alternates persons meeting the criteria of independent experts, who should discharge in that capacity their functions as members of the Sub-Commission, and to respect fully the independence of elected members;

10. Requests the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all languages in good time before the session;

11. Invites the Chairman of the Commission to inform the Sub-Commission on the debate under this item;

12. Decides to invite the Chairman of the Sub-Commission at its forty-fourth session to come for consultations with the members of the Bureau of the Commission at an appropriate time during the meeting of the Bureau of the Commission at the conclusion of its forty-ninth session and the Chairman of the Sub-Commission at its forty-fifth session to report to the Commission at its fiftieth session on the progress made concerning the issues referred to in the present resolution and on significant aspects of the work of the Sub-Commission.

57th meeting
5 March 1993

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

1993/29. Human rights and disability

The Commission on Human Rights,

Recalling its resolution 1992/48 of 3 March 1992, Economic and Social Council decision 1992/276 of 30 July 1992 and General Assembly resolutions 47/3 of 14 October 1992 and 47/88 of 16 December 1992,

Mindful of the need for persons with disabilities to achieve full and equal enjoyment of human rights and participation in all fields of society,

Recalling the plenary sessions of the General Assembly, held on 12 and 13 October 1992, to mark the conclusion of the United Nations Decade of Disabled Persons,

Mindful of the need for a long-term strategy to implement the World Programme of Action to the year 2000 and beyond, resulting from the meeting of experts held at Vancouver, Canada, in April 1992,

Mindful also of the responsibility of Governments in removing or facilitating the removal of barriers and obstacles to the full integration in society of persons with disabilities,

Welcoming the initiative of the Government of Canada in convening the International Conference of Ministers Responsible for the Status of Persons with Disabilities, held at Montreal, Canada, on 8 and 9 October 1992,

1. Supports the efforts of Governments in developing national policies to reach specific objectives, taking into account the recommendations of the General Assembly contained in its resolution 47/88 of 16 December 1992 entitled "Towards the full integration of persons with disabilities in society: a continuing world programme of action";

2. Expresses its appreciation to the Centre for Social Development and Humanitarian Affairs of the Secretariat for its efforts to coordinate and supervise the implementation of the World Programme of Action concerning Disabled Persons;

3. Appeals to Member States to highlight the observance of the International Day of Disabled Persons on 3 December every year with a view to the achievement of the full and equal enjoyment of human rights and participation in society by persons with disabilities;

4. Welcomes the establishment of a Ministers' Working Group and the decision taken as the result of its initial meeting, held in Paris on 19 January 1993, to create an international mechanism for ministers to promote cooperation and international exchange with respect to the status of persons with disabilities;

5. Also welcomes the adoption by the Commission on Social Development at its thirty-third session of the standard rules on the equalization of opportunities for disabled persons;

6. Encourages States to implement the standard rules on the equalization of opportunities for disabled persons as an essential element in the full integration into society of persons with disabilities;

7. Reiterates the invitation to the human rights treaty bodies, notably the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure the full enjoyment of those rights by disabled persons.

57th meeting

5 March 1993

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

1993/30. International Year of the World's Indigenous People, 1993

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 discrimination as to race, sex, language or religion,

Recognizing the value and the diversity of cultures and the forms of social organization of the world's indigenous people,

Reiterating General Assembly resolution 45/164 of 18 December 1990, in which the Assembly proclaimed 1993 as International Year of the World's Indigenous People, with a view to strengthening international cooperation for the resolution of problems faced by indigenous communities in the areas, inter alia, of human rights, the environment, development, education and health, recognizing and respecting their cultural heritage,

Conscious of the need to improve the economic, social and cultural situation of the indigenous people with full respect of their particularities and their own initiatives,

Welcoming General Assembly resolution 47/75 of 14 December 1992 in which it proclaimed the International Year of the World's Indigenous People,

Appreciative of the contributions made to date to the Voluntary Fund for the International Year opened by the Secretary-General,

Noting the establishment of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean as one kind of support sought for the objectives of the International Year,

Mindful of proposals by representatives of indigenous people in support of achieving the objectives of the International Year,

1. Calls upon the United Nations system and Governments that have not yet done so to develop policies in support of the objectives and the theme of the International Year and to strengthen the institutional framework for their implementation;

2. Recommends to all thematic rapporteurs, special representatives, independent experts and working groups to pay particular attention, within the framework of their mandates, to the situation of indigenous people;

3. Urges the Coordinator of the International Year to continue to solicit actively the cooperation of specialized agencies, regional commissions, financial and development institutions and other relevant organizations of the United Nations system for the promotion of the programme of activities contained in the annex to General Assembly resolution 46/128 of 17 December 1991;

4. Appeals to the specialized agencies, regional commissions, financial and development institutions and other relevant organizations of the United Nations system to take into special account the needs of indigenous people in their budgeting and in their programming;

5. Welcomes the recommendation in General Assembly resolution 47/75 of 14 December 1992 to reconvene from within existing resources, in the three working days preceding the eleventh session of the Working Group on Indigenous Populations, the technical meeting provided for in paragraph 8 of General Assembly resolution 46/128 with a view to concluding its deliberations and finalizing its report;

6. Stresses the relevance for the solution of problems faced by indigenous communities of the recommendations contained in chapter 26 of Agenda 21, including their implementation, in the report of the United Nations Conference on Environment and Development (A/CONF.151/26, vol. III);

7. Also stresses that the governmental and intergovernmental activities undertaken within the context of the International Year and beyond should take fully into account the development needs of indigenous people, their own particularities and initiatives and the need for making full use of the contributions which indigenous communities can bring to sustainable national development;

8. Notes that there is a continuing need to improve the availability and the means of dissemination of socio-economic data relating to the development needs of indigenous people and that the International Year should contribute to enhancing and to facilitating the coordination capabilities of Member States for collecting and analysing information in that area;

9. Appeals to Governments, intergovernmental and non-governmental organizations, as well as organizations of indigenous people, to contribute to the Voluntary Fund for the International Year opened by the Secretary-General;

10. Encourages the Preparatory Committee for the World Conference on Human Rights at its fourth session to consider how issues pertinent to the International Year could be addressed within the framework of the Conference, including the substantive participation of indigenous people and the Chairperson-Rapporteur of the Working Group on Indigenous Populations;

11. Authorizes the Chairperson-Rapporteur of the Working Group on Indigenous Populations to represent the Working Group of the Sub-Commission at the World Conference on Human Rights;

12. Requests the Working Group on Indigenous Populations to make its best efforts, at its eleventh session, and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its forty-fifth session, to complete their consideration of the draft universal declaration of indigenous rights and to submit their report to the Commission on Human Rights at its fiftieth session;

13. Requests the Coordinator, in the report to the General Assembly at its forty-ninth session on the activities developed and the results achieved within the context of the International Year, to include an account of the response of the United Nations system to the needs of indigenous people.

