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**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL
ON THE SIXTIETH SESSION OF THE COMMISSION**

Draft report of the Commission

Rapporteur: Mr. Mike OMOTOSHO (Nigeria)

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2004/46. Elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Reaffirming the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights and the Declaration on the Elimination of Violence against Women adopted by the General Assembly in its resolution 48/104 of 20 December 1993,

Recalling the Beijing Declaration and Platform for Action adopted in September 1995 by the Fourth World Conference on Women, follow-up action by the Commission on the Status of Women on violence against women, and the outcome of the twenty-third special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”,

Recalling also all its previous resolutions on the elimination of violence against women, in particular its resolution 1994/45 of 4 March 1994, in which it decided to appoint a special rapporteur on violence against women, its causes and consequences, and all General Assembly resolutions relevant to elimination of violence against women, and in particular welcoming General Assembly resolutions 58/185 of 22 December 2003 entitled “In-depth study on all forms of violence against women” and 58/147 also of 22 December 2003 entitled “Elimination of domestic violence against women”,

Recalling further Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security, and acknowledging the relevance of the study of the Secretary-General entitled *Women, Peace and Security* submitted pursuant to Security Council resolution 1325 (2000), the study by the United Nations Development Fund for Women entitled *Women, War and Peace: The Independent Experts’ Assessment of the Impact of Armed Conflict on Women and Women’s Role in Peace-Building*, and the important work done on this issue,

most recently by the forty-eighth session of the Commission on the Status of Women on women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building,

Reaffirming the responsibility of all States to put an end to impunity and prosecute those responsible for genocide, crimes against humanity and war crimes,

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court (A/CONF.183/9), which affirms that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence constitute, in defined circumstances, a crime against humanity and/or a war crime, and reiterating that acts of sexual violence in situations of armed conflict can constitute serious violations or grave breaches of international humanitarian law,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, the girl child, women with disabilities, elderly women, widows and women in situations of armed conflict are often especially targeted or vulnerable to violence, as are women who are otherwise discriminated against,

Convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls, and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action, including effective implementation of national legislation, against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination against women,

1. *Welcomes:*

(a) The work of the Special Rapporteur on violence against women, its causes and consequences, and takes note of her report (E/CN.4/2004/66), in particular the elaboration of guidelines for developing strategies for the effective implementation of international standards to

end violence against women at the national level and her proposal of an intervention strategy with three interrelated levels, consisting of the State, the community/non-state actors, and the individual woman;

(b) The increasing efforts and important contributions at the national, regional and international levels to eliminate all forms of violence against women and encourages States to build upon these successful initiatives, and to support and participate in regional consultations;

(c) The initiatives of the United Nations Development Fund for Women to combat violence against women at the international, regional and national levels, and encourages the continued efforts of all United Nations bodies, funds and programmes, including the United Nations Children's Fund, the World Health Organization, the United Nations Population Fund, the United Nations International Research and Training Institute for the Advancement of Women, and the United Nations Office for the Coordination of Humanitarian Affairs, and regional organizations, as well as non-governmental organizations including women's organizations, in their work in this area;

2. *Reaffirms* that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, and including domestic violence, crimes committed in the name of honour, crimes committed in the name of passion, trafficking in women and girls, traditional practices harmful to women, including female genital mutilation, early and forced marriages, female infanticide, dowry-related violence and deaths, acid attacks and violence related to commercial sexual exploitation as well as economic exploitation;

3. *Strongly condemns* all acts of violence against women and girls and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to

refrain from engaging in violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State, by private persons or non-state actors, and to provide access to just and effective remedies and specialized, including medical, assistance to victims;

4. *Reaffirms*, in this light, that violence against women constitutes a violation of the human rights and fundamental freedoms of women and that violence against women impairs or nullifies their enjoyment of those rights and freedoms;

5. *Strongly condemns* physical, sexual and psychological violence occurring in the family, which encompasses, but is not limited to, battering, sexual abuse of women and girls in the household, dowry-related violence, marital rape, female infanticide, female genital mutilation, crimes committed against women in the name of honour, crimes committed in the name of passion, traditional practices harmful to women, incest, early and forced marriages, non-spousal violence and violence related to commercial sexual exploitation as well as economic exploitation;

6. *Stresses* that all forms of violence against women occur within the context of de jure and de facto discrimination against women and the lower status accorded to women in society and are exacerbated by the obstacles women often face in seeking remedies from the State;

7. *Emphasizes* that violence against women has an impact on their physical and mental health, including their reproductive and sexual health and, in this regard, encourages States to ensure that women have access to comprehensive and accessible health-care services and programmes and to health-care providers who are knowledgeable and trained to recognize signs of violence against women and to meet the needs of patients who have been subjected to violence, in order to minimize the adverse physical and psychological consequences of violence;

8. *Stresses* that women should be empowered to protect themselves against violence and, in this regard, stresses that women have the right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence;

9. *Emphasizes* that violence against women and girls, including rape, female genital mutilation, incest, early and forced marriage, violence related to commercial sexual exploitation, including trafficking, as well as economic exploitation and other forms of sexual violence, increases their vulnerability to HIV/AIDS, that HIV infection further increases women's vulnerability to violence, and that violence against women contributes to the conditions fostering the spread of HIV/AIDS;

10. *Urges* Governments to strengthen initiatives that would increase the capacities of women and adolescent girls to protect themselves from the risk of HIV infection, principally through the provision of health care and health services, including for sexual and reproductive health and through prevention education that promotes gender equality within a culturally and gender-sensitive framework;

11. *Also urges* Governments to design and implement programmes to encourage and enable men to adopt safe and responsible sexual and reproductive behaviour, and to use effectively methods to prevent unwanted pregnancies and sexually transmitted infections, including HIV/AIDS;

12. *Reminds* Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be implemented fully with regard to violence against women, taking into account general recommendation No. 19 adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, reaffirms their commitment to accelerate the achievement of universal ratification of the Convention, and urges all States that have not yet ratified or acceded to the Convention, to consider, as a matter of priority, doing so;

13. *Urges* States parties to consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

14. *Also urges* States parties to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, to formulate any such

reservations as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the object and purpose of the Convention, to review their reservations regularly with a view to withdrawing them and to withdraw reservations that are contrary to the object and purpose of the Convention;

15. *Stresses* that States have an affirmative duty to promote and protect the human rights and fundamental freedoms of women and girls and must exercise due diligence to prevent, investigate and punish all acts of violence against women and girls, and calls upon States:

(a) To apply international human rights norms and to consider, as a matter of priority, becoming party to international human rights instruments that relate to violence against women and girls, and to implement fully their international obligations;

(b) To fully achieve and implement the goals set and commitments made relating to eliminating violence against women contained in the Beijing Declaration and Platform for Action adopted in September 1995 by the Fourth World Conference on Women and the outcome of the twenty-third special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”;

(c) To take all measures to empower women and strengthen their economic independence and to protect and promote the full enjoyment of all human rights and fundamental freedoms in order to allow women and girls to protect themselves better against violence and, in this regard, to give priority to education, training, economic opportunity and political participation of women;

(d) To include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments data and information disaggregated by sex, age and other factors, where appropriate, pertaining to violence against women, including measures to eliminate traditional or customary practices harmful to women and girls, and other measures taken to implement the Declaration on the Elimination of Violence against Women, the Platform for Action adopted by the Fourth World Conference on Women and other instruments relevant to the elimination of violence against women;

(e) To condemn violence against women and not invoke custom, tradition or practices in the name of religion or culture to avoid their obligations to eliminate such violence;

(f) To address the specific circumstances facing girls and young women in relation to violence, especially sexual violence, including its immediate and long-term consequences;

