



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/1995/L.11/Add.3
6 March 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-first session
Agenda item 28

DRAFT REPORT OF THE COMMISSION

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* E/CN.4/1995/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.4/1995/L.11 and addenda.

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1995/43. Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind that the most fundamental human right is the right to life,

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

Recalling and reaffirming General Assembly resolutions 48/122 of 20 December 1993, 49/60 of 9 December 1994 and 49/185 of 23 December 1994 and its own resolution 1994/46 of 4 March 1994,

Recalling also resolution 1994/18 of 25 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reiterating that all Member States have an obligation to promote and protect human rights and fundamental freedoms and that the individual also has the responsibility to strive for the promotion and observance of human rights,

Deeply concerned at the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Noting with great concern the growing connection between terrorist groups and the illegal traffic of arms and drugs, as well as the consequent commission of serious crimes,

1. Reiterates the unequivocal condemnation of all acts, methods and practices of terrorism, regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed, as acts of aggression aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States;

2. Expresses its solidarity with the victims of terrorism, and in this context encourages States to respond to the request of the Secretary-General

made pursuant to paragraph 4 of General Assembly resolution 49/185, for their views on the possible establishment of a United Nations voluntary fund for victims of terrorism;

3. Calls upon States to take all necessary and effective measures, in accordance with international standards of human rights, to prevent, combat and eliminate terrorism and urges the international community to enhance multilateral and bilateral cooperation in the fight against terrorism at the national, regional and international levels;

4. Requests the Secretary-General to continue to collect information on this question from all relevant sources and to make it available to the special rapporteurs and working groups concerned and to the Commission of Human Rights for their consideration;

5. Urges all thematic special rapporteurs and working groups to address as appropriate the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

6. Welcomes the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust one of its members with the task of preparing a working paper on the question of terrorism and human rights, and in this context invites States that so wish to forward relevant information to him;

7. Decides to continue its consideration of the question at its fifty-second session as a matter of priority.

53rd meeting

3 March 1995

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

1995/44. The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)

The Commission on Human Rights,

Recognizing that the increasing challenges presented by HIV/AIDS require renewed efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, as well as the avoidance of HIV/AIDS-related discrimination and stigma,

Mindful that respect for the principle of non-discrimination is the key to the protection and realization of human rights and fundamental freedoms as recognized in international instruments,

Recalling General Assembly resolutions 45/187 of 21 December 1990 and 46/203 of 20 December 1991, Economic and Social Council resolution 1990/86 of 27 July 1990, World Health Assembly resolutions WHA41.24 of 13 May 1988, WHA43.10 of 16 May 1990, WHA45.35 of 14 May 1992 and WHA46.37 of 14 May 1993, General Recommendation 15 of the Committee on the Elimination of Discrimination against Women and other relevant resolutions and decisions adopted by organizations of the United Nations system, as well as by other competent forums,

Welcomes the Final Declaration of the Paris AIDS Summit, of 1 December 1994, in which the participants pledged to promote and protect the rights of people infected and affected by HIV/AIDS,

Also welcomes the progress made in the establishment of a joint and co-sponsored United Nations programme on HIV/AIDS,

Recalling its resolutions 1992/56 of 3 March 1992, 1993/53 of 9 March 1993 and 1994/49 of 4 March 1994 concerning discrimination against people with HIV infection or AIDS,

Acknowledging the significant role of the World Health Organization, and other bodies of the United Nations system, and the major contribution made by national and international non-governmental organizations, in particular organizations of people living with HIV/AIDS, and the International Federation of Red Cross and Red Crescent Societies, in fighting discrimination against and advocating the rights of people living with HIV/AIDS,

Noting with appreciation the Rights and Humanity Declaration and Charter on HIV and AIDS transmitted to the Commission at its forty-eighth session by the Permanent Mission of the Gambia to the United Nations (E/CN.4/1992/82),

Concerned that lack of full enjoyment of their fundamental rights by persons suffering from economic, social or legal disadvantage heightens their vulnerability to the risk of HIV infection,

Noting that, according to a report submitted to the Commission on the Status of Women at its thirty-third session (E/CN.6/1989/6/Add.1), women are especially vulnerable to the risk of HIV infection and to the economic and social impact of AIDS as a result of their disadvantageous legal, social and economic status, and concerned at the increasing rate of HIV infection among women and girls,

Expresses its grave concern that the continuing exploitation of children, including child prostitution, poses the risk of transmission of HIV,

Concerned at evidence indicating that groups in society suffering discrimination in the enjoyment of their fundamental rights, and disadvantage with respect to their access to education, health care and social services, are as a result more vulnerable to the risk of infection and to the personal and social impact of the pandemic,

Alarmed at discriminatory laws and policies and the emergence of new forms of discriminatory practices which deny people living with HIV/AIDS, their families and associates, as well as high-risk groups, enjoyment of their fundamental rights and freedoms,

Concerned that the fear and ignorance surrounding HIV/AIDS are leading to increased stigmatization of and prejudice against people living with HIV/AIDS or presumed to be at risk of infection, sometimes resulting in intimidation, harassment or violence against such individuals, as well as to arbitrary detention and deportation,

Bearing in mind that, as recognized by the World Health Assembly in its resolution WHA45.35, there is no public health rationale for any measures that limit the rights of the individual, notably measures establishing mandatory screening,

Stressing that discrimination and stigmatization are counter-productive to measures to prevent and control HIV/AIDS, and that anti-discrimination measures form a component part of an effective public health strategy,

Emphasizing the responsibility of Governments to take measures to counter social stigmatization of and discrimination against those affected by HIV/AIDS, and their commitment to strengthen national and international mechanisms that are concerned with HIV/AIDS-related human rights and ethics,

Recognizing that HIV transmission can be prevented through informed and responsible behaviour, and emphasizing the role and responsibility of individuals, groups and organs of society aimed at promoting, in a spirit of human solidarity and tolerance, a social environment supportive of the effective prevention and eradication of the root causes of the HIV/AIDS pandemic,

Welcoming the report by the Secretary-General on international and domestic measures taken to protect human rights and prevent discrimination in

the context of HIV/AIDS (E/CN.4/1995/45) and his recommendations therein, but noting with concern that there is insufficient information about successful strategies for protecting human rights in the context of HIV/AIDS,

1. Confirms that discrimination on the basis of AIDS or HIV status, actual or presumed, is prohibited by existing international human rights standards, and that the term "or other status" in non-discrimination provisions in international human rights texts can be interpreted to cover health status, including HIV/AIDS;

2. Calls upon all States to ensure, where necessary, that their laws, policies and practices, including those introduced in the context of HIV/AIDS, respect human rights standards, including the right to privacy and integrity of people living with HIV/AIDS, prohibit HIV/AIDS-related discrimination and do not have the effect of inhibiting programmes for the prevention of HIV/AIDS and for the care of persons infected with HIV/AIDS;

3. Also calls upon all States to take all the necessary steps, including appropriate and speedy redress procedures and the introduction of protective legislation and appropriate education to combat discrimination, prejudice and stigma, to ensure the full enjoyment of civil, political, economic, social and cultural rights by people living with HIV/AIDS, their families and associates, and people presumed to be at risk of infection, with particular attention to women, children and vulnerable groups, and to address such concerns within their activities in the context of the International Year of Tolerance, 1995;

4. Further calls upon all States to strengthen their efforts to advance the legal, economic and social status of women, children and vulnerable groups in order to render them less vulnerable to the risk of HIV infection and to the adverse socio-economic consequences of the AIDS pandemic;

5. Recognizes the need to protect women and girls from sexual abuse and violence and calls upon the Special Rapporteur on the sale of children, child prostitution and child pornography, the Committee on the Rights of the Child, the Commission on the Status of Women and the Working Group on Contemporary Forms of Slavery to pay sustained attention to the risk which the continuing exploitation of children, including child prostitution, poses for the transmission of HIV;

6. Invites States to involve non-governmental and community-based organizations and people living with HIV/AIDS in the formulation and

implementation of public policies, including the support of participatory programmes for prevention, care and social support among vulnerable and marginalized populations;

7. Calls upon States to take all necessary steps, in particular appropriate education and information measures, to facilitate informed and responsible behaviour;

8. Invites the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and other similar bodies to give full attention to monitoring States parties' compliance with their commitments under the relevant human rights instruments regarding the rights of people living with HIV/AIDS, their families and associates, or people presumed to be at risk of infection;

9. Calls upon the Sub-Commission on Prevention of Discrimination and Protection of Minorities to keep the issue of AIDS-related discrimination under continuous review under all relevant agenda items, as well as within the work of its relevant working groups and special rapporteurs;