57th meeting

5 March 1993

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

1993/31. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities 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,

Recalling also its resolution 1988/44 of 8 March 1988, in which it urged the Working Group on Indigenous Populations to intensify its efforts in carrying out its plan of action and to continue the elaboration of international standards in this field,

Recalling further its resolutions 1990/62 of 7 March 1990, 1991/59 of 6 March 1991 and 1992/44 of 3 March 1992 in which it recommended to the Economic and Social Council that the Working Group be authorized to meet for 10 working days for the purpose of intensifying its efforts to complete a draft declaration on indigenous rights, and the plan contained in the recommendations of the Working Group (E/CN.4/Sub.2/1991/40, annex I) and in

the report of the Working Group (see E/CN.4/Sub.2/1992/33, chap. VI), for the completion of the first and second readings of the text of the draft declaration,

Having examined the report of the Working Group on its tenth session (E/CN.4/Sub.2/1992/33 and Add.1),

Conscious that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms,

Determined to do everything possible to promote the enjoyment of the human rights and fundamental freedoms of indigenous people,

Bearing in mind that international standards must be developed on the basis of the diverse realities of indigenous people in all parts of the world,

Bearing in mind also the need to conclude, as soon as possible, a draft universal declaration on indigenous rights, reflective of the value and diversity of cultures and the forms of social organization of indigenous people,

Reaffirming the decision of the Working Group, at its first session, that its working languages are English and Spanish,

1. Takes note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/33 of 27 August 1992 on the draft universal declaration of indigenous rights;

2. Expresses its appreciation and satisfaction to the Working Group on Indigenous Populations of the Sub-Commission for its valuable work, in particular the progress made at its tenth session in the area of standard-setting;

3. Also expresses its appreciation for the active and constructive participation in the work of the Working Group of observers for Governments, the specialized agencies, non-governmental organizations and, in particular, indigenous people's organizations;

4. Welcomes the recommendation of the Sub-Commission, in its resolution 1992/33, that the Chairman-Rapporteur of the Working Group, Mrs. Erica-Irene A. Daes, be entrusted with the task of further elaborating the paragraphs of the draft universal declaration which were agreed upon at second reading, taking into consideration, inter alia, the comments on the draft declaration which will be provided by Governments, indigenous people's organizations and other interested parties pursuant to the resolution of the Sub-Commission;

5. Requests the Secretary-General to give the Chairman-Rapporteur of the Working Group the resources and assistance necessary to carry out her task;

6. Recommends to the Economic and Social Council that:

(a) The Working Group be authorized to meet for 10 working days prior to the forty-fifth session of the Sub-Commission, to make its best efforts for the purpose of completing a draft declaration on indigenous rights in consultation with interested Governments and indigenous people's organizations;

(b) Upon final adoption of the draft universal declaration on indigenous rights, a report be issued as a United Nations sales publication to ensure its widest distribution;

7. Urges the Working Group to intensify its efforts to continue and to complete as soon as possible the elaboration of international standards based on a continued and comprehensive review of developments pertaining to the promotion and protection of the human rights of indigenous people and of the situation and aspirations of indigenous people throughout the world;

8. Requests the Secretary-General to give all the necessary assistance to the Working Group in discharging its task, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies and non-governmental and indigenous people's organizations, in order to encourage the widest possible participation in its work;

9. Welcomes and strongly endorses the request of the Sub-Commission to the Secretary-General to transmit the revised and reorganized text of the draft declaration to Governments, indigenous peoples and intergovernmental and non-governmental organizations well in advance of the eleventh session of the Working Group;

10. Requests the Working Group on Indigenous Populations to make its best efforts, at its eleventh session, and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its forty-fifth session to complete their consideration of the draft universal declaration of indigenous rights and to submit their report to the Commission on Human Rights at its fiftieth session;

11. Requests the Secretary-General:

(a) To transmit the report of the Working Group to Governments and indigenous people's, intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions aimed at the clarification, simplification and generalization of the texts contained in the annexes to its report;

(b) To ensure that all meetings of the Working Group at its eleventh and future sessions are provided with interpretation and documentation in both English and Spanish;

12. Expresses its gratitude and appreciation to the Governments and organizations that have made contributions to the United Nations Voluntary Fund for Indigenous Populations;

13. Appeals to all Governments, organizations and individuals in a position to do so to consider favourably requests for further contributions to the Fund;

14. Encourages all the initiatives that can be taken by Governments, indigenous communities and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group on Indigenous Populations.

57th meeting

5 March 1993

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

1993/32. The administration of justice and human rights

The Commission on Human Rights,

Recalling its resolution 1992/31 of 28 February 1992, in which it stressed the desirability of providing States, at their request, with continued assistance in the field of administration of justice,

Recalling also its resolution 1992/52 of 3 March 1992 on regional arrangements for the promotion and protection of human rights,

Welcoming resolution AFRM/14 on the administration of justice and human rights adopted on 6 November 1992 by the Regional Meeting for Africa of the World Conference on Human Rights,

Emphasizing the principle of the indivisibility and interdependence of all human rights and fundamental freedoms,

Bearing in mind that the validity and universality of human rights must be promoted and protected by all,

Reaffirming the primary responsibility of all Governments to ensure respect and protection for human rights and fundamental freedoms,

Aware that the historical, cultural and traditional contexts should allow each society to develop its own national and regional mechanisms to ensure the promotion and protection of human rights,

Recognizing that the rule of law and proper administration of justice are prerequisites for sustainable economic and social development,

Recognizing also the central role of the administration of justice in the promotion and protection of human rights,

Aware of the importance of national and regional intergovernmental human rights bodies and institutions in the promotion and protection of human rights,

1. Emphasizes that civil and political rights cannot be separated from economic, social and cultural rights or from rights embodied in other international instruments on human rights;

2. Reaffirms the standards set forth in the International Bill of Human Rights, the African Charter on Human and People's Rights and other international and regional human rights instruments;

3. Acknowledges that it is the primary responsibility of all Governments to promote and protect human rights;

4. Commends the considerable efforts of African and other developing countries to improve the administration of justice and to promote and protect human rights notwithstanding the limited financial and material resources at their disposal;

5. Urges Governments to pay more attention to the needs of the institutions concerned with the administration of justice by allocating more resources to them;

6. Also urges Governments to strengthen the existing national and regional human rights institutions, particularly in developing countries, to enable them to contribute more actively to the promotion and protection of human rights;

7. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal aid services with a view to the promotion and protection of human rights;

8. Appeals to the international community to provide assistance, at the request of the Governments concerned, for the provision of legal aid services with a view to ensuring the promotion, protection and full enjoyment of human rights in Africa and other developing countries;

9. Invites the international community to respond favourably to requests for financial and technical assistance made by institutions concerned with the promotion and protection of human rights in African and other developing countries with a view to enhancing and strengthening their national capacities to promote and protect human rights consistent with the standards set forth in international and other human rights instruments;

10. Commends those developed countries that have over the years given financial assistance to the United Nations programme of advisory services and technical cooperation in the field of human rights, and appeals to them to consider increasing their assistance;

11. Urges the Secretary-General to consider favourably applications for assistance made by African Member States and other developing countries regarding the creation and strengthening of national institutions concerned with the administration of justice within the framework of the United Nations programme of advisory services and technical cooperation in the field of human rights.