(g) To intensify efforts to develop and/or utilize legislative, educational, social and other measures aimed at the prevention of violence against women and to ensure women's full and equal access to justice, including the adoption and implementation of laws, dissemination of information, active involvement with community-based players, and training of legal, judicial and health personnel on gender-based violence and related issues, and, where possible, through developing and strengthening support services;

(h) To enact and, where necessary, reinforce or amend domestic legislation, including measures to enhance the protection of victims, to investigate, prosecute, punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict, to ensure that such legislation conforms with relevant international human rights instruments and international humanitarian law, and to take action to investigate and punish persons who perpetrate acts of violence against women;

(i) To formulate, implement and promote, at all appropriate levels, plans of action, including time-bound measurable targets where appropriate, to eliminate violence against women, guided by, inter alia, the Declaration on the Elimination of Violence against Women, as well as relevant regional instruments pertaining to the elimination of violence against women;

(j) To support initiatives undertaken by women's organizations and non-governmental organizations on the elimination of violence against women and to establish and/or strengthen, at the national level, collaborative relationships with relevant non-governmental and community-based organizations, and with public and private sector institutions, aimed at the development and effective implementation of provisions and policies relating to violence against women, including in the area of support services for victims;

(k) To intensify efforts to raise collective and individual awareness about violence against women and girls, to highlight the role of men and boys, and encourage and support men and boys to take an active part, in the prevention and elimination of violence against women, and to encourage and support initiatives to promote attitudinal and behavioural change on the part of, and the rehabilitation of, perpetrators of violence against women;

(l) To develop and/or enhance, including through funding, training programmes for judicial, legal, medical, social, educational, police, correctional service, military, peacekeeping, humanitarian relief and immigration personnel, in order to prevent the abuse of power leading to violence against women and to sensitize such personnel to the nature of gender-based acts and threats of violence;

(m) To examine the impact of, and take measures to address, gender role stereotypes that contribute to the prevalence of violence against women, including in cooperation with the United Nations system, regional organizations, civil society, the media and other relevant actors;

(n) To consider establishing appropriate national mechanisms for monitoring and evaluating implementation of measures taken to eliminate violence against women and girls, including through the use of national indicators, and to mainstream a gender perspective in budget policies and processes at all levels;

16. *Strongly condemns* violence against women committed in situations of armed conflict, such as murder, rape, including systematic rape, sexual slavery and forced pregnancy, and calls for effective responses to these violations of human rights and international humanitarian law;

17. *Takes note of* work already undertaken to implement Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security, and urges the continued efforts towards its full implementation;

18. *Acknowledges* the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court and in the Elements of Crimes, and urges States to ratify or accede to the Rome Statute, which entered into force on 1 July 2002;

19. *Stresses the importance of* efforts to eliminate impunity for violence against women and girls in situations of armed conflict, including by prosecuting gender-related crimes and crimes of sexual violence by providing protective measures, counselling and other appropriate assistance, to victims and witnesses in international and internationally-supported courts and tribunals, by integrating a gender perspective into all efforts to eliminate impunity, including into commissions of inquiry and commissions for achieving truth and reconciliation, and invites the Special Rapporteur to report, as appropriate, on these mechanisms;

20. *Urges* States to provide gender-sensitive training to all actors, as appropriate, in peacekeeping missions in dealing with victims, particularly women and girls, of violence, including sexual violence and, in this regard, acknowledges the important role of peace support operations personnel in eliminating violence against women, and calls upon States to promote, and relevant agencies of the United Nations system and regional organizations to ensure, implementation of the Ten Rules Code of Personal Conduct for Blue Helmets;

21. *Also urges* States to mainstream a gender perspective into national immigration and asylum policies, regulations and practices, as appropriate, in order to promote and protect the rights of all women, including the consideration of steps to recognize gender-related persecution and violence when assessing grounds for granting refugee status and asylum;

22. *Further urges* States and the United Nations system to give attention to, and encourages greater international cooperation in systematic research and the collection, analysis and dissemination of data, including data disaggregated by sex, age and other relevant information, on the extent, nature and consequences of violence against women and girls, and on the impact and effectiveness of policies and programmes for combating this violence;

23. *Calls upon* all relevant United Nations bodies, States, the Special Rapporteur, as well as relevant non-governmental organizations, to cooperate closely in the preparation of the Secretary-General's in-depth study on all forms of violence against women;

24. *Encourages* the Special Rapporteur to respond effectively to reliable information that comes before her and requests all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested, including with regard to implementation of her recommendations, and to respond to the Special Rapporteur's visits and communications;

25. *Bearing in mind* the need to develop with full participation of all Member States an international consensus on indicators and ways to measure violence against women and calls on the Special Rapporteur to elaborate, in close collaboration with relevant United Nations bodies, funds, and programmes, and in consultation with Member States, proposals for indicators on violence against women and on measures taken by States to eliminate violence against women;

26. *Invites* the Special Rapporteur, with a view to promoting greater efficiency and effectiveness, as well as enhancing her access to the information necessary to fulfil her duties, to continue to cooperate with other special procedures of the Commission, regional intergovernmental organizations and any of their mechanisms engaged in the promotion of human rights of women, including, where appropriate, undertaking joint missions, joint reports, urgent appeals and communications;

27. *Requests* special rapporteurs responsible for various human rights questions, United Nations organs and bodies, specialized agencies and intergovernmental organizations, and encourages the human rights treaty bodies, to continue to give consideration to violence against women within their respective mandates, to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties and, in particular, to respond to her requests for information on violence against women, its causes and consequences;

28. *Renews its request* to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

29. *Requests* the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women at its forty-ninth session, the General Assembly, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

30. *Decides* to continue consideration of the question as a matter of high priority at its sixty-first session.

56th meeting
20 April 2004
[Adopted without a vote. See chap. XII.]

2004/47. Abduction of children in Africa

The Commission on Human Rights,

Recalling its resolution 2003/85 of 25 April 2003,

Recalling the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, the African Charter on Human and People's Rights and the African Charter on the Rights and Welfare of the Child,

Recalling also the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,

Recalling the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention,

Reaffirming the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 and the United Nations Millennium Declaration, as well as the special session of the General Assembly on children, which inter alia called for the protection of children, particularly those under difficult circumstances,

Recalling the obligation to respect and strictly observe international humanitarian law, including the Geneva Conventions of 12 August 1949 relative to the Treatment of Prisoners of War and to the Protection of Civilian Persons in Time of War, as well as for the States parties of the two 1977 Protocols additional to the Geneva Conventions,

Bearing in mind Security Council resolutions 1379 (2001) of 20 November 2001 and 1460 (2003) of 30 January 2003 on children in armed conflict,

Taking into account its own resolutions on the rights of the child,

Welcoming the appointment by the Secretary-General of the independent expert for a study on violence against children,

Welcoming with satisfaction the progress report of the Secretary-General on the study on the question of violence against children (E/CN.4/2004/68),

Also welcoming the entry into force of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on 25 December 2003,

Expressing its appreciation to those African countries which have established national mechanisms to ensure greater protection of children, including measures to combat and eliminate abduction of children,

Deeply alarmed at the spread of the practice of abduction of children for various purposes,

1. *Condemns* the practice of abduction of children for various purposes, for example as soldiers or workers, for purposes of sexual exploitation and/or paedophilia, and for the purposes of trade in human organs;

2. *Also condemns* the abduction of children from camps of refugees and internally displaced persons by armed groups, and their subjection of children to forced conscription, torture, killing and rape;