10. Calls upon relevant professional bodies to re-examine their codes of professional practice with a view to strengthening respect for human rights and dignity in the context of HIV/AIDS, and calls upon the relevant authorities to develop training in this regard;

11. Requests the co-sponsors of the joint and co-sponsored United Nations programme on HIV/AIDS to integrate a strong human rights component throughout the strategies and work of the future programme;

12. Requests the High Commissioner for Human Rights to consider appropriate methods by which to keep under continuous review the protection of human rights in the context of the HIV/AIDS pandemic and to undertake with the Centre for Human Rights, in cooperation with the joint and co-sponsored United Nations programme on HIV/AIDS, non-governmental agencies and other actors in the field, the task of elaborating guidelines on promoting and protecting respect for human rights in the context of HIV/AIDS, and to reflect in this regard on the possibility of organizing a second international expert consultation on human rights and AIDS;

13. Requests the Secretary-General to consult with Governments, relevant United Nations bodies, specialized agencies and non-governmental organizations with a view to keeping under review the protection of human

rights in the context of the HIV/AIDS pandemic and to prepare for the consideration of the Commission at its fifty-second session a progress report on the development of a human rights component in the joint and co-sponsored United Nations programme on HIV/AIDS and on the status of the guidelines mentioned in paragraph 12.

53rd meeting

3 March 1995

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

1995/45. Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the principles set forth in the Charter of the United Nations,

Recalling also General Assembly resolution 2625 (XXV) of 24 October 1970 containing the Declaration on the Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Reaffirming General Assembly resolution 32/81 (XXIX) of 12 December 1974 containing the Charter of Economic Rights and Duties of States, in particular its article 32 which declares that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Reaffirming also the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights on 25 June 1993, in particular, part I, paragraph 31 relating to the kind of measures referred to in the present resolution,

Stressing its resolution 1994/47 of 4 March 1994,

Gravely concerned that the use of unilateral coercive measures adversely affects the socio-humanitarian activities of developing countries and that, in some cases, intensification of such measures has taken place recently, hindering the acquisition of essential goods, and has a negative effect on the full enjoyment of all human rights,

Taking note of the report submitted by the Secretary-General pursuant to its resolution 1994/47 (E/CN.4/1995/43),

1. Calls upon the international community to reject the use by some countries of unilateral coercive measures which are in clear contradiction

with international law against developing countries with the purpose of exerting, directly or indirectly, coercion on the sovereign decisions of the countries subject to those measures;

2. Reaffirms that the implementation of such measures or their intensification as a means to exercise political, economic or social pressure against developing countries prevents the full realization of all human rights by the people subject to those measures, particularly children, women and elderly people;

3. Requests all States to refrain from adopting any unilateral coercive measures which are in clear contradiction with international law and the Charter of the United Nations and creates obstacles to trade relations among States and impedes the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services;

4. Rejects the fact that some countries using their predominant position in the world economy continue to intensify the adoption of unilateral coercive measures against developing countries which are in clear contradiction with international law, such as trade restrictions, blockades, embargoes, freezing of assets, with the purpose of preventing those countries from exercising their right fully to determine their political, economic and social system;

5. Reaffirms the right of peoples to self-determination and to dispose of their natural wealth and resources without foreign pressure, and that in no case may a people be deprived of its basic means of subsistence;

6. Also reaffirms that essential goods, in particular food and medicines, should not be used as a tool for political pressure;

7. Stresses that the Working Group on the Right to Development identified the adoption of unilateral coercive measures as one of the obstacles to the implementation of the Declaration on the Right to Development;

8. Considers that the adoption or intensification of unilateral coercive measures constitutes a violation of the human rights of peoples;

9. Requests the Secretary-General to submit, in consultation with Governments and specialized agencies, as well as with intergovernmental and

non-governmental organizations, a report to the Commission on Human Rights at its fifty-second session on the coercive measures unilaterally implemented against developing countries hindering the full realization of all rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of peoples to a minimum standard of living and development;

10. Decides to consider this issue, as a matter of high priority, at its fifty-second session.

53rd meeting
3 March 1995

[Adopted by a roll-call vote of 24 votes to 17, with
12 abstentions. See chap. XI.]

1995/46. Regional arrangements for the promotion
and protection of human rights

The Commission on Human Rights,

Recalling General Assembly resolution 32/127 of 16 December 1977 and all subsequent resolutions of the Assembly concerning regional arrangements for the promotion and protection of human rights, including resolution 49/189 of 23 December 1994,

Recalling its resolution 1993/51 of 9 March 1993, in which it requested the Secretary-General to submit to the Commission at its fifty-first session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the result of action taken in pursuance of the resolution,

Recalling its resolutions concerning advisory services in the field of human rights, including its most recent resolution on that subject, 1994/69 of 9 March 1994,

Reaffirming that regional arrangements play a fundamental role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, and their protection,

Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted at the World Conference on Human Rights,

Recalling that the World Conference on Human Rights reiterated the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling also that it recommended that more resources should be made available for the strengthening or the establishment of regional arrangements for the promotion and protection of human rights under the programmes of advisory services and technical assistance of the Centre for Human Rights,

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

Having considered the report of the Secretary-General on regional arrangements for the promotion and protection of human rights (E/CN.4/1995/51),

1. Takes note of the report of the Secretary-General (E/CN.4/1995/51);
2. Welcomes the efforts of the High Commissioner for Human Rights to strengthen cooperation with all regional organizations and to initiate a dialogue with States and non-governmental organizations in order to develop or establish regional arrangements in the field of human rights;
3. Also welcomes the participation of the High Commissioner in the tripartite meeting of the Council of Europe, the Conference on Security and Cooperation in Europe and Geneva-based United Nations programmes, held on 1 September 1994;
4. Further welcomes the continuing cooperation and assistance of the Centre for Human Rights of the United Nations Secretariat in further strengthening the existing regional arrangements and regional machinery for the promotion and protection of human rights;
5. Welcomes in that respect the close cooperation given by the Centre for Human Rights in the organization of regional and subregional training courses and workshops in the field of human rights, aimed at creating greater understanding for the promotion and protection of human rights issues in the regions and at improving procedures;
6. Endorses the efforts of the Centre for Human Rights to enhance cooperation between the United Nations and regional and national institutions, particularly with regard to advisory services and technical assistance, public information and education in the field of human rights;
7. Stresses the importance of the programme of advisory services and technical assistance in the field of human rights of the Centre, and renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations, under this programme, of organizing information

and/or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies;

8. Requests the Secretary-General, as foreseen in the medium-term plan for the period 1992-1997, to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights;

9. Invites States in areas where regional arrangements in the field of human rights do not yet exist to consider concluding arrangements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights;

10. Invites the treaty bodies of the major international human rights instruments to explore ways to increase the exchange of information and cooperation with regional human rights mechanisms;

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

12. Decides to consider the question further at its fifty-third session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

53rd meeting

3 March 1995

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

1995/47. Decade for Human Rights Education

The Commission on Human Rights,

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

Reaffirming article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

Recalling the provisions of other international human rights instruments, such as those of article 13 of the International Covenant on Economic, Social and Cultural Rights and article 28 of the Convention on the Rights of the Child, that reflect the aims of the aforementioned article,

Convinced that human rights education, both formal and non-formal, should involve more than the provision of information and should constitute a comprehensive life-long process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that human rights education contributes to a concept of development consistent with the dignity of women and men of all ages which takes into account the diverse segments of society, such as children, indigenous people, minorities and disabled persons,

Noting that human rights education is one of the six major elements of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights in June 1993,

Bearing in mind the report of the Secretary-General on human rights education, submitted to the General Assembly in accordance with the request contained in Assembly resolution 48/127 of 21 December 1993 (A/49/261 and Add.1),

Considering General Assembly resolution 49/184 of 23 December 1994, in which the Assembly proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education and welcomed the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2000, as contained in the report of the Secretary-General,

Believing that human rights education is a key element in helping each woman, man and child to realize their full human potential and to make them aware of all their human rights,

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

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

Taking note of the report of the High Commissioner for Human Rights to the General Assembly, in which he declared that human rights education was essential for encouragement of harmonious intercommunity relations, for mutual tolerance and understanding and finally for peace (A/49/36, para. 94),

1. Calls upon all Governments to contribute, in cooperation with non-governmental organizations, educators and the media, to the implementation of the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2000 and in particular to consider, in accordance with national conditions, the establishment of a national focal point for human rights education, the development and implementation of an action-oriented national plan for human rights education and the creation of a national resource and training centre for human rights education, as foreseen in the Plan of Action;