57th meeting

5 March 1993

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

1993/33. Human rights and forensic science

The Commission on Human Rights,

Recalling its resolution 1992/24 of 28 February 1992,

Welcoming the report of the Secretary-General on human rights and forensic science (E/CN.4/1993/20), submitted pursuant to Commission on Human Rights resolution 1992/24,

Also welcoming the consultations conducted by the Working Group on Enforced or Involuntary Disappearances with certain organizations and

individuals in the field of forensic science and human rights and the elaboration by the Working Group of a preliminary scheme for establishing a standing team of forensic experts,

Noting that the need by Governments, intergovernmental organizations and non-governmental organizations for forensic scientific expertise in investigating deaths and clarifying disappearances has been emphasized in the reports of the Working Group and the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as those of various country rapporteurs,

Also noting that forensic science can help to reunite children of disappeared persons forcefully separated from their parents with their surviving relatives,

Further noting that forensic medicine is an important tool in detecting evidence of torture,

Noting that in many of the countries concerned, sufficient expertise in forensic science and related fields to investigate human rights violations effectively is not available,

Recognizing that training of local teams in responsible exhumation and identification procedures is a prerequisite for the effective investigation of human rights violations,

Aware that a number of Governments have requested the Secretary-General to provide technical assistance in this regard,

Also aware that several special rapporteurs have welcomed efforts towards the institution of a standing team of forensic experts to assist them in carrying out their human rights mandates,

Recalling the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989,

Considering the proposed model autopsy protocol prepared under United Nations auspices contained in the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (United Nations publication, Sales No. E.91.IV.1),

1. Invites States to take measures to introduce into their rules and practices the international standards set forth in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary

Executions, as well as the model autopsy protocol set forth in the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;

2. Requests the Secretary-General to consult with Governments, relevant United Nations bodies, professional organizations of forensic experts, the organizations mentioned in his report and other interested institutions with a view to identifying individual experts who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes;

3. Also requests the Secretary-General to establish, on the basis of these consultations and on the basis of continuing efforts on the part of the Working Group on Enforced or Involuntary Disappearances to render active assistance, a list of forensic experts and experts in related fields who could be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of the disappeared;

4. Further requests the Secretary-General to make this list available to the special rapporteurs and experts of the United Nations human rights mechanisms so that they may request these experts to assist them in evaluating documents and other evidence and to accompany them on country visits;

5. Requests the Secretary-General to provide appropriate resources, within existing overall United Nations resources, to fund the activities of the Centre for Human Rights in implementing the present resolution;

6. Also requests the Secretary-General to report to the Commission at its fiftieth session on progress made in this matter and to make such recommendations as he may consider appropriate;

7. Decides to consider the question at its fiftieth session under the agenda item "Question of the human rights of all persons subjected to any form of detention or imprisonment".

57th meeting
5 March 1993

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

1993/34. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its decision 1991/107 of 5 March 1991, in which it decided to consider at its forty-eighth session the text, proposed by the Government of Costa Rica, of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (see E/CN.4/1991/66), intended to establish a preventive system of regular visits to places of detention,

Recalling also its resolution 1992/43 of 3 March 1992, in which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica, and decided to consider the question at its forty-ninth session,

Recalling further Economic and Social Council resolution 1992/6 of 20 July 1992, by which the Council authorized an open-ended working group to meet for a period of two weeks prior to the forty-ninth session of the Commission,

Taking note with satisfaction of the observations presented by Governments, United Nations bodies, the Chairman of the Committee against Torture, the Special Rapporteur on the question of torture, the Chairman of the European Committee for the Prevention of Torture and non-governmental organizations, and of the participation of several of them in the working group on the draft optional protocol,

Considering that the working group, after having received the valuable contributions of experts from various international or regional bodies engaged in combating torture, has achieved useful progress in the context of the initial consideration of the draft optional protocol,

Considering also that most delegations have recognized the importance of periodic visits to places of detention in order to reinforce the protection of persons deprived of freedom against torture and other cruel, inhuman or degrading treatment or punishment, and that such recognition constitutes the fundamental motivation for the continuation of the efforts of the working group to devise an effective mechanism, acceptable to the greatest possible number of States,

Recalling General Assembly resolution 47/113 of 16 December 1992, in which the Assembly noted with appreciation that the open-ended working group of the Commission on Human Rights had embarked on the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

1. Takes note of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1993/28) and welcomes the substantial progress it has made at its first session, which enabled an exhaustive analysis to be made of the essential basic principles of the draft;

2. Requests the open-ended working group to meet between sessions for a period of two weeks prior to the fiftieth session of the Commission in order to continue its work and submit a report to the Commission;

3. Requests the Secretary-General to transmit the report of the working group to Governments, the specialized agencies, the chairmen of the human rights treaty bodies, the Special Rapporteur on the question of torture and intergovernmental and non-governmental organizations, and to invite them to submit their observations to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies, non-governmental organizations, the Chairman of the Committee against Torture and the Special Rapporteur on the question of torture to participate in the activities of the working group;

5. Further requests the Secretary-General to extend all necessary facilities to the working group for its meetings prior to the fiftieth session of the Commission;

6. Decides to consider the report of the working group at its fiftieth session under the subitem entitled "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" in the context of the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

7. Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1993/34 of 5 March 1993,

1. Authorizes the meeting of an open-ended working group of the Commission on Human Rights with a view to continuing the elaboration of the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to be held between sessions for a period of two weeks prior to the fiftieth session of the Commission on Human Rights;

2. Requests the Secretary-General to extend to the working group all necessary facilities for its meetings and to transmit the report of the working group (E/CN.4/1992/28) to Governments, the specialized agencies, the chairmen of the human rights treaty bodies, and the intergovernmental and non-governmental organizations concerned.

57th meeting

5 March 1993

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

1993/35. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, in which the Assembly requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, and its resolutions 1990/30 of 2 March 1990, 1991/41 of 5 March 1991, and 1992/30 of 28 February 1992,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the General Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Convinced of the need to continue implementing the provisions of General Assembly resolution 33/173 and of the other United Nations resolutions on the question of disappeared persons, with a view to finding solutions for cases of disappearances and helping to eliminate enforced disappearances, duly taking into account the provisions of the Declaration,

Also noting General Assembly resolution 47/132 of 18 December 1992, entitled "Question of Enforced or Involuntary Disappearances",

Deeply concerned at the persistence of the practice of enforced disappearances in various parts of the world,

Also concerned at the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of disappeared persons,

Recalling in this connection its resolution 1992/59 of 3 March 1992 on cooperation with representatives of United Nations human rights bodies,

Emphasizing the relevance of its resolution 1992/24 of 28 February 1992 on forensic science to the activities of the Working Group on Enforced or Involuntary Disappearances,

Having considered the report of the Working Group (E/CN.4/1993/25 and Add.1),

1. Expresses its appreciation to the Working Group for the way in which it is performing its tasks, and thanks it for submitting to the Commission a report in accordance with resolution 1992/30;
2. Takes note of the report of the Working Group and thanks the Group for continuing to improve its methods of work and for recalling the humanitarian spirit underlying its mandate;
3. Requests the Working Group, in its efforts to help to eliminate the practice of enforced disappearances, to submit to the Commission all information it deems necessary and any specific recommendations it may have regarding the fulfilment of its task;
4. Reminds the Working Group of the need to observe, in its humanitarian task, United Nations standards and practices regarding the treatment of communications and the consideration of Government replies;
5. Invites all Governments to take appropriate legislative or other steps to prevent and punish the practice of enforced disappearances with special reference to the Declaration on the Protection of All Persons from Enforced Disappearance, and to take action to that end nationally, regionally and in cooperation with the United Nations;
6. Notes with concern, as the Working Group stresses in its report, that some Governments have never provided substantive replies concerning disappearances alleged to have occurred in their countries;

7. Deplores the fact that, as the Working Group points out in its report, some Governments have not acted on the recommendations concerning them made in the reports of the Working Group, and requests the Working Group to continue to submit to the Commission information on the follow-up to its recommendations;