3. *Demands* the immediate demobilization and disarmament of all child soldiers who have been recruited or used in armed conflicts in contravention of international law;
4. *Calls for* the immediate and unconditional release and safe return of all abducted children to their families and communities;
5. *Calls upon* African States:
 - (a) To pay particular attention to the protection of refugee children, especially unaccompanied refugee minors, and internally displaced children who are exposed to the risk of being abducted or becoming involved in armed conflicts;
 - (b) To take extra measures to protect refugee children and internally displaced children, particularly girls, from being abducted by guerrilla groups;
 - (c) To take adequate measures to prevent the abduction and recruitment of children by armed forces and armed groups, through, inter alia, the adoption of legal measures to prohibit and criminalize such practices;
6. *Encourages* all African States to integrate the rights of the child into all peace processes, peace agreements and post-conflict recovery and reconstruction phases;
7. *Urges* all African States that have not yet done so to consider ratifying the African Charter on the Rights and Welfare of the Child, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the Optional Protocol on the sale of children, child prostitution and child pornography;
8. *Welcomes* the progress achieved in the eradication of abduction of children by some national mechanisms and encourages other States which have not yet done so to consider establishing such mechanisms;
9. *Requests* African States, in cooperation with the relevant United Nations agencies, to provide the victims and their families with the necessary assistance and to support

sustainable rehabilitation and reintegration programmes for abducted children, including the provision of psychological assistance, basic education and vocational training, taking into account the special needs of abducted girl children;

10. *Requests* States, relevant United Nations bodies and donors to provide African States and African regional mechanisms with the necessary assistance, including technical assistance, in order, firstly, to devise appropriate programmes to combat cross-border abduction of children and protect refugee children, especially unaccompanied minors and internally displaced children in African countries, who are exposed to the risk of being abducted, and, secondly, to develop and implement programmes for the reintegration of children in the peace process and in the post-conflict recovery and reconstruction phase;

11. *Encourages* all States, and particularly their agencies responsible for internal security, as well as Interpol, to cooperate and take steps to prevent cross-border abductions, and to exchange information with the aim of preventing the abduction of children;

12. *Calls on* Member States to put an end to impunity and to take appropriate steps to identify those responsible for child abductions and bring them to justice;

13. *Requests* the Office of the High Commissioner for Human Rights, within existing resources, to organize subregional consultations which will provide a framework for gathering research, expertise and information from each subregion, and for sensitizing political actors and networking among public authorities and civil society, including non-governmental organizations;

14. *Encourages* the independent expert for a study on violence against children to complete his study on the protection of children against all forms of physical and mental violence, including child abduction;

15. *Urges* States to submit observations on the implementation of this resolution, and calls on the relevant international organizations to submit reports on this issue to the Office of the High Commissioner for Human Rights;

16. *Requests* the High Commissioner for Human Rights to submit to it at its sixty-first session a report on the abduction of children in Africa;

17. *Decides* to continue its consideration of this question at its sixty-first session under the same agenda item.

*56th meeting
20 April 2004*

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

2004/48. Rights of the child

The Commission on Human Rights,

Emphasizing the importance of the Convention on the Rights of the Child and that its provisions and other relevant human rights instruments must constitute the standard in the promotion and protection of the rights of the child, reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children, and reaffirming also the general principles of, inter alia, non-discrimination, participation, and survival and development,

Bearing in mind the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,

Reaffirming the World Declaration on the Survival, Protection and Development of the Child and the Plan of Action for the Implementation of the World Declaration on the Survival, Protection and Development of the Child in the 1990s adopted in September 1990 by the World Summit for Children (A/45/625, annex), the United Nations Millennium Declaration and the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights,

Reaffirming also the outcome document of the special session of the General Assembly on children entitled “A world fit for children”, and the firm commitments contained therein to

promote and protect the rights of each child - every human being below the age of 18 years - and the integration of child rights issues into the outcome documents of all major United Nations conferences, special sessions and summits,

Recalling all its previous resolutions relating to the rights of the child, in particular, resolution 2003/86 of 25 April 2003, and taking note of General Assembly resolution 58/157 of 22 December 2003,

Welcoming the work of the Committee on the Rights of the Child in examining the progress made by States parties in implementing the obligations undertaken in the Convention on the Rights of the Child and in providing recommendations to States parties on its implementation and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, in enhancing awareness of the principles and provisions of the Convention, and taking note of the conclusions of the general discussion on the rights of indigenous children held in September 2003 (CRC/C/133, annex II),

Taking note of the issuance by the Committee on the Rights of the Child of general comment No. 3 on HIV/AIDS and the rights of the child, general comment No. 4 on adolescent health and development in the context of the Convention on the Rights of the Child and general comment No. 5 on general measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6),

Welcoming the increase of the membership of the Committee on the Rights of the Child from ten to eighteen and aware of the need to continue to address the working methods of the Committee with the view to enabling it to deal efficiently with its important and increasing workload,

Welcoming also the start of the Secretary-General's study on the question of violence against children, as well as the establishment of a secretariat, and taking note of the report of the World Health Organization entitled *World Report on Violence and Health*,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, social inequality, inadequate social and economic conditions in an increasingly globalized economic environment, pandemics, in

particular HIV/AIDS, malaria, tuberculosis, natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, gender inequality, discrimination on the basis of disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Recognizing that environmental damage has potentially negative effects on children and their enjoyment of their life, health and a satisfactory standard of living,

Underlining the need for mainstreaming a gender perspective in all policies and programmes relating to children,

Concerned that, in conflict situations, children continue to be victims and deliberate targets of attacks with consequences that are often irreversible for their physical and emotional integrity,

Taking note with appreciation of the reports of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/2004/67), of the Special Rapporteur on the right to education (E/CN.4/2004/45 and Add.1-2), of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9 and Add.1-2), and taking note of the reports of the Special Representative of the Secretary-General for Children and Armed Conflict to the General Assembly at its fifty-eighth session (A/58/328 and Corr.1) and to the Commission at its sixtieth session (E/CN.4/2004/70), the report of the Secretary-General on children and armed conflict (S/2003/1053 and Corr.1), the progress report of the Secretary-General on the study on the question of violence against children (E/CN.4/2004/68) and the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13),

Welcoming the entry into force on 25 December 2003 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Concerned at the number of illegal adoptions, of children growing up without parents and of child victims of different forms of violence, abuse, exploitation and neglect within and outside the family,

Recognizing that the family is the basic unit of society and as such should be strengthened; that it is entitled to receive comprehensive protection and support; that the primary responsibility for the protection, upbringing and development of children rests with the family; that all institutions of society should respect children's rights and secure their well-being and render appropriate assistance to parents, families, legal guardians and other caregivers so that children can grow and develop in a safe and stable environment and in an atmosphere of happiness, love and understanding, bearing in mind that in different cultural, social and political systems, various forms of family exist,

Recognizing also that partnership between Governments, international organizations and relevant bodies and organizations of the United Nations system, in particular the United Nations Children's Fund, and all actors of civil society, in particular non-governmental organizations, as well as the private sector, is important to realize the rights of the child,

Bearing in mind the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010 and recalling the Declaration and Programme of Action on a Culture of Peace, which serve as the basis for the International Decade,

Reaffirming the interrelatedness of all human rights and the necessity of taking into account the universality, indivisibility, interdependence and interrelatedness of civil, political, economic, social and cultural rights, including the right to development, to promote and protect the rights of the child,

I. IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD AND OTHER INSTRUMENTS

1. *Urges once again* the States that have not yet done so to consider signing and ratifying or acceding to the Convention on the Rights of the Child as a matter of priority and, concerned at the great number of reservations to the Convention, urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