2. Invites Governments to transmit to the High Commissioner for Human Rights comments with a view to supplementing the Plan of Action, and requests the High Commissioner to submit to the Commission at its fifty-second session his proposals for supplementing the Plan of Action, taking into account the views submitted by Governments;

3. Requests the High Commissioner to coordinate the implementation of the Plan of Action and to carry out the other tasks enumerated therein;

4. Also requests the High Commissioner for Human Rights, with the assistance of the Centre for Human Rights and in cooperation with the United Nations Educational, Scientific and Cultural Organization, to carry out the survey of human rights education and prepare the preliminary report provided for in the Plan of Action as soon as possible and to convene, at the appropriate time, the international planning conference for the Decade;

5. Requests the Centre for Human Rights, in cooperation with Member States, human rights treaty-monitoring bodies, other appropriate bodies and competent non-governmental organizations, to support efforts by the High Commissioner for Human Rights in the implementation of the Plan of Action;

6. Requests the Secretary-General to consider the possibility of establishing a voluntary fund within the Office of the High Commissioner for Human Rights to be used in the implementation of the Plan of Action of the Decade for Human Rights Education with special emphasis on support for the human rights education activities of non-governmental organizations;

7. Requests the existing human rights monitoring bodies to place emphasis on the implementation by Member States of their international obligation to promote human rights education;

8. Invites all relevant specialized agencies, in particular the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, and United Nations programmes, especially the United Nations Children's Fund, to contribute, within their respective spheres of competence, to the implementation of the Decade for Human Rights Education;

9. Calls upon international, regional and national non-governmental organizations, in particular those concerned with women, labour, development and the environment, as well as all other social justice groups, human rights advocates, educators, religious organizations and the media, to increase their involvement in formal and non-formal education in human rights and to cooperate with the Centre for Human Rights in implementing the Plan of Action;

10. Decides to consider the question of human rights education under item 11 of its agenda, beginning with its fifty-second session.

53rd meeting

3 March 1995

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

1995/48. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling that the General Assembly, in its resolutions 41/153 of 4 December 1986, 43/140 of 8 December 1988 and 45/168 of 18 December 1990, affirmed the value of regional arrangements for the promotion and protection of human rights in the Asian and Pacific region,

Recalling also its own resolutions 1988/73 of 10 March 1988, 1989/50 of 7 March 1989, 1990/71 of 7 March 1990, 1991/28 of 5 March 1991, 1992/40 of 28 February 1992, 1993/57 of 9 March 1993 and 1994/48 of 4 March 1994,

Recalling further that the World Conference on Human Rights, in the Vienna Declaration and Programme of Action (A/CONF.157/23), emphasized that regional arrangements played a fundamental role in promoting and protecting human rights,

Taking note of resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Welcoming the holding of the Colloquium on Human Rights at Manila on 16 and 17 January 1994, the first in a series of workshops to be organized by the ASEAN Institute of Strategic and International Studies, intended, inter alia, to facilitate the process of developing a subregional human rights body for the promotion and protection of human rights in the ASEAN countries, in fulfilment of the decision of the Association to consider the establishment of an appropriate mechanism on human rights,

Recognizing the valuable contribution that independent national institutions can make in the field of human rights to the concept of regional arrangements,

Recognizing also that non-governmental organizations involved in the field of human rights have an important role to play in this process,

Recalling the contribution made by the third Workshop for the Asia and Pacific Region on Human Rights Issues, held at Seoul from 18 to 20 July 1994, particularly its Chairman's concluding remarks,

Recalling also that the accomplishments of the 1994 Seoul Workshop were built upon the consensus achieved at the 1993 Jakarta Workshop,

1. Welcomes the report of the Secretary-General (E/CN.4/1995/44) and the progress achieved in the implementation of Commission on Human Rights resolution 1994/48 of 4 March 1994;

2. Encourages all States members and associate members of the Economic and Social Commission for Asia and the Pacific and other parties to make full use of the depositary centre of that Commission, and requests the Secretary-General to maintain a continuing flow of human rights materials to its library;

3. Welcomes the regional workshops on various human rights issues which have been held in the Asian and Pacific region, starting with the first Workshop for the Asia and Pacific Region on Human Rights Issues, held at Manila from 7 to 11 May 1990, the second Workshop, held at Jakarta from 26 to 28 January 1993, and the third Workshop, held at Seoul from 18 to 20 July 1994, which focused, inter alia, on national institutions and regional arrangements for the promotion and protection of human rights;

4. Also welcomes the establishment of national commissions for human rights by the Governments of India and Indonesia;

5. Further welcomes the decisions concerning and the preparatory steps taken towards the establishment of national institutions for the promotion and protection of human rights by the Governments of Nepal, Pakistan, Papua New Guinea, Sri Lanka and Thailand;

6. Endorses the substantive conclusions of the third Workshop for the Asia and Pacific Region on Human Rights Issues, contained in its Chairman's concluding remarks, inter alia, that such workshops should be organized regularly, as proposed by the Government of the Republic of Korea, and if possible annually, with a view to facilitating the exchange of ideas and information regarding matters of common interest in the field of human rights in the Asian and Pacific region;

7. Requests the Secretary-General to facilitate the realization of that activity under the regular budget for advisory services and technical assistance;

8. Notes that Asian and Pacific countries have developed a number of models of national institutions in accordance with their own national conditions;

9. Appeals to all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations to organize, under the programme of advisory services and technical assistance for the promotion and protection of human rights, information and/or training courses at the national or regional level for appropriate government personnel on the application of international human rights standards and the experience of relevant national and international organs;

10. Requests the Secretary-General to give adequate attention to the countries in the Asian and Pacific region by allocating more resources from existing United Nations funds to enable the countries of the region to benefit from all the activities under the programme of advisory services and technical assistance in the field of human rights;

11. Calls upon the Centre for Human Rights to provide specific information on programmes available under the Voluntary Fund for Technical Cooperation in the Field of Human Rights, to facilitate better access to and fuller utilizations of those programmes by all countries in the Asian and Pacific region;

12. Encourages States in the Asian and Pacific region to request assistance for such purposes as regional and subregional workshops, seminars and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights;

13. Also encourages all States in the Asian and Pacific region to consider ratifying and acceding to international human rights instruments adopted within the framework of the United Nations system, with the aim of universal acceptance;

14. Further encourages all States and regional and subregional organizations in the Asian and Pacific region to develop programmes for human rights education in that region;

15. Requests the Secretary-General to submit to the Commission at its fifty-second session a further report incorporating information on the progress achieved in the implementation of the present resolution;

16. Decides to continue its consideration of the question at its fifty-second session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

53rd meeting

3 March 1995

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

1995/49. Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

The Commission on Human Rights,

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

Recalling previous General Assembly and its own resolutions on this subject,

Recognizing the significant effect of United Nations initiatives on public information activities in the field of human rights,

Taking note of the valuable role that non-governmental organizations can play in this endeavour,

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

1. Takes note of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (E/CN.4/1995/46 and Add.1);

2. Appreciates the measures taken by the Department of Public Information and the Centre for Human Rights to ensure the further production and effective dissemination of human rights information materials in regional and local languages, in cooperation with regional, national and local organizations, as well as with Governments, in particular as a component of the technical assistance projects of the Centre for Human Rights, and encourages the Secretary-General to ensure the widest possible dissemination of the Vienna Declaration and Programme of Action and of information on its follow-up activities;

3. Urges the Centre for Human Rights, in cooperation with the Department of Public Information, to finalize its comprehensive review of the programme of information and publications in the field of human rights, including the elaboration of a new information strategy and to make an assessment of the effectiveness of this programme, and to present a detailed report on this issue for the consideration of the Commission at its fifty-third session;

4. Encourages the Centre to continue the development of training courses and materials, including targeted training manuals for professional audiences, as described in the report of the Secretary-General;

5. Takes note of the efforts of the Department of Public Information with respect to computer-accessible information on all aspects of human rights and of the Centre for Human Rights to establish a database for the promotion of all aspects of human rights;

6. Urges the Department of Public Information, in cooperation with the Centre for Human Rights, to utilize more fully and effectively United Nations information centres for the purpose of timely dissemination, within their designated areas of activity, of basic information and reference materials on

human rights and fundamental freedoms, including the reports of States parties to treaty-monitoring bodies, and, to this end, to ensure that United Nations information centres are supplied with adequate quantities of those materials, both in the official languages of the United Nations and in the relevant national languages;

7. Urges the Department of Public Information to make full use of resources available for this purpose to produce factual information materials on all aspects of human rights in all regions;