8. Urges the Governments concerned, particularly those which have not yet responded to communications transmitted to them by the Working Group, to cooperate with and assist the Working Group so that it may carry out its mandate effectively, and in particular to reply expeditiously to its requests for information;

9. Also urges the Governments concerned to intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

10. Once again urges the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

11. Encourages the Governments concerned to give serious consideration to inviting the Working Group to visit their countries so as to enable the Working Group to fulfil its mandate even more effectively;

12. Urges Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is guaranteed, particularly as regards the prevention of enforced disappearances;

13. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries whenever there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

14. Expresses its profound thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Group's recommendations, and invites them to inform the Working Group of any action they take on those recommendations;

15. Requests the Working Group, pursuant to its mandate, to take into account the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance, and to modify its working methods if necessary;

16. Invites the Working Group to cite in its future reports any obstacles to the proper application of the Declaration, and to recommend means of overcoming them;

17. Also invites the Working Group to continue to consider the question of impunity, drawing in particular on the comments of States and non-governmental organizations, in close collaboration with the rapporteurs appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, with due regard for the relevant provisions of the Declaration;

18. Requests the Working Group to pay attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify these children;

19. Also requests the Working Group to report on its work to the Commission at its fiftieth session, and to continue to discharge its mandate discreetly and conscientiously;

20. Requests the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions, especially in carrying out missions, following them up and holding sessions in countries that would be prepared to receive it;

21. Also requests the Secretary-General to keep the Working Group and the Commission on Human Rights regularly informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration on the Protection of All Persons from Enforced Disappearance.

57th meeting
5 March 1993

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

1993/36. Question of arbitrary detention

The Commission on Human Rights,

Recalling its resolution 1985/16 of 11 March 1985, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to analyse available information concerning the practice of administrative detention without charge or trial, and to make appropriate recommendations on the use of this practice,

Recalling also its resolution 1989/38 of 6 March 1989, its decision 1990/107 of 7 March 1990 and its resolution 1992/28 of 28 February 1992,

Reaffirming articles 3, 9, 10 and 29 as well as other relevant provisions of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Having taken note with appreciation, at its forty-seventh session, of the revised report by Mr. Louis Joinet on the practice of administrative detention (E/CN.4/Sub.2/1990/29 and Add.1) and of the recommendations formulated therein,

Recalling that the General Assembly, in its resolution 43/173 of 9 December 1988, adopted the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which also covers administrative detention, and that, consequently, there is no longer a purpose in treating the question of administrative detention independently, even if, in certain cases, the procedure of administrative detention gives rise to specific abuses,

Recalling also its resolution 1991/42 of 5 March 1991, in which it decided to create, for a three-year period, a working group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise consistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned,

Recalling further that, in its resolution 1992/28 of 28 February 1992, it expressed its satisfaction to the Working Group on Arbitrary Detention at the diligence with which it devised its methods of work,

Having considered the report of the Working Group (E/CN.4/1993/24),

Having heard the comments made during the forty-ninth session of the Commission,

1. Expresses its appreciation to the Working Group on Arbitrary Detention for the way in which it carries out its task, more particularly for the importance that it attaches to respect for the adversarial procedure in its dialogue with States, and to seeking the cooperation of all those concerned by the cases submitted to it for consideration;

2. Takes note with satisfaction of the Working Group's report and thanks the experts for the rigour with which they have performed their task, in the light of the very specific nature of their mandate of investigating cases;

3. Requests the Working Group, to continue, in discharging its mandate, to seek and gather information from Governments and intergovernmental and non-governmental organizations, as well as from the individuals concerned, their families or legal representatives;

4. Considers that the Working Group, within the framework of its mandate, and aiming still at objectivity, could take up cases on its own initiative;

5. Invites the Working Group to continue to take account, in fulfilling its mandate, of the need to carry out its task with discretion, objectivity and independence and to continue to improve its methods of work;

6. Takes note of the deliberations adopted by the Working Group on issues of a general nature, with a view to achieving better prevention and to facilitating the consideration of future cases as well as helping to further strengthen the impartiality of its work;

7. Welcomes the importance that the Working Group attaches to coordination with other mechanisms of the Commission as well as with treaty-monitoring bodies, and invites it to take a position in its next report on the issue of the admissibility of cases submitted to the Working Group when they are under consideration by other bodies;

8. Expresses its profound thanks to Governments which have extended their cooperation to the Working Group and responded to its requests for information, and asks all Governments concerned to demonstrate the same spirit of cooperation;

9. Requests Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its final decision on the character of the detention;

10. Calls upon Governments concerned to pay due heed to the Working Group's decisions and, where necessary, to take appropriate steps and inform the Working Group, within a reasonable period of time, of the follow-up to the Group's recommendations so that it can report thereon to the Commission;

11. Encourages Governments to consider inviting the Working Group to their countries so as to enable the Group to discharge its protection mandate even more effectively and also to make concrete recommendations concerning the promotion of human rights, in the spirit of the advisory or technical assistance services, that may be of help to the countries concerned;

12. Welcomes the fact that the Working Group has been informed of the release of many individuals whose situation had been brought to its attention;

13. Notes with concern that, according to the Working Group, the practice of arbitrary detention is facilitated and aggravated by several factors such as abuse of states of emergency, too vague a definition of offences against State security, and the existence of special jurisdictions;

14. Expresses its concern at the fact that most cases of arbitrary deprivation of liberty are motivated by exercise of the right to freedom of opinion and expression;

15. Greatly encourages States to endeavour to take appropriate measures and ensure that the legislation in these three fields is in conformity with the relevant international instruments;

16. Also encourages States, in accordance with its resolution 1992/35 of 28 February 1992, entitled Habeas corpus, and with the recommendations of the Working Group, to establish a procedure such as habeas corpus and maintain it under in all circumstances, including during states of emergency;

17. Requests the Secretary-General to ensure that the Working Group receives all the necessary assistance, particularly in regard to staffing and appropriate resources to discharge its mandate, including the organization, carrying out and follow-up of missions in countries wishing to invite the Working Group;

18. Requests the Working Group to submit a report to the Commission, at its fiftieth session, and to make all suggestions and recommendations for better fulfilment of its task, particularly in regard to ways and means of ensuring the follow-up to its decisions, in cooperation with Governments;

19. Decides to continue its consideration of the question at its fiftieth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

57th meeting
5 March 1993

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

1993/37. Status of the Convention against Torture
and Other Cruel, Inhuman or Degrading
Treatment or Punishment

The Commission on Human Rights,

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling further General Assembly resolution 39/46 of 10 December 1984, in which the Assembly adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority,

Bearing in mind its resolution 1992/25 of 28 February 1992,

Taking note of General Assembly resolutions 47/111 and 47/113, both of 16 December 1992,

Recalling the decision of 9 September 1992 of the States parties to the Convention to delete paragraph 7 of article 17 and paragraph 5 of article 18 of the Convention and to add a new paragraph as paragraph 4 of article 18, stating that the members of the Committee established under the Convention shall henceforth receive emoluments from United Nations resources on such terms as the General Assembly will decide,

Welcoming the endorsement of these amendments by the General Assembly in its resolution 47/111 of 16 December 1992,

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex) and of the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 37/194, annex), as well as of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex),

Seriously concerned about the alarming number of cases of torture and other cruel, inhuman or degrading treatment or punishment which continue to be reported from various parts of the world,