2. *Urges* States that have not yet done so to consider signing and ratifying or acceding to the Optional Protocols to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, and calls upon States parties to implement them fully, in accordance with the best interests of the child;
3. *Calls upon* States parties to implement the Convention fully and to ensure that the rights set forth in the Convention are respected without discrimination of any kind and that the best interests of the child are a primary consideration in all actions concerning children, to recognize the child's inherent right to life and that the child's survival and development are ensured to the maximum extent possible, and that the child is able to express his/her views freely in all opinions on matters affecting him/her and that these views are listened to and given due weight in accordance with his/her age and maturity;
4. *Stresses* that the achievement of the goals of the World Summit for Children and the special session of the General Assembly on children will contribute to the implementation of the Convention;
5. *Urges* States parties to take all appropriate measures for the implementation of the rights recognized in the Convention, bearing in mind article 4 of the Convention, by:
 - (a) Strengthening relevant governmental structures for children, including, where appropriate, ministers in charge of child issues and independent commissioners for the rights of the child;
 - (b) Ensuring adequate and systematic training in the rights of the child for professional groups working with and for children, including specialized judges, law enforcement officials, lawyers, social and community workers, medical doctors, health professionals and teachers, and coordination among various government bodies involved in children's rights, and encourages States and relevant bodies and organizations of the United Nations system to continue to promote education and training in this regard;
6. *Calls upon* all States to end impunity for perpetrators of crimes committed against children, recognizing in this regard the contribution of the establishment of the International Criminal Court as a way to prevent violations of human rights and international humanitarian

law, in particular when children are victims of serious crimes, including the crime of genocide, crimes against humanity and war crimes, and to bring perpetrators of such crimes to justice, and not to grant amnesties for these crimes;

7. *Encourages* all States to strengthen their national statistical capacities and to use statistics disaggregated, inter alia, by age, gender and other relevant factors that may lead to disparities and other statistical indicators at the national, subregional, regional and international levels to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

8. *Calls upon* States parties:

(a) To ensure that the members of the Committee on the Rights of the Child are of high moral standing and recognized competence in the field covered by the Convention, serving in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems;

(b) To strengthen their cooperation with the Committee and to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

9. *Decides* to request the Secretary-General:

(a) To ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, and invites the Committee to continue to enhance its constructive dialogue with the States parties and its transparent and effective functioning;

(b) To take note of the Committee's ongoing efforts to reform its working methods and to give further consideration to the proposals made thus far, inter alia, the possibility of working in two parallel chambers;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights, United Nations mechanisms, all relevant organs of the United Nations system, in particular special representatives, special rapporteurs and working groups, regularly and systematically to incorporate a strong child rights perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff is trained in child protection matters, and calls upon States to cooperate closely with them;

11. *Calls upon* all States and relevant actors concerned to continue to cooperate with the special rapporteurs and special representatives of the United Nations system in the implementation of their mandates, requests the Secretary-General to provide them with appropriate staff and facilities from the United Nations regular budget, when this is in accordance with their respective mandates, invites States to continue to make voluntary contributions, where appropriate, and urges all relevant parts of the United Nations system to provide them with comprehensive reporting to make the full discharge of their mandates possible;

II. PROTECTION AND PROMOTION OF THE RIGHTS OF THE CHILD

Identity, family relations and birth registration

12. *Calls upon* all States:

(a) To continue to intensify efforts to ensure the registration of all children, irrespective of their status, immediately after birth, including by the consideration of simplified, expeditious and effective procedures;

(b) To undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations, as recognized by law, without unlawful interference, and, where a child is illegally deprived of some or all of the elements of his or her identity, to provide appropriate assistance and protection with a view to re-establishing speedily his or her identity;

(c) To ensure as far as possible the right of the child to know and be cared for by his or her parents; to ensure that the child shall not be separated from his or her parents against their

will, except when the competent authorities, subject to judicial review, determine, in accordance with applicable law and procedures and giving all interested parties an opportunity to participate in the proceedings and make their views known, that such separation is necessary for the best interests of the child, consistent with article 9 of the Convention on the Rights of the Child;

(d) To address cases of international abduction of children, bearing in mind that the best interest of the child shall be the primary consideration, and encourages States to engage in multilateral and bilateral cooperation to ensure, inter alia, the return of the child to the country where he or she resided immediately before the removal or retention and, in this respect, to pay particular attention to cases of international abduction of children by one of their parents or other relatives;

(e) To guarantee, to the extent consistent with each State's obligations, the right of a child whose parents reside in different States to maintain on a regular basis, except if it is contrary to the child's best interests, personal relations and direct contacts with both parents by providing means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

(f) To take all appropriate measures, especially educational measures, to further promote the responsibility of both parents in the education, development and raising of children;

Poverty

13. *Reaffirms* that investments in favour of children and the realization of their rights contribute to their social and economic development and are among the most effective ways to eradicate poverty in the long term, and therefore encourages States, inter alia, to allocate financial resources particularly in areas that contribute to the development of children in a holistic manner;

14. *Calls upon* States and the international community to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels,

recognizing that strengthened availability and effective allocation of resources are required at all of these levels, in order to ensure that all the development and poverty reduction goals, as set out in the United Nations Millennium Declaration, are realized within their time framework, and to promote the enjoyment of the rights of the child;

Health

15. *Calls upon* all States to take all appropriate measures to develop sustainable health systems and social services and to ensure access to such systems and services without discrimination, and to pay particular attention to adequate food and nutrition to prevent disease and malnutrition, to prenatal and post-natal health care, to special needs of adolescents, to reproductive and sexual health and to threats from substance abuse and violence, in particular to all vulnerable groups, and calls upon all States parties to take all necessary measures to ensure the right of all children, without discrimination, to the enjoyment of the highest attainable standard of health in accordance with article 24 of the Convention on the Rights of the Child and the World Health Organization's definition of health;

16. *Also calls upon* all States to give support and rehabilitation to children and their families affected by HIV/AIDS and to involve children and their caregivers, as well as the private sector, to ensure the effective prevention of HIV infections through correct information and access to voluntary and confidential care, treatment and testing, including pharmaceutical products and medical technologies affordable to all, giving due importance to the prevention of mother-to-child transmission of the virus;

Education

17. *Calls upon* all States:

(a) To recognize the right to education on the basis of equal opportunity by making primary education free and compulsory for all, without discrimination and ensuring that all children, including girls, children in need of special protection, children with disabilities, indigenous children, children belonging to minorities and children from different ethnic origins, have access without discrimination to education of good quality, as well as making secondary education generally available and accessible for all, in particular by the progressive introduction

of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion, and that the education of the child is carried out and that States parties develop and implement programmes for the education of the child in accordance with articles 28 and 29 of the Convention on the Rights of the Child;

(b) To develop national plans of action, or to strengthen existing ones, in order to achieve the objectives of Education for All so as to ensure that all boys and girls complete a full course of primary schooling, and reaffirms the coordinating role of the United Nations Educational, Scientific and Cultural Organization in this regard;

(c) To design and implement programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular to enable them to continue and complete their education;

(d) To promote an educational setting that eliminates all barriers that impede the schooling of pregnant adolescents and adolescent mothers;

(e) To take all appropriate measures to prevent racism and discriminatory and xenophobic attitudes and behaviour through education, keeping in mind the important role that children play in changing these practices;

(f) To ensure that children, from an early age, benefit from education and from participation in activities which develop respect for human rights and to emphasize the practice of non-violence towards oneself and others, with the aim of instilling in them the values and goals of a culture of peace, and invites States to develop national strategies for human rights education which are comprehensive, participatory and effective;

(g) To ensure that education programmes and materials reflect fully the promotion and protection of human rights and values of peace, tolerance and gender equality, using every opportunity presented by the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010);