8. Requests the Secretary-General to take advantage as much as possible of the collaboration of non-governmental organizations in the implementation of the World Public Information Campaign, including in the dissemination of human rights materials;

9. Encourages all Member States to make special efforts to provide, facilitate and promote publicity for the activities of the United Nations in the field of human rights, to accord priority to the dissemination in their respective national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and to provide information and education on the practical ways in which the rights and freedoms enjoyed under these instruments can be exercised;

10. Supports the recommendation contained in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights that Member States develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information, taking particular account of the human rights needs of women, and encourages Member States, in drawing up national action plans for the promotion and protection of human rights, to include broad-based education and public information programmes on human rights;

11. Calls upon the High Commissioner for Human Rights to coordinate and harmonize human rights information strategies within the United Nations system;

12. Requests the High Commissioner for Human Rights to ensure close cooperation between the Centre for Human Rights and the Department of Public Information in the implementation of the aims established for the World Public Information Campaign for Human Rights and coordination with the United Nations Educational, Scientific and Cultural Organization regarding education for

human rights, taking into account the launching by the United Nations General Assembly of the United Nations Decade for Human Rights Education;

13. Requests the Secretary-General to consider making available adequate resources from within the regular budget of the United Nations in order to allow the Centre to implement fully its publications programme, as part of his efforts towards strengthening the Centre for Human Rights, implementing the Vienna Declaration and Programme of Action and supporting the High Commissioner for Human Rights in his coordinating role;

14. Also requests the Secretary-General to submit to the Commission, at its fifty-third session, a report on public information activities, with special emphasis on the activities of the World Public Information Campaign for Human Rights, including information on expenditures incurred in the biennium 1994-1995 and those envisaged for future activities and other questions raised in the present resolution;

15. Decides to continue its consideration of the question at its fifty-third session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

53rd meeting

3 March 1995

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

1995/50. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling relevant resolutions of the General Assembly and its own relevant resolutions concerning national institutions for the promotion and protection of human rights, notably Assembly resolution 48/134 of 20 December 1993 and Commission on Human Rights resolution 1994/54 of 4 March 1994,

Stressing the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements to ensure the effective implementation of international human rights instruments,

Convinced of the important role national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played and should continue to play an important role in assisting the development of national institutions,

Recalling that, in General Assembly resolution 48/134, the Assembly welcomed the Principles relating to the status of national institutions, annexed to that resolution,

Welcoming the growing interest shown worldwide in the creation and strengthening of independent and pluralistic national institutions expressed during the regional preparatory meetings for the World Conference on Human Rights and at the Conference itself, held at Vienna from 14 to 25 June 1993, as well as at the various international meetings of national institutions for the promotion and protection of human rights held since 1991,

Welcoming also the decision, announced recently by several States, to establish, or consider establishing, independent national institutions for the promotion and protection of human rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, in which was reaffirmed the important constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, and in the dissemination of human rights information and education concerning human rights,

Noting in particular that the World Conference urged Governments to strengthen national institutions which play a role in promoting and safeguarding human rights,

Recalling that, at the World Conference on Human Rights, representatives of national institutions which attended as observers played a positive and constructive role in the deliberations of the Conference,

Noting with satisfaction the constructive participation of representatives of a number of national institutions for the promotion and protection of human rights in international seminars and workshops organized or sponsored by the United Nations and its Member States and in other United Nations activities,

1. Reaffirms the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights in keeping with the Principles relating to the status of national institutions annexed to General Assembly resolution 48/134 of 20 December 1993;
2. Encourages all Member States to take appropriate steps to promote the exchange, including by national institutions, of information and experience concerning the establishment and operation of such national institutions;
3. Also encourages Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action, and, where appropriate, to incorporate those elements in national development plans or in their preparation of national action plans;
4. Emphasizes in this regard the need to disseminate the Principles relating to the status of national institutions, annexed to General Assembly resolution 48/134, as widely as possible, and calls upon the Secretary-General to undertake this task;
5. Affirms the role of national institutions, where they exist, as appropriate agencies for the dissemination of human rights materials and other public information activities under the auspices of the United Nations;
6. Welcomes the proposal to convene the third International Workshop of National Institutions for the Promotion and Protection of Human Rights at Manila from 18 to 21 April 1995;
7. Requests the Secretary-General to give a high priority to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical assistance in the field of human rights;
8. Takes note of the role of the Coordinating Committee created by national institutions at the second International Workshop on National Institutions for the Promotion and Protection of Human Rights, held at Tunis from 13 to 17 December 1993, in close cooperation with the Centre for Human Rights, to assist Governments and institutions, when requested, to follow up

on relevant resolutions and recommendations concerning the strengthening of national institutions and to hold meetings under the auspices of and in cooperation with the Centre for Human Rights;

9. Requests the Secretary-General to take measures to ensure that national institutions are informed effectively, including through diplomatic channels, about the activities of the Centre for Human Rights involving national institutions;

10. Requests the Centre for Human Rights, with the assistance of national institutions and their Coordinating Committee, to provide technical assistance for States wishing to establish or strengthen their national institutions and to organize training programmes for national institutions which request them, and invites Governments to contribute additional funds to the Voluntary Fund for the Technical Cooperation in the Field of Human Rights for these purposes;

11. Takes note of the report of the Secretary-General concerning possible forms of participation by national institutions in United Nations meetings dealing with human rights (E/CN.4/1995/48);

12. Notes the importance of finding an appropriate form of participation by national institutions in relevant United Nations meetings dealing with human rights;

13. Requests the Secretary-General to invite Member States which have not yet done so to inform him of their views concerning possible forms of participation by national institutions in United Nations meetings dealing with human rights, and invites the Secretary-General to include this information in his report to the Commission at its fifty-second session;

14. Recognizes the important and constructive role that non-governmental organizations may play, in cooperation with national institutions, for the better promotion and protection of human rights;

15. Requests the Secretary-General to report to the Commission at its fifty-second session on the implementation of the present resolution;

16. Decides to continue its consideration of this question at its fifty-second session.

53rd meeting
3 March 1995

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

1995/51. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms, even under exceptional circumstances,

Recalling its resolution 1994/58 of 4 March 1994,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1994/23 of 25 August 1994,

Having considered the reports of the Special Rapporteur on the question of torture (E/CN.4/1995/34), the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1995/36) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61 and Add.1),

Having considered also the report of the independent expert, Mrs. Mónica Pinto (E/CN.4/1995/15), and studied the conclusions and recommendations contained therein,

Taking into account the fact that the continuation of the internal armed conflict is a factor affecting the human rights situation in Guatemala,

Taking note of the legal and institutional reforms introduced by the Government with a view to combating impunity and guaranteeing full enjoyment of human rights and fundamental freedoms for everyone in Guatemala,

Concerned nevertheless by the fact that, despite those reforms, there continue to be serious human rights violations in Guatemala, attributed mainly to members of the armed forces and security forces and to the so-called voluntary civil self-defence committees,

Concerned also by the fact that situations of impunity continue to exist and that, in cases of human rights violations, there has not been sufficient progress in the investigations and/or judicial proceedings,

Regretting the human rights violations, marginalization and centuries-old discrimination that have been suffered by the indigenous populations in Guatemala,

Considering that the economic and social situation continues to have serious consequences for the great majority of the population, particularly

for the indigenous populations and the most vulnerable sectors of Guatemalan society, such as displaced persons, elderly persons, women and children,

Taking note of the establishment of the Guatemalan National Indigenous Fund with the aim of supporting and reinforcing the process of human development of the indigenous populations,

Taking note with satisfaction of the Framework Agreement for the resumption of the peace negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, signed at Mexico City on 10 January 1994, and of the other agreements reached within the process of peace negotiations, particularly the Comprehensive Agreement on Human Rights signed at Mexico City on 29 March 1994, the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, signed at Oslo on 17 June 1994, and the Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer, signed at Oslo on 23 June 1994,

Recognizing the importance of the establishment, on 21 November 1994, of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), in accordance with General Assembly resolution 48/267 of 19 September 1994,

Taking note of the establishment of the Technical Commission provided for in the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, in which representatives of the groups affected participate, and of the resettlement of some groups of internally displaced persons that has already taken place,

Taking note also of the continuation of the process of voluntary return of refugees initiated in 1993,

Concerned by the suspension of the peace negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, which has induced the Secretary-General of the United Nations to urge a resumption of the process and a prompt cease-fire and to submit proposals to that end,