Determined to promote full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Considering the important functions of the Committee against Torture under the Convention,

Recalling that in its resolution 1985/33 of 13 March 1985, the Commission decided to appoint a special rapporteur to examine questions relevant to torture and also recalling its subsequent decisions to continue his mandate,

Taking note of the outcome of the first session of the open-ended working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention,

1. Welcomes the report of the Committee against Torture on its seventh and eighth sessions (A/47/44);

2. Takes note of the report of the Secretary-General (E/CN.4/1993/21) on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Encourages the States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

4. Stresses the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and urges States parties that have not yet paid their assessed contributions to fulfil their obligations forthwith;

5. Welcomes the attention that the Committee against Torture has given to the development of an effective system of reporting on the implementation of the Convention by States parties and especially its revision of the general guidelines for the submission of reports by States parties as well as its practice of formulating concluding observations after the consideration of such reports;

6. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

7. Urges all States to become parties to the Convention as a matter of priority;

8. Invites all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

9. Requests the Secretary-General to continue to submit to the Commission on Human Rights annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

10. Decides to consider the report of the Secretary-General at its fiftieth session under the agenda sub-item "Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

57th meeting

5 March 1993

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

1993/38. United Nations Voluntary Fund for Victims of Torture

The Commission on Human Rights,

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also General Assembly resolution 36/151 of 16 December 1981, in which the Assembly noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture, and Assembly resolution 47/109 of 16 December 1992,

Reaffirming the importance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Bearing in mind its resolution 1992/27 of 28 February 1992,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims of torture and their families,

Taking note of the information provided by the Secretary-General on the activities of the United Nations Voluntary Fund for Victims of Torture (A/47/662),

Taking note also of the actions taken by the Secretary-General, through the staff of the Centre for Human Rights, to assist the Board of Trustees of the Fund in its efforts to increase public awareness of the Fund and its humanitarian work,

Taking note with appreciation of the consolidated report submitted by the Secretary-General entitled "Ten Years of the United Nations Voluntary Fund for Victims of Torture" (E/CN.4/1993/23),

Recalling the statement by the Board of Trustees of the Fund on the need to receive contributions from Governments on a regular basis, which, inter alia, would prevent the interruption of programmes in the continuation of which the Fund plays an instrumental role,

Taking account of the fund-raising campaign launched on the recommendation of the Board of Trustees at its eleventh session, held from 22 April to 1 May 1992, to enhance the capacity of the Fund to respond more favourably to the increasing number of requests for assistance to victims of torture,

Taking account also of the repeated requests by the Board of Trustees of the Fund to receive for the operations of the Fund adequate staff, as well as computer equipment to process efficiently the increasing number of projects in the programme portfolio of the Fund,

Noting with satisfaction that international centres for the rehabilitation of torture victims have been established which play an important role in providing assistance to victims of torture, and noting the collaboration of the Fund with these centres,

1. Expresses its appreciation to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for the work it has carried out;
2. Expresses its gratitude and appreciation to those Governments, organizations and individuals that have already contributed to the Fund;
3. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, on a regular basis if possible and to the fund-raising campaign launched in 1992;

4. Calls upon the Secretary-General to consider the possibility of arranging a special pledging session for the Fund in the context of the World Conference on Human Rights, to be held in Vienna from 14 to 25 June 1993;

5. Renews its request to the Secretary-General to transmit to all Governments the appeals of the Commission on Human Rights for contributions to the Fund;

6. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and computer equipment for the operations of the Fund;

7. Also requests the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis.

57th meeting

5 March 1993

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

1993/39. Staff members of the United Nations and of the specialized agencies in detention

The Commission on Human Rights,

Recalling General Assembly resolutions 42/219 of 21 December 1987, 43/225 of 21 December 1988, 44/186 of 19 December 1989, and 45/240 of 21 December 1990, in which the Assembly deplored the increase in the number of cases where the functioning, safety and well-being of officials had been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions,

Recalling its resolution 1992/26 of 28 February 1992, in which it requested the Secretary-General to continue his efforts to ensure that the human rights and privileges and immunities of United Nations staff members and experts and their families were fully respected, and to submit to the Commission at its forty-ninth session an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Welcoming resolution 1992/24 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission, inter alia, expressed its appreciation to its

Special Rapporteur, Mrs. Mary Concepción Bautista, for the work she had carried out aimed at improving on a long-term basis the protection of personnel of the United Nations system and their families, as well as of experts and consultants, and expressed satisfaction at the recommendations contained in the final report of the Special Rapporteur (E/CN.4/Sub.2/1992/19),

Considering that at a time when the United Nations is undertaking greater responsibilities in various parts of the world, particularly in peace-keeping missions and humanitarian operations in difficult conditions, it is imperative that its staff members be able to perform their duties with the assurance that their human rights, privileges and immunities will be fully respected, in accordance with the relevant provisions of the Charter of the United Nations and other international instruments,

Gravely concerned that a significant number of United Nations staff members, experts and their families continue to be detained, imprisoned, missing or held in a country against their will,

Gravely concerned also that a significant number of United Nations staff members, recruited nationally or internationally, have been killed since January 1992,

Noting the need for updated and complete information on the situation of the United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Convinced that a better coordinated and more detailed reporting system, with a better dialogue between the United Nations and the host country, may contribute to a faster solution of cases,

Preoccupied by the inordinate delays which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting that these efforts have already produced concrete results concerning the security of United Nations staff members, experts and their families,

Having examined the updated report of the Secretary-General on detention of international civil servants and their families (E/CN.4/1993/22) and the final report of the Special Rapporteur on the protection of the human rights of United Nations staff members, experts and their families,

1. Takes note with interest of the updated report of the Secretary-General;
2. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for her final report on the protection of the human rights of United Nations staff members, experts and their families;
3. Requests the Secretary-General to take steps aimed at ensuring the application without delay of all the recommendations contained in the final report of the Special Rapporteur (E/CN.4/Sub.2/1992/19, chap. III, B);
4. Appeals once again to Member States to respect and to ensure respect for the rights of staff members and others acting under the authority of the United Nations and their families;
5. Requests the Secretary-General to continue his efforts to ensure that the human rights, security, privileges and immunities of United Nations staff members, experts and their families are fully respected and to seek redress and compensation of the damage caused to them, as well as their full reintegration, when their human rights, privileges and immunities have been violated;
6. Urges Member States, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex), to provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts and their families, and to grant the representative of the competent international organization access to them without delay;
7. Also urges Member States to allow medical teams to investigate the health of staff members, experts and their families who are being detained in order to provide them with the necessary medical assistance;
8. Calls upon Member States to allow the representative of the competent international organization to attend any hearing concerning United Nations staff members, experts and their families;
9. Requests the existing human rights mechanisms, including the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, to examine as appropriate the cases involving the human rights of staff members of the United Nations system and their families, as well as experts, special rapporteurs and consultants,

and to transmit the relevant part of their reports to the Secretary-General for inclusion in his report to the Commission on Human Rights;

10. Requests the Secretary-General to submit to the Commission at its fiftieth session an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, including those cases which have been successfully settled since the submission of the last report, as well as on the implementation of the measures referred to in paragraphs 6 and 7 of the present resolution.