(h) To harness the rapidly evolving information and communication technologies to support education at an affordable cost, including open and distance education, while reducing inequality in access and quality;

18. *Urges States:*

(a) To take measures to protect students from violence, injury or abuse, including sexual abuse and intimidation or maltreatment in schools, to establish complaint mechanisms that are age appropriate and accessible to children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

(b) To take measures to eliminate the use of corporal punishment in schools;

Freedom from violence

19. *Welcomes* the establishment of a secretariat for the Secretary-General's study on the question of violence against children in collaboration with the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund and the World Health Organization, invites Member States, United Nations bodies and organizations, including the Committee on the Rights of the Child, as well as other relevant intergovernmental organizations, to provide substantive and, where appropriate, financial support, including through voluntary contributions, for the effective conduct of the study and invites non-governmental organizations to contribute to the study, taking into account the recommendations of the Committee made following the general discussions on violence against children held in September 2000 and 2001, and, further, encourages the independent expert to seek also the participation of children in the study, taking into account their age and maturity;

20. *Requests* the Secretary-General to submit a substantive progress report on the study to the Commission at its sixty-first session and the final in-depth study to the Commission at its sixty-second session for its consideration, with the aim of evaluating all possible complementary measures and future actions;

21. *Requests* all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, to pay attention to the special situation of violence against children, reflecting their experience in the field;

22. *Calls upon* all States to take all appropriate national, bilateral and multilateral measures to prevent and to protect children from all forms of physical, sexual and psychological violence, including violence occurring, inter alia, in the family, in public or private institutions, in society, or perpetrated or tolerated by private individuals, juridical persons or the State;

23. *Also calls upon* all States to investigate and submit cases of torture and other forms of violence against children to the competent authorities for the purpose of prosecution and to impose appropriate disciplinary or penal sanctions against those responsible for such practices;

III. NON-DISCRIMINATION

24. *Calls upon* all States to ensure that children are entitled to their civil, political, economic, social and cultural rights without discrimination of any kind;

25. *Notes with concern* the large number of children, particularly girls, among the victims of racism, racial discrimination, xenophobia and related intolerance, and stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, in order to give priority attention to the rights and the situation of children who are victims of these practices, and calls upon States to provide special support and ensure equal access to services for those children;

26. *Calls upon* all States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist not to deny to a child belonging to such a minority or who is indigenous the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language;

The girl child

27. *Calls upon* all States to take all necessary measures, including legal reforms where appropriate:

(a) To ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms, and to base programmes and policies on the rights of the child, taking into account the special situation of girls;

(b) To eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, son preference, marriages without free and full consent of the intending spouses, early marriages and forced sterilization, including addressing their root causes, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls;

Children with disabilities

28. *Calls upon* all States to take necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities in both the public and private spheres, including access to good quality education and health care, protection from violence, abuse and neglect and to develop and, where it already exists, to enforce legislation against their discrimination to ensure their dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

29. *Encourages* the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities to consider in its deliberations children with disabilities;

Migrant children

30. *Calls upon* all States to ensure, for migrant children, the enjoyment of all human rights as well as access to health care, social services and education of good quality; States should ensure that migrant children and especially those who are unaccompanied, in particular victims of violence and exploitation, receive special protection and assistance;

IV. PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN IN PARTICULARLY DIFFICULT SITUATIONS

Children working and/or living on the street

31. *Calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary and summary executions, torture, all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of these children, and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

Refugee and internally displaced children

32. *Calls upon* all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations;

Child labour

33. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, and to immediately eliminate the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training

and apprenticeship programmes and the integration of working children into the formal education system, as well as to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

34. *Urges* all States that have not yet done so to consider ratifying and implementing the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182) and the Convention concerning the Minimum Age for Employment, 1973 (No. 138) of the International Labour Organization and calls upon States parties to these instruments to implement them fully and to comply in a timely manner with their reporting obligations;

Children alleged to have or recognized as having infringed penal law

35. *Calls upon:*

(a) All States, in particular, States in which the death penalty has not been abolished, to comply with their obligations as assumed under relevant provisions of international human rights instruments, including in particular articles 37 and 40 of the Convention on the Rights of the Child and articles 6 and 14 of the International Covenant on Civil and Political Rights, keeping in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989, and calls upon those States to abolish by law as soon as possible the death penalty for those aged under 18 at the time of the commission of the offence;

(b) All States to protect children deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment;

(c) All States to take appropriate steps to ensure compliance with the principle that depriving children of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children are provided with adequate legal assistance and are separated from adults, to the greatest extent feasible, unless it is considered in their best interest

not to do so, and also to take appropriate steps to ensure that no child in detention is sentenced to forced labour, corporal punishment, or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training, taking into consideration the special needs of children with disabilities in detention, in accordance with their obligations under the Convention on the Rights of the Child;

36. *Encourages* States to develop national disaggregated statistics in the area of juvenile justice, including statistics on children in detention;

V. PREVENTION AND ERADICATION OF THE SALE OF CHILDREN,
CHILD PROSTITUTION AND CHILD PORNOGRAPHY

37. *Calls upon* all States:

(a) To take all appropriate national, bilateral and multilateral measures, inter alia to develop national laws and allocate resources for the development of long-term policies, programmes and practices and to collect comprehensive and disaggregated gender-specific data, to facilitate the participation of child victims of sexual abuse and exploitation in the development of strategies and to ensure the effective implementation of relevant international instruments concerning the prevention and the combat of trafficking and sale of children for any purpose or in any form, including the transfer of the organs of the child for profit, child prostitution and child pornography, and encourages all actors of civil society, the private sector and the media to cooperate in efforts to this end;

(b) To increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(c) To consider ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(d) To criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography

and child prostitution, child trafficking, child sex tourism, the sale of children and their organs, and the use of the Internet for these purposes, while ensuring that, in the treatment by the criminal justice system of children who are victims, the best interests of the child shall be a primary consideration, and to take effective measures against the criminalization of children who are victims of exploitation and effective measures to ensure prosecution of offenders, whether local or foreign, by the competent national authorities, either in the country where the crime was committed, or in the offender's country of origin, or in the country of destination, in accordance with due process of law;

(e) In cases of the sale of children, child prostitution and child pornography, to address effectively the needs of victims, including their physical and psychological recovery and full reintegration into society;

(f) To combat the existence of a market that encourages such criminal practices against children and factors leading to these practices, including through the adoption and effective application of preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as ensuring public awareness;

(g) To afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, including assistance in obtaining evidence at their disposal for the proceedings;

(h) To contribute to the elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children;

38. *Requests* the Special Rapporteur on the sale of children, child prostitution and child pornography to submit a report to the Commission at its sixty-first session;

VI. PROTECTION OF CHILDREN AFFECTED BY ARMED CONFLICT

39. *Reaffirms* the essential role of the General Assembly, the Economic and Social Council and the Commission on Human Rights for the promotion and protection of the rights and welfare of children, including children in armed conflict, and takes note of the importance of the debates held by the Security Council on children and armed conflict, of Council resolutions 1379 (2001) of 20 November 2001 and 1460 (2003) of 30 January 2003, and of the undertaking by the Council to give special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in these operations;

40. *Stresses* the continuing importance of the Plan of Action on Children Affected by Armed Conflict of the International Red Cross and Red Crescent Movement and the resolution on this subject adopted at the twenty-seventh International Conference of the Red Cross and Red Crescent;

41. *Recognizes* the inclusion in the Rome Statute of the International Criminal Court, as a war crime, of crimes involving sexual violence and crimes of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts;

42. *Calls upon* States:

(a) To end the recruitment of children and their use in armed conflicts contrary to international law, including obligations assumed under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182) of the International Labour Organization;