Expressing the hope that the will shown by the Government and by the Unidad Revolucionaria Nacional Guatemalteca will lead to the reactivation of

the process, the signing of agreements on all pending subjects, a prompt end to the internal armed conflict and the establishment of a firm and lasting peace,

Recognizing the importance of the role played by the representative of the Secretary-General as moderator in these negotiations, of the participation of the Group of Friendly Countries composed of Colombia, Mexico, Norway, Spain, the United States of America and Venezuela, and of the valuable contributions of the Civil-Society Assembly, on the terms established in the Framework Agreement,

Considering that it is necessary for the international community to continue to keep the human rights situation in Guatemala under review and to provide advisory services in the field of human rights, as well as technical and financial assistance, with the aim of promoting full respect for human rights and fundamental freedoms and supporting the efforts of the Government and people of Guatemala to that end,

1. Takes note with appreciation of the report of the independent expert (E/CN.4/1995/15) and the conclusions and recommendations contained therein;

2. Expresses its gratitude to the Government of Guatemala for the facilities and cooperation afforded to the independent expert in the fulfilment of her mandate;

3. Recognizes the efforts made by the Government of Guatemala and encourages it to apply the necessary urgent measures to consolidate democratic institutions and to promote and protect human rights and fundamental freedoms, taking into account the recommendations of the independent expert and the contributions of MINUGUA;

4. Regrets that, notwithstanding these efforts, serious violations of human rights persist, particularly violations of the right to life and threats and intimidation against the physical integrity of individuals;

5. Urges both parties to respect the applicable rules of international humanitarian law in the internal armed conflict and to refrain from any activities that may endanger the rights of the great majority of Guatemalans who are not involved in this conflict and affect the physical security of the civilian population and that of their property;

6. Exhorts the Government of Guatemala to continue to adopt and apply the necessary legal and political measures to strengthen the independence of the judiciary and respect for its decisions;

7. Also exhorts the Government of Guatemala to intensify investigations enabling all those responsible for violations of human rights to be identified and brought to justice, to provide compensation for the victims of such violations within a legal framework, to ensure that the judicial system can operate with due protection being afforded to judges, investigators, witnesses and relatives of victims, and to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights;

8. Further exhorts the Government of Guatemala, within the framework of its general human rights policy, to continue to apply the independent expert's recommendations, in particular those relating to a police system answerable to the civilian authorities and, in accordance with the criteria established in the peace negotiations, to the abolition of the system of voluntary civil self-defence committees;

9. Notes with satisfaction the decision of the Government of Guatemala to suspend forcible military recruitment while the Congress of the Republic adopts at the earliest possible date the law regulating the performance of military service and definitively eliminating arbitrary recruitment practices;

10. Again appeals to the Government of Guatemala to ensure that all authorities, including the armed forces and security forces, fully respect the human rights and fundamental freedoms of the Guatemalan people, and welcomes the inclusion, in the curricula and training programmes for personnel of the armed forces and security forces, of the constitutional provisions and the international commitments undertaken by the Government of Guatemala in the field of human rights;

11. Takes note of the legal and institutional reforms which the Government of Guatemala has introduced in the system for the administration of justice in order to put an end to violence and impunity, including the entry into force of the new Code of Criminal Procedure, and encourages it to pay particular attention to the legal standards guaranteeing the rights and freedoms of the indigenous populations and the most vulnerable sectors of society;

12. Expresses its conviction that the pre-eminence of civilian authority in the national decision-making process is an indispensable condition for the consolidation of the rule of law and the full realization of human rights, and invites the Government to take into account the independent expert's recommendations to that end;

13. Recognizes the positive work done in defence of human rights by the Human Rights Procurator and exhorts the Government to give him support and to guarantee the conditions for the strengthening of his activities, inter alia, through the adoption of legislative measures to enable him to participate in proceedings relating to human rights violations;

14. Encourages the Government of Guatemala to provide the requisite facilities and adopt the necessary measures to ensure that the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH) is the focal point for the coordination of the Government's efforts to comply with its international commitments in the field of human rights;

15. Exhorts the Government of Guatemala to adopt concrete measures against extreme poverty that will enable the population to attain better living standards, giving priority to economic and social development programmes, and to strengthen policies and programmes concerning Guatemala's indigenous populations, taking into account their proposals and aspirations, together with the independent expert's recommendations on the subject;

16. Takes note of the continuation of the refugee repatriation process, urges the competent authorities to ensure that this process continues with full consideration for the well-being and dignity of all affected persons, providing the necessary facilities for their prompt resettlement, and urges the parties concerned to comply strictly with the agreements reached on the subject since October 1992;

17. Urges the Government of Guatemala to continue to assist the civilian population displaced by the internal armed conflict and to facilitate its resettlement, on the basis of the recommendations of the Technical Commission provided for in the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict;

18. Invites the Government of Guatemala to consider the earliest possible ratification of the international human rights instruments to which

it is not yet a party, in particular the International Labour Organization's Convention No. 169 concerning indigenous and tribal peoples in independent countries;

19. Expresses its satisfaction at the signing of the Comprehensive Agreement on Human Rights of 29 March 1994 and the establishment of the Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala;

20. Urges the parties to comply fully with the Comprehensive Agreement on Human Rights and expresses its confidence that the establishment of the United Nations Mission for Guatemala (MINUGUA) will contribute to the improvement of the situation of the civil, political, economic, social and cultural rights of all Guatemalans;

21. Commends the work of the representative of the Secretary-General as moderator, the efforts of the Group of Friendly Countries to advance the peace process in Guatemala and the valuable contributions of the Civil-Society Assembly;

22. Urges the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca to resume the negotiations as soon as possible, including the preparation of a new timetable in order to reach agreements on all pending items on the agenda, with the corresponding mechanisms for verification;

23. Expresses the hope that the negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca will, in accordance with the new timetable, lead to a prompt cease-fire and the signing of a firm and lasting peace agreement as early as possible in 1995;

24. Requests the Secretary-General to continue to provide the Government of Guatemala with advisory services in the field of human rights and to develop specific programmes taking account of non-governmental organizations;

25. Also requests the Secretary-General to extend the mandate of the independent expert so that, taking into account the work of MINUGUA, she may continue to examine the situation of human rights in Guatemala, provide assistance to the Government in the field of human rights, and submit to the Commission at its fifty-second session a report evaluating the measures taken by the Government in accordance with the recommendations made to it;

26. Decides to consider the question at its fifty-second session under the appropriate agenda item, in the light of the report of the independent expert on the situation of human rights in Guatemala.

53rd meeting

3 March 1995

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

1995/52. Situation of human rights in Togo

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling that, under Articles 55 and 56 of the Charter of the United Nations, all States Members of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Bearing in mind that Togo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the African Charter of Human and Peoples' Rights,

Recalling its resolution 1994/78 of 9 March 1994 on the situation of human rights in Togo,

Welcoming the efforts made with a view to democratization, in particular the adoption of the Constitution of 14 October 1992, which accords high priority to human rights, and the establishment of an independent national human rights commission and a ministry of human rights,

Having examined the report of the Special Rapporteur on the question of torture (E/CN.4/1995/34 and Add.1), the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61 and Add.1) and the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1995/36),

1. Takes note with interest of the report of the Secretary-General on the situation of human rights in Togo (E/CN.4/1995/16);

2. Welcomes the fact that Togo has set out on the road to democratic political change, and urges all Togolese to respect the outcome of the parliamentary elections of February 1994 and to ensure the effective functioning of the democratically elected parliament;

3. Also welcomes the progress made in the field of human rights and national reconciliation, in particular the amnesty law of December 1994 which has permitted the release of a number of political prisoners;

4. Urges the Togolese authorities to continue to further improve the situation of human rights;

5. Calls upon the Togolese authorities to comply fully with their obligations under the international human rights instruments to which Togo is a party;

6. Encourages the Togolese authorities to facilitate the participation of the organs of society in the process of democratization, including national institutions dealing with the promotion and protection of human rights;

7. Welcomes the forthcoming dispatch to Togo, at the request of the Government of Togo, of an evaluation mission of the Centre for Human Rights with a view to the elaboration of an appropriate programme of technical assistance to strengthen the structures for the promotion and protection of human rights in Togo, within the framework of the Centre's programme of advisory services and technical assistance;

8. Strongly encourages the Government of Togo to continue its cooperation with the Centre for Human Rights through the Centre's programme of advisory services and technical assistance;

9. Requests the Secretary-General to submit to the Commission at its fifty-second session, with a view to ending consideration of the question under the agenda item entitled "Advisory services in the field of human rights", a report on the implementation of the present resolution.