57th meeting

5 March 1993

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

1993/40. Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture or Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Noting with appreciation that the number of States which have become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is steadily increasing,

Welcoming the establishment at the regional level, in accordance with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,

Seriously concerned, however, about the persistence of an alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Recalling its resolution 1985/33 of 13 March 1985, in which it decided to appoint for one year a special rapporteur to examine questions relevant to

torture, and all its subsequent resolutions in which that mandate was regularly extended, most recently for another three years in resolution 1992/32 of 28 February 1992, while maintaining the annual reporting cycle,

Welcoming a continuing exchange of views between the Special Rapporteur and the Committee against Torture, established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Working Group on Arbitrary Detention, and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment, as well as contacts with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture,

Aware that torture constitutes a criminal obliteration of the human personality which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

Determined to promote the full implementation of the prohibition under international and national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Convinced that efforts to eradicate torture should first and foremost be concentrated on prevention,

Noting, in this regard, the importance of the provision of advisory services and technical assistance as forms of practical assistance to interested States with a view to enabling them to develop the necessary infrastructure to meet international human rights standards,

Recalling the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982, and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, approved by the General Assembly in its resolution 43/173 of 9 December 1988,

Recalling further the conclusions and recommendations of the Special Rapporteur underlined in its resolutions 1987/29 of 10 March 1987, 1988/32 of 8 March 1988, 1989/33 of 6 March 1989, 1990/34 of 2 March 1990, 1991/38 of 5 March 1991 and 1992/32 of 28 February 1992,

1. Commends the Special Rapporteur on his report (E/CN.4/1993/26);
2. Stresses the repeated conclusions and recommendations of the Special Rapporteur concerning the importance of instituting a system of periodic visits by independent experts to places of detention as a highly effective preventive measure against the occurrence of torture;
3. Also stresses the recommendation of the Special Rapporteur that the judiciary should play an active role in guaranteeing to detainees the rights they have in accordance with international and national standards;
4. Recalls that incommunicado detention is highly conducive to torture practices and that in the Special Rapporteur's view incommunicado detention should be forbidden;
5. Stresses again the recommendation of the Special Rapporteur that the right to have access to a lawyer is one of the basic rights of a person who is deprived of his liberty and restrictions on this right should therefore be exceptional and always subject to judicial control;
6. Also stresses the recommendation of the Special Rapporteur that each person should have the right to initiate promptly after his arrest proceedings before a court on the lawfulness of his detention, in conformity with the International Covenant on Civil and Political Rights;
7. Recalls the recommendations of the Special Rapporteur that Governments and professional and medical associations should take strict measures against members of the medical profession who play a role in the practice of torture;
8. Stresses the repeated recommendations of the Special Rapporteur that interrogation of detainees should take place only at official interrogation centres, that each interrogation should be duly recorded and start with the identification of all the persons present and that the blindfolding or holding of detainees during interrogation should be absolutely forbidden;

9. Also stresses the repeated recommendations of the Special Rapporteur pertaining to the establishment at the national level of an independent authority able to receive complaints by individuals about torture or other severe maltreatment;

10. Endorses the recommendation of the Special Rapporteur that those who violate article 7 of the Covenant on Civil and Political Rights, whether by encouraging, ordering, tolerating or perpetrating prohibited acts, must be held responsible and that whenever a complaint of torture is found to be justified, the perpetrators should be severely punished, especially the official in charge of the place of detention where the torture is found to have taken place;

11. Calls upon all States that have not yet done so to become as soon as possible a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requests the Special Rapporteur to continue to promote universal accession to that Convention and to encourage all States to fulfil its provisions strictly;

12. Emphasizes the importance of training programmes for law enforcement and security personnel and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations programme of advisory services in the field of human rights;

13. Encourages the Special Rapporteur to make appropriate recommendations concerning situations in which advisory services to judicial, law enforcement, detention and other authorities might assist interested Governments in combating the occurrence of torture;

14. Urges the Secretary-General to make available, as part of the United Nations programme of advisory services in the field of human rights, qualified experts in law enforcement, detention and medicine to assist Governments at their request, in their efforts to prevent the occurrence of torture;

15. Decides that the Special Rapporteur, in carrying out his mandate, shall continue to seek and receive credible and reliable information from Governments, the specialized agencies and intergovernmental and non-governmental organizations;

16. Considers it desirable that the Special Rapporteur continues to have a further exchange of views with the various mechanisms and bodies entrusted with the task of combating torture, in particular with a view to enhancing further their effectiveness and mutual cooperation;

17. Invites the Special Rapporteur, in carrying out his mandate, to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him and to carry out his work with discretion;

18. Appeals to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to supply all information requested, including by reacting properly to his urgent appeals;

19. Urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously;

20. Expresses its thanks to the Governments that invited the Special Rapporteur and requests them to give due consideration to his recommendations and to keep him informed without delay of action taken thereon;

21. Calls upon the Special Rapporteur to continue to include information in his report on the follow-up by Governments to his recommendations, visits and communications;

22. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

23. Takes note with regret of the resignation of Mr. P. Kooijmans as Special Rapporteur and expresses its gratitude to him for the manner in which he has discharged his functions;

24. Requests the Chairman of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing as a special rapporteur;

25. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to cover all of his activities in order to enable him to submit his report to the Commission at its fiftieth session.

57th meeting
5 March 1993

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

1993/41. Human rights in the administration of justice

The Commission on Human Rights,

Guided by the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights, as well as the relevant provisions of the International Covenant on Civil and Political Rights,

Guided also by the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming the opportunity offered to States parties to the International Covenant on Civil and Political Rights, if they so wish, to become parties to its Optional Protocols,

Welcoming the important work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in the field of human rights in the administration of justice, in particular regarding the independence of judges and lawyers, the right to a fair trial, habeas corpus, human rights and states of emergency, the human rights of juveniles in detention, the privatization of prisons and the question of impunity of perpetrators of violations of human rights,

Emphasizing the importance of coordinating the activities of the Commission on Crime Prevention and Criminal Justice and the human rights programme in this field,

Guided by General Assembly resolution 46/120 of 17 December 1991,

Recalling its resolution 1992/31 of 28 February 1992,

1. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. Reiterates once again its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources to ensure more effective implementation of these standards, taking into account the recommendations of the General Assembly in its resolution 43/153 of 8 December 1988 for the development of national strategies for this purpose;

3. Recognizes the important role that non-governmental organizations, including professional associations of lawyers and judges, can play in promoting human rights in the administration of justice;

4. Again calls upon its subsidiary bodies, including its special rapporteurs and working groups, to give special attention to questions relating to the effective protection of human rights in the administration of justice, in particular with regard to unacknowledged detention of persons, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for possible concrete measures under advisory services programmes;

5. Stresses the desirability of providing States, at their request, with continued assistance in the field of the administration of justice, in particular under United Nations programmes of advisory services and technical assistance;

6. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue its practice of creating a sessional working group on detention to formulate concrete proposals regarding human rights in the administration of justice;

7. Also requests the Sub-Commission to formulate concrete proposals to the Secretary-General regarding the utility and the format of his reports pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 on the question of the human rights of persons subjected to any form of detention or imprisonment;

8. Invites the Commission on Crime Prevention and Criminal Justice to explore ways and means of cooperating with the human rights programme in the field of the administration of justice, with special emphasis on the effective implementation of norms and standards;

9. Decides to consider the question at its fiftieth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

57th meeting
5 March 1993

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

1993/42. Question of human rights and states of emergency

The Commission on Human Rights,

Noting resolution 1992/22 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Recommends the inclusion in the agenda of the World Conference on Human Rights of an item entitled "Strengthening of protection of human rights during states of emergency";

2. Also 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 1993/42 of 5 March 1993 and of resolution 1992/22 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the requests by the Sub-Commission:

(a) To Mr. Leandro Despouy, Special Rapporteur on human rights and states of emergency, to continue to update the list of states of emergency and to include in his annual report to the Sub-Commission and the Commission recommendations on inalienable or non-derogable rights, and

(b) To the Secretary-General to provide the Special Rapporteur with all the assistance he may require to carry out his work, to maintain cooperation with the different sources of information and databases, and to process the information submitted to him in an effective way.