(b) When ratifying the Optional Protocol, to raise the minimum age for voluntary recruitment of persons into their national armed forces from that set out in article 38,

paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(c) To take all feasible measures to prevent recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of legal measures necessary to prohibit and criminalize such practices;

(d) To take all feasible measures to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, taking into account the rights and the specific needs and capacities of girls;

43. *Recognizes* that education is an integral part of the process of demobilization, effective disarmament, rehabilitation, physical and psychological recovery and reintegration into society of children involved in armed conflicts, and that it is a means of facilitating a return to normality for such children and is a key protection measure against re-recruitment by parties to armed conflict as well as against sexual abuse and exploitation and other rights violations;

44. *Calls upon:*

(a) All States and other parties to armed conflict to respect fully international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977;

(b) Armed groups that are distinct from the armed forces of a State not, under any circumstances, to recruit or use in hostilities persons under the age of 18 years;

(c) All States and relevant United Nations bodies and agencies and regional organizations to integrate the rights of the child into all activities in conflict and post-conflict situations, to ensure adequate child protection training of their staff and personnel and to facilitate the participation of children in the development of strategies in this regard, making sure that there are opportunities for children's voices to be heard;

(d) All States and relevant United Nations bodies to continue to support national and international mine action efforts, including through financial contributions, assistance to victims and social and economic reintegration, mine awareness programmes, mine clearance and child-centred rehabilitation, taking note of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, and welcomes the positive effects on children of concrete legislative and other measures with respect to anti-personnel mines, and also taking note of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Amended Protocol II) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and the implementation of these instruments by those States that become parties to them;

45. *Recommends* that, whenever sanctions are imposed, in particular in the context of armed conflict, their impact on children be assessed and monitored and, to the extent that there are humanitarian exemptions, they be child-focused and formulated with clear guidelines for their application, in order to address possible adverse effects of the sanctions, and reaffirms the recommendations of the General Assembly and the International Conference of the Red Cross and Red Crescent;

VII. RECOVERY AND SOCIAL REINTEGRATION

46. *Encourages* States to cooperate, including through bilateral and multilateral technical cooperation and financial assistance, in the implementation of their obligations under the Convention on the Rights of the Child, including in the prevention of any activity contrary to the rights of the child and in the rehabilitation and social integration of the victims, such assistance and cooperation to be undertaken in consultation among concerned States and relevant international organizations as well as other relevant actors;

47. *Encourages* States to promote actions for the social reintegration of children in difficult situations, considering, inter alia, views, skills and capacities that these children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

VIII.

48. *Decides:*

(a) To request the Secretary-General to submit to the Commission at its sixty-first session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child and on the problems addressed in the present resolution;

(b) To continue its consideration of this question at its sixty-first session under the same agenda item.

*56th meeting
20 April 2004*

[Adopted by a recorded vote of 52 to 1. See chap. XIII.]

2004/49. Violence against women migrant workers

The Commission on Human Rights,

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

Reaffirming the provisions concerning women migrant workers contained in the outcome documents of the World Conference on Human Rights, held at Vienna in June 1993, the International Conference on Population and Development, held at Cairo in September 1994, the Fourth World Conference on Women, held at Beijing in September 1995, and the World Summit for Social Development, held at Copenhagen in March 1995, and their five-year reviews,

Welcoming the entry into force, on 29 September 2003 and 25 December 2003, respectively, of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and acknowledging with appreciation the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families on 1 July 2003,

Recalling the pertinent provisions that apply to women migrant workers in the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance,

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

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

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

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

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

Noting that women migrant workers are particularly vulnerable to violence,

1. *Takes note* of the note by the Secretary-General (E/CN.4/2004/71) and his report on violence against women migrant workers submitted to the General Assembly at its fifty-eighth session (A/58/161);

2. *Takes note with appreciation* of the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2004/76 and Add.1-4), which focuses on an analysis of the situation of women migrant domestic workers;
3. *Calls upon* all Governments to take all necessary measures to ensure the full enjoyment of human rights by women migrant workers and encourages Governments to seek ways to eliminate causes that put them at risk;
4. *Also calls upon* concerned Governments, in particular those of countries of origin and destination, if they have not yet done so, to put in place penal sanctions to punish traffickers and perpetrators of violence against women migrant workers and, to the extent possible, to provide the victims of violence and trafficking with the full range of immediate assistance, such as counselling, legal and consular assistance, temporary shelter and other measures that will allow them to be present during the judicial process, to safeguard their dignified return to the country of origin as well as to establish reintegration and rehabilitation schemes for returning women migrant workers;
5. *Invites* the States concerned, specifically countries of origin and destination, to consider adopting appropriate legal measures against intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers in violation of their human dignity;
6. *Reaffirms emphatically* the duty of States parties to the Vienna Convention on Consular Relations of 1963 to ensure full respect for and observance of the Convention, in particular article 36 with regard to the right of foreign nationals, regardless of their immigration status, to communicate with a consular official of their own State in the case of detention, and the obligation of the State in whose territory the detention occurs to inform the foreign national of that right;
7. *Encourages* States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the United Nations Convention against Transnational Organized Crime and

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

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

*56th meeting
20 April 2004*
[Adopted without a vote. See chap. XIV.]

2004/50. Missing persons

The Commission on Human Rights,

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

Guided also by the principles and norms of international humanitarian law, in particular the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, as well as international standards of human rights, in particular the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights,

Recalling its resolution 2000/60 of 25 April 2002 and General Assembly resolution 57/207 of 18 December 2002,

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

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

Welcoming the convening in Geneva from 19 to 21 February 2003 by the International Committee of the Red Cross of the International Conference of Governmental and Non-Governmental Experts on “The Missing: action to resolve the problem of people unaccounted for as a result of armed conflict or internal violence and to assist their families” and its observations on and recommendations to address the problems of missing persons and of their families,

Welcoming also the undertakings made by the participants at the 28th International Conference of the Red Cross and Red Crescent, held in Geneva from 2 to 6 December 2003, through their adoption of the Agenda for Humanitarian Action, in particular its general objective 1, “respect and restore the dignity of persons missing as a result of armed conflicts or other situations of armed violence and of their families”,

1. *Urges* States strictly to observe and respect and ensure respect for the rules of international humanitarian law, as set out in the Geneva Conventions of 12 August 1949 and, for States parties, the Additional Protocols thereto of 1977;
2. *Calls upon* States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with armed conflict and to account for persons reported missing as a result of such a situation;
3. *Reaffirms* the right of families to know the fate of their relatives reported missing in connection with armed conflicts;
4. *Also reaffirms* that each party to an armed conflict, as soon as circumstances permit and at the latest from the end of active hostilities, shall search for the persons who have been reported missing by an adverse party;
5. *Calls upon* States that are parties to an armed conflict to take immediate steps to determine the identity and fate of persons reported missing in connection with the armed conflict;
6. *Requests* States to pay the utmost attention to cases of children reported missing in connection with armed conflicts and to take appropriate measures to search for and identify those children;

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

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

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

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

11. *Also requests* the Secretary-General to report to the Commission at its sixty-second session on the progress made in the implementation of the present resolution;

12. *Decides* to remain seized of the matter at its sixty-second session.

*56th meeting
20 April 2004*

[Adopted by a recorded vote of 52 votes to none,
with 1 abstention. See chap. XIV.]