53rd meeting
3 March 1995

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

1995/53. Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as the latest resolution of the Commission on Human Rights on the subject, 1994/69 of 9 March 1994,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights called for an enhanced programme of advisory services highlighting both the traditional fields of technical assistance in the field of human rights and new areas of technical assistance of which Governments may avail themselves, as summarized in the report of the Secretary-General (E/CN.4/1995/89 and Add.1),

Mindful of the responsibilities of the High Commissioner for Human Rights set out in General Assembly resolution 48/141 of 20 December 1993, in particular that of providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical assistance, at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights, and of coordinating the human rights promotion and protection activities throughout the United Nations system,

Encouraging all States in need of assistance in the field of human rights to consider making use of the advisory services and technical cooperation being offered on a bilateral, regional or international level, provided by the Centre for Human Rights or other relevant bodies involved in the field of human rights within the United Nations system or by national institutions or non-governmental organizations, in order to achieve the full enjoyment of all human rights,

Welcoming the activities undertaken by the High Commissioner for Human Rights, in fulfilment of his mandate, to provide advisory services to countries at their request, as reflected in his report to the Commission on Human Rights (E/CN.4/1995/98),

Emphasizing the importance of the development of assistance in the field of human rights, including through the assignment of human rights field officers, to countries in transition or in reconstruction after situations of armed conflict or internal disturbance, with the consent of the Government concerned,

Convinced of the need for the Secretary-General and the High Commissioner for Human Rights to intensify efforts to coordinate system-wide advisory services and technical assistance in the field of human rights through flexible and active inter-agency collaboration,

Convinced also of the need for the Centre for Human Rights to assume the functions of focal point and clearing-house for inter-agency coordination on human rights issues with other organizations of the United Nations system,

Reaffirming that within the common context of the comprehensive programme of advisory services and technical cooperation, a clear distinction should be made between technical cooperation projects financed under the Voluntary Fund for Technical Cooperation in the Field of Human Rights and activities under the regular budget of the United Nations, while at the same time close coordination between these activities should be ensured,

Reaffirming also that the provision of advisory services and technical cooperation activities may be seen as a complement to, but not a substitute for, the monitoring and investigating activities of the human rights programme and that their provision does not reduce a Government's responsibility for accountability on the human rights situation and, whenever applicable, would not exempt it from monitoring through the various procedures established by the United Nations,

Taking note with appreciation of the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1995/89), as well as of the report of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1995/89/Add.1),

1. Reaffirms that the programme of advisory services in the field of human rights should continue to provide, at the request of Governments and, where appropriate, with the cooperation of the specialized agencies, inter alia, assistance in the form of advisory services of experts, fellowships and scholarships, seminars and training courses at the regional and national levels and the drafting of basic legal texts in conformity with international conventions on human rights with a view to enhancing the rule of law and democracy;

2. Calls upon the Secretary-General to implement all activities under the programme of advisory services on the basis of clearly defined objectives and themes, taking into account the precise needs of the beneficiaries, as well as to follow up and evaluate them;

3. Invites competent United Nations treaty bodies, special rapporteurs and representatives, as well as working groups, to continue to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services;

4. Requests the Secretary-General, in the context of the budgetary planning for the biennium 1996-1997, to allocate more human and financial resources for the enlargement of advisory services, within existing overall United Nations resources, in a manner compatible with other development objectives, in order to meet the substantially increased demand;

5. Expresses its appreciation to the Secretary-General for the projects realized since the establishment of the Voluntary Fund for Technical Cooperation in the Field of Human Rights and to Governments and non-governmental organizations for their contributions, and invites more Governments and non-governmental organizations to consider contributing;

6. Emphasizes that the objective of the Voluntary Fund is to provide financial support for international cooperation aimed at building up and strengthening national and regional institutions and infrastructures which will have a long-term impact on improving implementation of international conventions and other international standards on human rights;

7. Requests the Secretary-General, in accordance with part II, paragraph 16 of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the Voluntary Fund as advisory body, to ensure more efficient management of the Voluntary Fund, strict and transparent project management rules, periodical evaluations of the programme and projects, and the dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for the holding of annual information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme;

8. Requests the Board of Trustees to exercise its full mandate as advisory body to promote and solicit contributions to the Voluntary Fund and to continue to assist the High Commissioner for Human Rights in monitoring, reviewing and improving constantly the process of selecting and implementing technical assistance projects, the conduct of needs assessments in a comprehensive manner and the evaluation of ongoing and terminated projects against the objectives that have been set;

9. Takes notes with interest of the general recommendations of the Board of Trustees relating to the enhancement of the effectiveness of advisory services as reflected in its report (E/CN.4/1995/89/Add.1);

10. Requests the Secretary-General to provide the necessary administrative assistance for the Board, in order to make it possible for it to fulfil its mandate, and to arrange meetings of the Board such that its report can be included in the annual report to the Commission on Human Rights on advisory services and technical cooperation;

11. Encourages Governments to cooperate with non-governmental human rights organizations in formulating, implementing and evaluating programmes under the Voluntary Fund;

12. Requests the Secretary-General to incorporate in his next report to the Commission on Human Rights on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights, the activities undertaken by the Board of Trustees and, in that connection, invites the Chairman of the Board to address the Commission;

13. Reaffirms that the High Commissioner for Human Rights is the United Nations officer with principal responsibility for United Nations human rights activities according to the mandate established in General Assembly resolution 48/141 of 20 December 1993, which provides, inter alia, for coordination by the High Commissioner of the human rights promotion and protection activities throughout the United Nations system and the provision of advisory services, and requests the Secretary-General to continue to support the High Commissioner in fulfilling his mandate;

14. Requests the High Commissioner to explore yet further the possibilities offered by cooperation between the Centre for Human Rights and specialized bodies and other organizations of the United Nations system, as well as non-governmental organizations, including arrangements where needs identified by the Centre are met by projects for which such bodies and organizations take full responsibility for financing and implementation;

15. Encourages in particular the cooperation between the Centre for Human Rights and the United Nations Development Programme, with a view to integrating, with the advice of the Commission on Human Rights, projects for strengthening human rights into the overall United Nations Development

Programme country programmes and in order to prepare and execute jointly individual projects benefiting from the opportunities offered by resident representatives of the Programme;

16. Requests the Secretary-General to submit a report to the Commission at its fifty-second session containing an inventory and an analysis of the availability of advisory services and technical cooperation in the field of human rights from all sources, both multilateral and bilateral, and to request relevant information from such sources;

17. Also requests the Secretary-General to report annually to the Commission on Human Rights on the progress made in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

53rd meeting

3 March 1995

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

1995/54. Assistance to States in strengthening the rule of law

The Commission on Human Rights,

Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights,

Convinced also that, through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Centre for Human Rights of the Secretariat in supporting national efforts to strengthen the institutions of the rule of law,

Recalling the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the coordination of the Centre for Human Rights with a view to helping States

in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

Recalling also its resolution 1994/50 of 4 March 1994 and General Assembly resolution 49/194 of 23 December 1994,

1. Notes with satisfaction the report of the Secretary-General to the General Assembly (A/49/512) submitted in conformity with General Assembly resolution 48/132;

2. Takes note with interest of the proposals contained therein for strengthening the programme of advisory services and technical assistance of the Centre for Human Rights of the Secretariat in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions in the rule of law;

3. Praises the efforts made by the High Commissioner for Human Rights and the Centre for Human Rights to accomplish their ever-increasing tasks with the limited financial and personnel resources at their disposal;

4. Expresses its deep concern at the scarcity of means at the disposal of the Centre for Human Rights for the fulfilment of its tasks;

5. Notes that the programme of advisory services and technical assistance does not have assistance funds sufficient to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends, but which face economic hardship;

6. Requests the Secretary-General to explore the possibilities of obtaining from all relevant institutions of the United Nations system, including financial institutions, acting within their mandates, technical and financial means to strengthen the capacity of the Centre for Human Rights to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law, and to submit a report on the matter to the General Assembly at its fiftieth session.