57th meeting
5 March 1993

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

1993/43. Question of the impunity of perpetrators of violations of human rights

The Commission on Human Rights,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Convinced that the increasingly widespread practice of impunity for perpetrators of violations of human rights in various regions of the world is a fundamental obstacle to the observance of human rights,

Recalling the comments that have been made for a number of years on this subject by, in particular, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture and by the Special Rapporteurs of the Sub-Commission,

1. Takes note with satisfaction of the working paper (E/CN.4/Sub.2/1992/18) prepared by Mr. El Hadji Guissé and Mr. Louis Joinet pursuant to decision 1991/110 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

2. Endorses the decision of the Sub-Commission in its resolution 1992/23 of 27 August 1992 to request Mr. Guissé and Mr. Joinet to draft a study on the impunity of perpetrators of violations of human rights in order, in particular, to determine the scope of the phenomenon of impunity and to propose measures to combat that practice;

3. Requests the Secretary-General to provide the Special Rapporteurs with any assistance required by them to be able to discharge their tasks;

4. 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 1993/43 of 5 March 1993, approves the decision of the Commission to endorse the decision of the Sub-commission on Prevention of Discrimination and Protection of Minorities in its resolution 1992/23 of 27 August 1992 to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a study on the impunity of perpetrators of violations of human rights, and also approves the Commission's request to the Secretary-General to provide the Special Rapporteurs with any assistance required by them to be able to discharge their tasks.

57th meeting
5 March 1993

[Adopted without a vote. See chap X.]

1993/44. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4 and 26 of the International Covenant on Civil and Political Rights,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolutions 1989/32 of 6 March 1989, 1990/33 of 2 March 1990, 1991/39 of 5 March 1991 and 1992/33 of 28 February 1992,

Recalling also General Assembly resolution 45/166 of 18 December 1990 welcoming the Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders and inviting Governments to respect them and take them into account within the framework of their national legislation and practice,

Taking note of General Assembly resolution 46/120 of 17 December 1991 in which the Assembly, welcoming the recommendations contained in the first report of the Special Rapporteur (E/CN.4/Sub.2/1991/30 and Add. 1-4) and endorsed by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and also welcoming the decision of the Sub-Commission to entrust Mr. Louis Joinet with the preparation of a further report, reaffirmed the importance of the full and effective implementation of United Nations norms and standards on human rights in the administration of justice,

Having examined the report on the independence of the judiciary and the protection of practising lawyers prepared by the Special Rapporteur pursuant to Sub-Commission resolution 1991/35 of 29 August 1991 (E/CN.4/Sub.2/1992/25 and Add.1),

1. Welcomes the recommendations contained in the report of the Special Rapporteur and endorsed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1992/38 of 28 August 1992;

2. Endorses the decision of the Sub-Commission to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers:

(a) To bring to the attention of the Sub-Commission information on practices and measures which have served to strengthen or to weaken the independence of the judiciary and the protection of practising lawyers in accordance with United Nations standards;

(b) To propose specific recommendations regarding the independence of the judiciary and the protection of practising lawyers to be taken into

account in the advisory services and technical assistance programmes and projects of the United Nations and, in that regard, to follow up the recommendations contained in his first report (E/CN.4/Sub.2/1991/30 and Add.1-4);

(c) To examine the ways and means of enhancing cooperation and avoiding overlapping and duplication in the work of the Commission on Crime Prevention and Criminal Justice and that of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(d) To elaborate on the recommendations contained in his report;

3. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his task;

4. 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 1993/44 of 5 March 1993, approves of the decision of the Commission to endorse the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers, as described in Sub-Commission resolution 1992/38, and approves the request of the Commission to the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his task.

57th meeting

5 March 1993

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

1993/45. Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, and states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these shall be only such as are provided by law and are

necessary for respect of the rights or reputations of others, or for the protection of national security or of public order (ordre public), or of public health and morals,

Mindful also that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Taking note of the Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1983/32 of 6 September 1983,

Recalling its resolutions 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 and 1988/39 of 8 March 1988, 1989/31 of 6 March 1989, 1989/56 of 7 March 1989, 1990/32 of 2 March 1990, 1991/32 of 5 March 1991 and 1992/22 of 28 February 1992,

Taking note of the preliminary report on the right to freedom of opinion and expression (E/CN.4/Sub.2/1990/11) and the updated preliminary report (E/CN.4/Sub.2/1991/9), submitted to the Sub-Commission at its forty-second and forty-third sessions, respectively, by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Türk,

Taking note also of the final report on the right to freedom of opinion and expression (E/CN.4/Sub.2/1992/9) and the conclusions and recommendations (E/CN.4/Sub.2/1992/9/Add.1), presented by the Special Rapporteurs to the Sub-Commission at its forty-fourth session,

Noting the importance and relevance of work being undertaken on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect human rights, and welcoming the fact that the working group has finished first reading and commenced second reading of the draft declaration at its meeting from 18 to 29 January 1992,

Considering that the effective promotion of human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity,

Noting the reference in the final report of the Special Rapporteurs that the right to freedom of opinion and expression is interrelated with and enhances the exercise of all other human rights,

Deeply concerned by numerous reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information, including journalists, editors, writers and authors, publishers and printers,

1. Expresses its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who exercise the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

2. Also expresses its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who exercise the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association, and the right to take part in the conduct of public affairs as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

3. Further expresses its concern at the extensive occurrence in many parts of the world of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who seek to promote and defend these rights and freedoms;

4. Emphasizes that professionals in the field of information play a major role in the promotion and protection of freedom of opinion and expression, and expresses in this regard its concern at the growing number of reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at such professionals;

5. Underlines in this regard that the Working Group on Arbitrary Detention, in its methodology of work (E/CN.4/1992/20, annex I) examines cases of denial of freedom following the exercise of rights protected by article 19 of the International Covenant on Civil and Political Rights concerning the right to freedom of expression and opinion;

6. Welcomes the release of persons detained for exercising these rights and freedoms and encourages further progress in this regard;

7. Appeals to all States to ensure respect and support for the rights of all persons who exercise the rights to freedom of opinion and expression and the rights to freedom of thought, conscience and religion, peaceful assembly and association, and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms and where any persons have been detained, subjected to violence or threats of violence and to harassment, including persecution and intimidation, solely for exercising these rights as laid down in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights, to take the appropriate steps to ensure the immediate cessation of these acts and to create the conditions under which these acts may be less liable to occur;

8. Also appeals to all States to ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services;

9. Invites once again the Working Group on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention and the Special Rapporteurs of the Commission on Human Rights to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression, as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

10. Commends the Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Louis Joinet and Mr. Danilo Türk, for their final report, including conclusions and recommendations;

11. Requests the Chairman of the Commission to appoint, for a period of three years, and after consultations with other members of the Bureau, an individual of recognized international standing as special rapporteur on the promotion and protection of the right to freedom of opinion and expression;