**2004/51. Rights of persons belonging to national or ethnic,
religious and linguistic minorities**

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, and subsequent resolutions of the General Assembly on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

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

Taking note of Sub-Commission resolution 2003/23 of 13 August 2003 on the rights of minorities and the recommendations contained therein,

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

Recalling General Assembly resolution 57/337 of 3 July 2003 on prevention of armed conflict, in which the Assembly affirmed, inter alia, that the ethnic, cultural and religious identity of minorities, where they exist, must be protected,

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

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

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

Emphasizing the importance of the timely identification of human rights problems and situations involving national or ethnic, religious and linguistic minorities,

Acknowledging the need to promote tolerance within societies, inter alia through education, in particular human rights education,

Welcoming the work of the Working Group on Minorities and its emphasis on the participation of minority representatives in its deliberations,

1. *Reaffirms* the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, as proclaimed in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

2. *Urges* all States to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, and, while applying a gender perspective, to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration, including the provision of equal access to education, and facilitate their full participation in economic progress and development;

3. *Urges* States to pay specific attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the situation of persons belonging to national or ethnic, religious and linguistic minorities, and draws attention to the relevant provisions of the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the provisions on forms of multiple discrimination;

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

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

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

7. *Recognizes with appreciation* the efforts of the Working Group on Minorities, as requested by the Sub-Commission on the Promotion and Protection of Human Rights, in promoting regional and local initiatives to further the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and invites it to strengthen its role as a platform for interactive dialogue between representatives of Governments and minority groups and to continue its efforts to hold regional seminars;

8. *Welcomes* the efforts of the Working Group on Minorities to review its activities and the results of its work regarding the timely identification of minority issues, and notes its recommendation regarding the possible establishment of a special procedure on minority issues;

9. *Welcomes* in this respect the report of the United Nations High Commissioner for Human Rights (E/CN.4/2004/75) and notes the proposals for strengthening the international protection of the rights of persons belonging to minorities and conclusions contained therein;

10. *Requests* the High Commissioner to study options for the timely identification of minority issues and pertaining measures through the compilation of the views of Member States, of all relevant parts of the United Nations system, as well as of regional and international intergovernmental and non-governmental organizations regarding their analysis of the activities of the Working Group and its results achieved, taking into account the assessment and recommendations by the Working Group as well as the proposals contained in document E/CN.4/2004/75, and the need to avoid duplication and to make the best use of all available resources and to report thereon to the Commission at its sixty-first session;

11. *Invites* the High Commissioner to continue his efforts to improve coordination and cooperation among United Nations agencies and programmes active in the field of the promotion and protection of the rights of persons belonging to national or ethnic, religious and

linguistic minorities, inter alia in the framework of the United Nations Executive Committees for Peace and Security, on Development, on Economic and Social Affairs and for Humanitarian Affairs, in particular with respect to the implementation of the Millennium Declaration and the Millennium Development Goals, and to engage in a dialogue with concerned Governments for that purpose;

12. *Requests* the Secretary-General and the High Commissioner to provide all the necessary assistance for strengthening the capacity of the Office of the High Commissioner for Human Rights to deal with minority issues, and to seek voluntary contributions towards participation of representatives of non-governmental organizations and persons belonging to minorities in the work of the Working Group;

13. *Requests* the High Commissioner to report to the Commission at its sixty-first session on the implementation of the present resolution;

14. *Decides* to continue its consideration of this question at its sixty-first session under the same agenda item.

*56th meeting
20 April 2004*

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

2004/52. Human rights of persons with disabilities

The Commission on Human Rights,

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

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

Reaffirming its resolution 2003/49 of 23 April 2003 on human rights of persons with disabilities,

Recalling General Assembly resolutions 48/96 of 20 December 1993, by which it adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, and 58/132 of 23 December 2003 on the implementation of the World Programme of Action concerning Disabled Persons,

Recalling also General Assembly resolution 56/168 of 19 December 2001, in which the Assembly established an Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities,

Recalling further General Assembly resolution 58/246, of 23 December 2003, in which the Assembly decided that the Ad Hoc Committee will start the negotiations on a draft convention at its third session,

Taking note of the resolutions adopted by the Commission for Social Development on 13 February 2004 on a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, and on the further promotion and equalization of opportunities by, for and with persons with disabilities and protection of the human rights of persons with disabilities,

Reaffirming the universality, indivisibility and interdependence of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination, and convinced of the contribution that a convention can make in this regard,

Welcoming the contributions made thus far by all stakeholders to the process of elaborating an international convention,

Recognizing the considerable contribution of civil society, including non-governmental organizations, especially organizations of persons with disabilities, as well as national human rights institutions, in promoting the full and equal enjoyment of all human rights by persons with disabilities, and welcoming in this regard their active participation in the work of the Ad Hoc Committee,

Recalling the study on human rights and disability presented at the fifty-eighth session of the Commission on Human Rights,

Concerned that persons with disabilities face discrimination and may be affected by multiple discrimination,

Emphasizing the need to include a gender perspective in all efforts to promote and protect the full and equal enjoyment of all human rights by persons with disabilities,

Expressing grave concern that situations of armed conflict have especially devastating consequences for the human rights of persons with disabilities,

Concerned at the extent of disabilities caused by the indiscriminate use of anti-personnel mines and other weapons which may be deemed to be excessively injurious or to have indiscriminate effects, and at the long-lasting impact of these weapons which prevent the full and effective enjoyment of human rights, particularly among civilian populations, and welcoming increased international efforts to address this issue,

Reaffirming its commitment to ensuring that the human rights of persons with disabilities and their concerns for full participation in all aspects of society continue to be addressed in all of its work,

1. *Urges* Governments to take active measures to:

(a) *Ensure* the full and equal enjoyment by persons with disabilities of all human rights and fundamental freedoms;

(b) *Prevent* and prohibit all forms of discrimination against persons with disabilities;
and

- (c) *Ensure* equal opportunities for their full participation in all spheres of life;
2. *Welcomes* the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/58/118 and Corr.1);
3. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on progress in the implementation of the recommendations contained in the study on the human rights of persons with disabilities (E/CN.4/2004/74) and requests the Secretary-General to make it available to the Ad Hoc Committee;
4. *Calls upon* the Office of the High Commissioner for Human Rights to continue to consider in its activities implementing the recommendations that relate to it in the study on human rights and disability, as well as to continue to strengthen collaboration with other United Nations agencies and bodies;
5. *Calls upon* the Office of the High Commissioner to report to the Commission on Human Rights at its sixty-first session on progress in the implementation of the recommendations contained in the study on human rights and disability presented at the fifty-eighth session of the Commission and on the achievement of the objectives set forth in the programme of work of the Office in relation to the human rights of persons with disabilities;
6. *Welcomes* the contributions and support of the Office of the High Commissioner to the work of the Ad Hoc Committee, and requests the Office to continue to do so in close collaboration with the Department of Economic and Social Affairs of the United Nations and also with other relevant bodies and agencies of the United Nations through, inter alia, the provision of information to assist in the formulation of a draft convention;
7. *Also welcomes* the work accomplished by the Working Group established by the Ad Hoc Committee in preparing a draft text which will be the basis for negotiations on a draft convention in the Ad Hoc Committee, taking into account all contributions;
8. *Encourages* Member States and observers to participate actively in the Ad Hoc Committee in order to present to the General Assembly, as a matter of priority, a draft text of a convention;

9. *Reaffirms* its commitment to continue to contribute to the process of elaboration of an international convention by, inter alia, providing its recommendations on the full and effective enjoyment of all human rights of persons with disabilities;

10. *Urges* that further efforts be made to ensure the active participation of non-governmental organizations in the Ad Hoc Committee, in accordance with General Assembly resolution 56/510 of 23 July 2002 and based on the decision of the Ad Hoc Committee on the modalities for the participation of non-governmental organizations in its work;