53rd meeting
3 March 1995

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

1995/55. The situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Taking note of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991, including part III relating to human rights,

Recalling Commission on Human Rights resolution 1994/61 of 4 March 1994, General Assembly resolution 49/199 of 23 December 1994, and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which it requested the Secretary-General to appoint a special representative in Cambodia, and the Secretary-General's subsequent appointment of a special representative,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that the tragic recent history of Cambodia requires special measures to assure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the agreements signed in Paris on 23 October 1991;

Welcoming the establishment in Cambodia of the office of the Centre for Human Rights,

1. Requests the Secretary-General to assure the protection of the human rights of all people in Cambodia and to ensure adequate resources from within existing United Nations resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;

2. Welcomes the visit to Cambodia of the United Nations High Commissioner for Human Rights;

3. Welcomes and encourages the efforts of individuals, non-governmental organizations, Governments and international organizations involved in human rights activities in Cambodia;

4. Takes note with appreciation of the latest report submitted by the Special Representative of the Secretary-General on the situation of human rights in Cambodia (E/CN.4/1995/87 and Add.1), and endorses his

recommendations and conclusions, including those aimed at ensuring the independence of the judiciary and the establishment of the rule of law, good governance and freedom of expression;

5. Notes with appreciation the programmes of activities of the Centre for Human Rights in Cambodia, as described in the report of the Special Representative of the Secretary-General (E/CN.4/1995/87 and Add.1);

6. Takes note of the statement presented by the Government of Cambodia to the United Nations General Assembly on 22 November 1994;

7. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to undertake an evaluation of the extent to which the recommendations made in his report, and those contained in his previous reports, are followed up and implemented;

8. Requests the Secretary-General to renew the mandate of the Special Representative as set out in paragraph 6 of Commission on Human Rights resolution 1993/6;

9. Also requests the Secretary-General to provide all necessary resources from within the regular budget of the United Nations to enable the Special Representative to continue to fulfil his tasks expeditiously;

10. Welcomes the efforts made by the Government of Cambodia to promote and protect human rights, including measures to improve human rights education, conditions of prisons and in creating a functioning system of justice, and urges that efforts continue in these areas;

11. Expresses grave concern about the atrocities committed by the Khmer Rouge, including the massacre of approximately 50 villagers in Battambang Province in October 1994, the numerous incidents of kidnapping of villagers, attacks on tourists, including the taking and killing of foreign hostages, and other deplorable incidents detailed in the reports of the Special Representative;

12. Condemns unreservedly all threats by the Khmer Rouge, including the widespread use of land-mines, to the safety of persons involved in development assistance activities in rural Cambodia;

13. Expresses grave concern at the devastating consequences and destabilizing effects of the indiscriminate use of anti-personnel land-mines on Cambodian society and encourages the Government of Cambodia to continue its efforts to remove these mines;

14. Expresses concern at the serious violations of human rights as detailed by the Special Representative in his reports, and further encourages the Government of Cambodia to investigate thoroughly allegations of human rights abuse and to prosecute those who are guilty of human rights offences in accordance with the due process of the law and international standards relating to the administration of justice;

15. Takes note of the concern expressed by the Special Representative in his report at the widely reported allegations of threats to members of the National Assembly and recommends that the Government of Cambodia take all necessary steps to ensure that members of the National Assembly can work in an environment free from intimidation;

16. Calls upon the Government of Cambodia to ensure the full observance of human rights for all persons within its jurisdiction in accordance with the international covenants and other human rights instruments to which Cambodia is a party;

17. Welcomes the agreement by the Governments of Cambodia and Viet Nam to address immigration policy and practice in a way consistent with national legislation and appropriate international standards;

18. Encourages the Government of Cambodia to continue its efforts to meet its reporting obligations under international human rights instruments, drawing on the assistance of the Office of the Centre for Human Rights in Cambodia;

19. Encourages the National Assembly of Cambodia to enact a press law which is consistent with internationally recognized standards and which protects freedom of expression while promoting press responsibility;

20. Commends the ongoing efforts of the Office of the Centre for Human Rights in Cambodia in supporting and assisting the Government of Cambodia, as well as non-governmental organizations and others involved in the protection and promotion of human rights in cooperation with the Government of Cambodia, and condemns attacks on them unreservedly;

21. Encourages the Government of Cambodia to request the Centre for Human Rights to provide advice and technical assistance with respect to the creation of an independent national institution for the promotion and protection of human rights;

22. Requests the Centre for Human Rights, in cooperation with the relevant United Nations specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children and minorities;

23. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities for the office in Cambodia of the Centre for Human Rights as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to this Trust Fund;

24. Decides to review the programmes and mandates set out in its resolution 1993/6 at its fifty-second session;

25. Requests the Special Representative of the Secretary-General to report to the Commission on Human Rights at its fifty-second session and to provide an interim report to the General Assembly at its fiftieth session;

26. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-second session on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

27. Decides to continue its consideration of this matter at its fifty-second session under the agenda item entitled "Advisory services in the field of human rights".

53rd meeting
3 March 1995

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

1995/56. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Recalling relevant resolutions of the General Assembly and of the Security Council, in particular Security Council resolution 954 (1994) of 4 November 1994,

Recalling also its own resolution 1994/60 of 4 March 1994, in which it requested the independent expert to report on conditions in Somalia and on the implementation of the resolution,

Noting with concern that the breakdown of governmental authority in Somalia has exacerbated the grave situation of human rights in the country,

Conscious that the United Nations Operation in Somalia II will complete its withdrawal during March 1995, and that therefore its human rights unit will cease to exist,

Noting in this respect assurances of cooperation and non-interference with such withdrawal expressed by all Somali parties,

Welcoming all efforts aimed at improving the humanitarian situation in Somalia, such as those of agencies and programmes of the United Nations, other humanitarian organizations and non-governmental organizations,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

Taking note with appreciation of the efforts aimed at encouraging a peaceful political solution to the crisis, in particular those of neighbouring countries and the Organization of African Unity,

Appreciating also in this respect, the role of organizations such as the Organization of the Islamic Conference and the League of Arab States,

Affirming the need for a peaceful process leading to the disarmament of factions, political reconciliation and the re-establishment of effective government committed to the promotion and protection of human rights,

Deeply concerned at alleged sentences issued in disregard of international criminal justice standards, arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment,

Deploring continued attacks, acts of reprisal, abductions and other acts of violence committed against United Nations personnel, personnel of other humanitarian organizations and non-governmental organizations and representatives of the international media in Somalia, sometimes resulting in serious injury or death,

Recognizing the negative impact the current situation is having on neighbouring countries, in particular through refugee outflows,

Noting that the independent expert has not been able to carry out his mandate owing to the circumstances prevailing in Somalia,

Believing none the less that the Centre for Human Rights should be in a position, through its programme of advisory services and technical assistance, to reinforce any positive political developments in Somalia by providing assistance, including to the police and the judicial and penal systems as well as to other institutions for the promotion and protection of human rights,

1. Calls upon all parties to the conflict in Somalia to work towards a peaceful solution to the crisis;

2. Strongly urges all parties in Somalia to respect the human rights and fundamental freedoms of all, to prevent violations of international humanitarian law and human rights, to apply criminal justice standards and to protect United Nations personnel, including contingents forming part of the United Nations Operation in Somalia II, humanitarian relief workers and representatives of the international media;

3. Requests the independent expert to study ways and means of how best to implement, at the earliest possible date, a programme of advisory services for Somalia, upon request, inter alia through the contributions of agencies and programmes of the United Nations currently in the field, aimed at re-establishing respect for human rights and the rule of law and strengthening the police and the judicial and prison systems in Somalia, in a manner consistent with internationally accepted criminal justice standards;

4. Requests the Secretary-General to provide adequate resources, from within the regular budget of the United Nations, to fund the activities of the independent expert and the Centre for Human Rights, and invites Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

5. Also requests the Secretary-General to report to the Commission at its fifty-second session on the situation of human rights in Somalia and the implementation of the present resolution;

6. Decides to continue consideration of the question at its fifty-second session under the appropriate agenda item, in the light of the report of the Secretary-General.