12. Requests the Special Rapporteur to gather all relevant information, wherever it may occur, of discrimination against, threats or use of violence and harassment, including persecution and intimidation, directed at persons seeking to exercise or to promote the exercise of the right to freedom of expression and opinion as affirmed in the Universal Declaration and, where

applicable, the Universal Covenant on Civil and Political Rights, taking into account the work being conducted by other mechanisms of the Commission and Sub-Commission which touches on this right, with a view to avoiding duplication of work;

13. Also requests the Special Rapporteur, as a matter of high priority, to gather all relevant information, wherever it may occur, of discrimination against, threats or use of violence and harassment, including persecution and intimidation, against professionals in the field of information seeking to exercise or to promote the exercise of the right to freedom of expression and opinion, as affirmed in the Universal Declaration and, where applicable, the International Covenant on Civil and Political Rights;

14. Further requests the Special Rapporteur to seek and receive credible and reliable information from Governments, non-governmental organizations and any other parties who have knowledge of these cases;

15. Urges all Governments to cooperate with and assist the Special Rapporteur in the performance of his or her tasks and to furnish all information requested;

16. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources deemed necessary, within existing overall United Nations resources, to fulfil his or her mandate;

17. Invites the Special Rapporteur to note the work being carried out on the right to freedom of expression and opinion in the specialized agencies and other organizations of the United Nations system;

18. Requests the Special Rapporteur to submit to the Commission, beginning at its fiftieth session, a report covering the activities relating to his or her mandate, noting the work being conducted by other mechanisms of the Commission and Sub-Commission which touches on the right to freedom of expression and opinion, containing recommendations to the Commission and providing suggestions on ways and means to better promote and protect the right to freedom of expression and opinion in all its manifestations, as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

19. Decides to review this matter at its fiftieth session;

20. 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 1993/45 of 5 March 1993, approves the decision of the Commission to appoint, for a period of three years, a special rapporteur on the promotion and protection of the right to freedom of opinion and expression, also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources deemed necessary, within existing overall United Nations resources, to fulfil his or her mandate, and further approves the Commission's request to the Special Rapporteur to submit a report to the Commission on an annual basis, beginning at its fiftieth session.

57th meeting

5 March 1993

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

1993/46. Integrating the rights of women into the human rights mechanisms of the United Nations

The Commission on Human Rights,

Conscious of the importance of the mechanisms established by the United Nations for the promotion, protection and implementation of the human rights of women and men,

Concerned that women are susceptible to particular sorts of human rights abuse,

Mindful of the need for the Commission to be aware of any such abuses at an early stage wherever they may occur,

Noting the particular role of the Commission on the Status of Women in promoting equality between women and men,

Commending the report submitted by the Secretary-General (E/CN.6/1993/12) containing a draft declaration on the elimination of violence against women to be submitted to the Commission on the Status of Women at its thirty-seventh session,

Bearing in mind the desirability of closer communication between the Commission on the Status of Women and other United Nations human rights bodies and between the Committee on the Elimination of Discrimination against Women and other treaty bodies,

Welcoming the reaffirmation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1992/4 of

14 August 1992, that the rights of women are recognized as inalienable human rights and that they should be treated as such in all United Nations bodies, including the Commission on Human Rights,

Wishing to ensure that information concerning violations of the rights of women is integrated regularly and systematically into all United Nations mechanisms for the promotion, protection and implementation of human rights,

Recalling that the Centre for Human Rights was requested to utilize gender-disaggregated data in the preparation of studies for the World Conference on Human Rights,

1. Condemns all acts of violence and violations of human rights directed specifically against women including those in situations of armed conflict;

2. Requests all special rapporteurs and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in the discharge of their mandates, regularly and systematically to include in their reports available information on human rights violations affecting women;

3. Requests the secretariat to ensure that special rapporteurs, experts and working groups are fully apprised of the particular ways in which the rights of women are violated;

4. Invites Governments to include gender-disaggregated data in the information that they provide;

5. Encourages closer cooperation between the Commission on Human Rights and the Commission on the Status of Women and their respective secretariats in the promotion, protection and implementation of the rights of women, as well as between the Committee on the Elimination of Discrimination against Women and other treaty bodies;

6. Decides to consider the appointment of a special rapporteur on violence against women at its fiftieth session, taking into account the work of the Commission on the Status of Women on, inter alia, the issue of violence against women, the results of the World Conference on Human Rights and the results of the work undertaken pursuant to the present resolution;

7. Requests the Secretary-General to consult with all United Nations human rights bodies, including the treaty bodies, on the implementation of the present resolution, and invites him to report thereon to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session.

60th meeting

8 March 1993

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

B. Decisions

1993/105. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 57th meeting, on 5 March 1993, the Commission on Human Rights, taking note of decision 1992/110 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the request of the Sub-Commission to the Special Rapporteur to submit a second progress report on the study to the working Group on Indigenous Populations at its twelfth session and to the Sub-Commission at its forty-sixth session, to endorse the decision of the Sub-Commission to request the Secretary-General to give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultations with the Centre for Human Rights, and also decided to recommend to the Economic and Social Council that it endorse this request.

[See chap. XIX.]

1993/106. Right to a fair trial

At its 57th meeting, on 5 March 1993, the Commission on Human Rights, taking note of resolution 1992/21 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, expressed its appreciation to the Special Rapporteur, Mr. Stanislav Chernichenko and Mr. William Treat, for their continued work on the study entitled "The right to a fair trial: current recognition and measures necessary for its

strengthening", and decided, without a vote, to endorse the request to the Special Rapporteurs to continue their study and recommends the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, recalling its decision 1992/230 of 20 July 1992, approves the endorsement by the Commission on Human Rights of the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to Mr. Stanislav Chernichenko and Mr. William Treat to continue their study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening", as described in Sub-Commission resolution 1992/21 of 27 August 1992, and requests the Secretary-General to provide the Special Rapporteurs with all the assistance necessary for the completion of their task.

[See chap. X.]

1993/107. The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

At its 57th meeting, on 5 March 1993, the Commission on Human Rights, taking note of resolution 1992/32 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the request of the Sub-Commission to Mr. Theo van Boven, Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, to continue his study, taking into account, *inter alia*, the comments made in the discussion on the preliminary and progress reports (E/CN.4/Sub.2/1990/10, E/CN.4/Sub.2/1991/7 and E/CN.4/Sub.2/1992/8) and to submit to the Sub-Commission, at its forty-fifth session, a final report which should include a set of conclusions and recommendations aimed at developing basic principles and guidelines with respect to the right to restitution, compensation and rehabilitation for victims of gross violations of human

rights and fundamental freedoms, and also to endorse the request to the Secretary-General to provide the Special Rapporteur with all the assistance he may require to prepare his final report.

[See chap. X.]

1993/108. Study of the issue of the privatization of prisons

At its 57th meeting, on 5 March 1993, the Commission on Human Rights, taking note of decision 1992/107 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote to endorse the requests of the Sub-Commission to: (a) Ms. Claire Palley to prepare, without financial implications, an outline of the possible utility, scope and structure of a special study which may be undertaken on the issue of privatization of prisons, to be submitted to the Working Group on Detention and to the Sub-Commission at its forty-fifth session, and (b) to the Secretary-General to provide Ms. Palley with all possible assistance for the completion of her task.

[See chap. X.]