53rd meeting
3 March 1995

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

1995/57. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the steadily increasing number of internally displaced persons throughout the world and conscious of the serious problem this is creating for the international community,

Recognizing that internally displaced persons are in need of protection and of relief assistance, and recognizing the need for States and the international community to explore methods and means better to address the protection and assistance needs of internally displaced persons,

Conscious of the human rights as well as the humanitarian dimensions of the problem of internally displaced persons and the responsibilities this poses for States and the international community,

Recalling in this connection resolution 1994/24 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the right to freedom of movement,

Bearing in mind General Assembly resolution 49/169 of 23 December 1994, noting that the involuntary displacement of persons within their own countries remains a problem of grave humanitarian concern and that the many and varied underlying causes of involuntary internal displacement and of refugee movements are similar in numerous cases, and recognizing that actions by the international community, in consultation and coordination with the State concerned, on behalf of the internally displaced may contribute to the easing of tensions and the resolution of problems resulting in displacement, and constitute important components of a comprehensive approach to the prevention and solution of refugee problems,

Also bearing in mind the General Assembly noting that, in a number of instances, the internally displaced are present alongside refugees, returnees or a vulnerable local population in situations where it is neither reasonable nor feasible to treat the categories differently in responding to their needs for assistance and protection,

Welcoming the call by the General Assembly for a more concerted response by the international community to the needs of internally displaced persons while emphasizing that activities on their behalf must not undermine the institution of asylum,

Aware of the need to address the root causes of internal displacement,

Aware in particular of the need for the development of global strategies to address this problem, and recalling in this respect the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights called for a comprehensive approach by the international community with regard to refugees and displaced persons,

Welcoming the cooperation established between the representative of the Secretary-General and the High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the United Nations Development Programme, the Department of Humanitarian Affairs of the Secretariat and other relevant intergovernmental and non-governmental organizations, including through the Partnership in Action process, and encouraging them to continue actively to pursue their consultations on this issue,

Welcoming also the regional initiatives being undertaken in response to problems of internal displacement, and recalling in particular the San José Declaration on Refugees and Displaced Persons, the Addis Ababa Document on Refugees and Forced Population Movements in Africa and the conclusions of the Seminar on the Protection of African Refugees and Internally Displaced Persons,

Conscious of the need for the United Nations system to gather comprehensive information on the issue of the protection of the human rights of and assistance to internally displaced persons,

Welcoming the Conclusion on internally displaced persons of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees (A/AC.96/839, para. 20), in particular its acknowledgement of the work of the representative of the Secretary-General and of his efforts to compile existing international standards in respect of the treatment of the internally displaced,

Recalling General Assembly resolution 48/135 of 20 December 1993, in which the Assembly invited the representative to present suggestions and recommendations with regard to ways and means, including the institutional aspects, of providing effective protection and assistance to internally displaced persons,

Bearing in mind the support for the work of the representative of the Secretary-General expressed in a number of international and regional declarations, specifically the San José Declaration on Refugees and Displaced Persons which called for an extension of his mandate,

1. Takes note with appreciation of the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1995/50 and Add.1-4);

2. Commends the representative of the Secretary-General for the activities so far undertaken, despite the limited resources available to him, and for his proposed programme of activities;

3. Welcomes the catalytic role the representative is playing to raise the level of consciousness about the plight of the internally displaced;

4. Encourages the representative, through dialogue with Governments and all intergovernmental and non-governmental organizations concerned, in accordance with his mandate, to continue his review of the need for protection of and assistance to internally displaced persons, including his compilation and analysis of existing rules and norms, the root causes of internal displacement, prevention and long-term solutions, taking into account specific situations;

5. Also encourages the representative to continue to pay specific attention in his review to the protection and assistance needs of women and children;

6. Calls upon all Governments to continue to facilitate the activities of the representative, encourages them to give serious consideration to inviting him to visit their countries, so as to enable him to study and analyse more fully the issues involved, and thanks those Governments which have already done so;

7. Invites Governments to give due consideration, in dialogue with the representative, to the recommendations and suggestions made to them by the representative, in accordance with his mandate, and to inform him of measures taken thereon;

8. Welcomes the cooperation established between the representative of the Secretary-General and the High Commissioner for Human Rights, and encourages them to strengthen this cooperation further;

9. Calls upon the High Commissioner for Human Rights, the Department of Humanitarian Affairs, the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Development Fund for Women, the International Committee of

the Red Cross, the International Organization for Migration and all other humanitarian agencies involved to continue to cooperate with the representative, to provide him with relevant information and to assist him in fulfilling his mandate, and encourages the representative of the Secretary-General to continue to cooperate and coordinate with them;

10. Calls upon the representative and regional intergovernmental organizations, such as the Organization of African Unity, the Organization of American States and the Organization for Security and Cooperation in Europe, to intensify their cooperation with a view to encouraging their undertaking initiatives to facilitate assistance to and protection of internally displaced persons, and requests the representative to report on these efforts and on areas of his cooperation with them;

11. Calls upon relevant rapporteurs, working groups, experts and the High Commissioner for Human Rights, through his field activities, in accordance with their mandates, to seek information on situations which have already created or could lead to internal displacement and to include relevant information and recommendations thereon in their reports;

12. Encourages the representative of the Secretary-General to pursue the setting up of a more coherent system of data collection on issues related to the situation and protection of internally displaced persons;

13. Also encourages the representative to continue to seek the contribution of local, national and regional academic institutions;

14. Decides to extend for a further three years the mandate of the representative;

15. Requests the Secretary-General to provide, within existing resources, all the necessary human and financial assistance to his representative to fulfil his mandate effectively;

16. Requests the representative to continue to submit annual reports on his activities to the Commission on Human Rights and to the General Assembly;

17. Decides to continue its consideration of the question at its fifty-second session.

53rd meeting
3 March 1995

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

1995/58. Human rights and disability

The Commission on Human Rights,

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

Welcoming the unreserved reaffirmation in the Vienna Declaration and Programme of Action (A/CONF.157/23) of the human rights and fundamental freedoms of persons with disabilities and the recognition in the Programme of Action of the International Conference on Population and Development (A/CONF.171/13, chap. I, resolution I, annex) of a pressing need for, inter alia, the realization of the goals of full participation and equality for persons with disabilities,

Recalling General Assembly resolution 48/96 of 20 December 1993, in which the Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, and in particular the decision to appoint, within the framework of the Commission for Social Development, a special rapporteur to monitor the implementation of the Standard Rules (Part IV, para. 2),

Reaffirming the continuing validity and value of the World Programme of Action concerning Disabled Persons, which provides a firm and innovative framework for disability-related issues,

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

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

Aware of the major obstacles to the implementation of the World Programme of Action concerning Disabled Persons, foremost among these being an inadequate allocation of resources,

Noting the Centre for Human Rights publication Human Rights and Disabled Persons (United Nations publication, Sales No. E.92.XIV.4) by Mr. Leandro Despouy, Special Rapporteur of the Sub-Commission on Prevention of

Discrimination and Protection of Minorities, in which international mechanisms for the protection of persons with disabilities, such as an ombudsman, are proposed,

Having due regard to the preconditions for equal participation set out under section I of the Standard Rules, including national action to raise awareness in society about persons with disabilities, their rights, their needs, their potential and the need to realize these, to recognize their contributions, to provide effective medical care, including mental health care, to ensure rehabilitative services, to establish and maintain support services, including the provision of devices to assist persons with disabilities, and to help them to increase their level of independence in their daily living and to exercise their rights,

1. Calls upon the Secretary-General to maintain the integrity of programmes within the United Nations system relating to persons with disabilities, including the United Nations Voluntary Fund on Disability, in order to promote the rights and the equalization of opportunities and full inclusion within societies of persons with disabilities;
2. Welcomes the work done by the Committee on Economic, Social and Cultural Rights to draw attention to the recommendations of the Special Rapporteur on disability of the Committee for Social Development;
3. Encourages all the human rights treaty-monitoring bodies to respond positively to its invitation to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure the full enjoyment of those rights by persons with disabilities;
4. Calls upon States to cooperate fully with the Special Rapporteur, to meet his requests for information and to provide relevant data to the Committee on Economic, Social and Cultural Rights;
5. Notes with appreciation that a number of Member States have made, or have indicated their intention to make, contributions to support the work of the Special Rapporteur;
6. Urges all Governments to implement, with the cooperation and assistance of organizations, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;
7. Invites Governments and the private sector to provide meaningful assistance to the United Nations Voluntary Fund on Disability, with a view to

providing additional support for the implementation of the Standard Rules, within the context of the World Programme of Action concerning Disabled Persons;

8. Urges non-governmental organizations active in the protection and promotion of persons with disabilities to provide relevant information to the Committee on Economic, Social and Cultural Rights and to the Centre for Human Rights;

9. Requests the Secretary-General to ensure appropriate support for the effective functioning of the long-term strategy to implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond (A/49/435, annex);

10. Encourages the Secretary-General and the United Nations agencies concerned to finalize, in consultation with Member States, the development of a global disability indicator in the Commission on Social Development, and also encourages the Special Rapporteur to make use of it, where appropriate, in his future work;

11. Encourages the consideration during major forthcoming events, including the World Summit for Social Development and the Fourth World Conference on Women: Action for Equality, Development and Peace, of disability issues relevant to the subject-matter of those events;

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

13. Reaffirms its commitment to ensuring that the rights of persons with disabilities and their concerns for full participation in community affairs continue to be addressed in all of its work;

14. Decides to continue to consider the question at its fifty-second session under the agenda item entitled "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities".

53rd meeting

3 March 1995

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