11. *Urges* Member States, observers, civil society and the private sector to continue to contribute to the voluntary fund established by the General Assembly in resolution 57/229, to support the participation of non-governmental organizations and experts from developing countries, in particular from the least developed countries, in the work of the Ad Hoc Committee;

12. *Invites* all special rapporteurs, in carrying out their mandates, to take into account the full and equal enjoyment of all human rights by persons with disabilities;

13. *Underlines* the importance of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities for the promotion and protection of the full and equal enjoyment of all human rights by persons with disabilities and invites the Special Rapporteur on disability of the Commission for Social Development to address the Commission on Human Rights at its sixty-first session on his/her experience in disability and human rights related issues, drawing from the experience gained by him/her and the panel of experts through monitoring the Standard Rules, and looks forward to a continued involvement of the Special Rapporteur in issues relating to disability within the Commission on Human Rights in order to mainstream a disability perspective;

14. *Invites* human rights treaty monitoring bodies to take into account the concerns of persons with disabilities in their lists of issues and concluding observations, to consider drafting general comments and recommendations on the full enjoyment of human rights by persons with disabilities and to integrate a disability perspective into their monitoring activities;

15. *Urges* Governments to address fully the question of the human rights of persons with disabilities in complying with their reporting obligations under the relevant United Nations human rights instruments and welcomes the efforts of those Governments that have begun to do so;

16. *Invites* national human rights institutions and non-governmental organizations to strengthen their work on human rights and disability, including by participating actively in the work of the Ad Hoc Committee in elaborating a draft convention, and to enhance their level of contributions to the work of the treaty monitoring bodies;

17. *Calls upon* all United Nations organizations and specialized agencies and all intergovernmental institutions for development cooperation to integrate a disability and human rights perspective into their activities, including by addressing the problems that exist in creating equal opportunities for persons with disabilities at all levels, and to reflect this in their activity reports;

18. *Requests* the Secretary-General to include in relevant reports to the General Assembly information on the progress of efforts to ensure the full recognition of and the full and equal enjoyment of all human rights by persons with disabilities;

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

56th meeting
20 April 2004
[Adopted without a vote. See chap. XIV.]

2004/53. Human rights of migrants

The Commission on Human Rights,

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

Recalling its resolution 2003/46 of 23 April 2003 and General Assembly resolution 58/190 of 22 December 2003,

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

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

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

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

Welcoming the provisions on the human rights of migrants contained in the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and expressing its satisfaction at the important recommendations made for the development of international and national strategies for the protection of migrants and for the design of migration policies that fully respect the human rights of migrants and members of their families,

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

Aware of the increasing number of migrants worldwide,

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

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

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

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

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

Taking note of the judgment of the International Court of Justice of 27 June 2001 and of advisory opinion OC-16/99 issued by the Inter-American Court of Human Rights on 1 October 1999 on the right to information on consular assistance in the framework of the guarantees of due process of law, in the case of foreign nationals detained by the authorities of a receiving State,

Also taking note of the judgment of the International Court of Justice of 31 March 2004 in the *Avena and Other Mexican Nationals* case,

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

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

Taking note of advisory opinion OC-18/03 issued by the Inter-American Court of Human Rights on 17 September 2003 on the juridical situation and rights of undocumented migrants,

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

1. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them and urges States to apply the existing laws, when xenophobic or intolerant acts, or manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

2. *Also strongly condemns* all forms of racial discrimination and xenophobia related to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public;

3. *Requests* all States, in conformity with national legislation and applicable international legal instruments to which they are party, firmly to prosecute violations of labour law with regard to migrant workers' conditions of work, inter alia those related to their remuneration and conditions of health and safety at work;

4. *Also requests* States effectively to promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their migratory condition, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination, and other relevant human rights instruments, norms and standards;

5. *Calls upon* States to implement fully the commitments and recommendations relating to the promotion and protection of the human rights of migrants contained in the Durban Declaration and Programme of Action through, inter alia, the adoption of national plans of action as recommended by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

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

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

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

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

10. *Calls upon* States to observe national legislation and applicable international legal instruments to which they are party, when enacting national security legislation measures, in order to respect the human rights of migrants;

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

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

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

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

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

16. *Encourages* States to consider participating in international and regional dialogues on migration that include sending and receiving countries, as well as countries of

transit, and invites them to consider negotiating bilateral and regional agreements on migrant workers in the framework of applicable human rights law and designing and implementing programmes with States of other regions to protect the rights of migrants;

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

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

19. *Takes note with appreciation* of the fifth report of the Special Rapporteur on the human rights of migrants (E/CN.4/2004/76 and Add.1-4) and her interim report to the General Assembly (A/58/275), both submitted pursuant to Commission resolution 2003/46 of 23 April 2003, especially regarding the work she has undertaken, including on the aspect of migrant domestic workers, and takes note of her observations and recommendations;

20. *Encourages* the Special Rapporteur to continue to examine ways and means of overcoming existing obstacles to the full and effective protection of the human rights of persons belonging to this large vulnerable group, including obstacles to and difficulties for the return of migrants who are undocumented or in an irregular situation, in conformity with her mandate as contained in Commission resolution 1999/44;

21. *Requests* the Special Rapporteur, in carrying out her mandate and within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, to request, receive and exchange information on violations of the human rights of migrants, wherever they may occur, from Governments, treaty bodies, specialized

agencies and the special mechanisms of the Commission, as well as from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

22. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

23. *Requests* the Special Rapporteur, as part of her activities, to continue her programme of visits, which contribute to improving the protection afforded to the human rights of migrants and to the broad and full implementation of all the aspects of her mandate;

24. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable her to fulfil her mandate effectively, and notes with appreciation that some Governments have already invited her;

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

26. *Requests* the Special Rapporteur to take into account, while carrying out her mandate, the recommendations on migrants contained in the Durban Declaration and Programme of Action;

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

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

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

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

31. *Welcomes* the entry into force of the United Nations Convention against Transnational Organized Crime and of two Protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and encourages States parties to fully implement those instruments, and urges States that have not done so to consider to ratify them;

32. *Decides* to examine this question further, as a matter of priority, at its sixty-first session under the same agenda item.

*56th meeting
20 April 2004*

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

2004/54. Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

The Commission on Human Rights,

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

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

Recalling further that the Universal Declaration of Human Rights affirms that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms and shall promote understanding, tolerance and friendship among all nations and all racial or religious groups,

Recalling the relevant paragraphs of the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights,

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

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

Reaffirming that cultural, religious and ethnic differences within and between societies should be celebrated rather than merely tolerated, and that cultural diversity should be embraced and cherished as a treasure that enriches all societies, and humanity at large,

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

Noting that tolerance and mutual respect are fundamental values common to all civilizations and upheld by all religions,

Concerned that forces of aggressive nationalism, religious intolerance and ethnic extremism continue to pose fresh challenges,

Recognizing that intolerance often leads to discrimination which, in a multi-ethnic, multi-religious and multicultural world, can lead to violence and conflict, thus endangering peace and stability both within States and internationally,

Convinced that tolerance and pluralism need to be actively promoted by the international community in order to strengthen democracy, facilitate the full enjoyment of all human rights and provide a sound foundation for civil society, social harmony and peace,

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

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

Taking note of the report of the United Nations High Commissioner for Human Rights contained in document E/CN.4/2004/12/Add.2, submitted pursuant to Commission resolution 2002/55,

1. *Affirms* that all peoples and individuals have contributed to the progress of civilizations and cultures that form the common heritage of humanity, that they collectively constitute one human family rich in diversity, and that preservation and promotion of tolerance, pluralism and respect for diversity can produce more inclusive societies;
2. *Condemns unequivocally* all violent acts and activities that infringe upon human rights, fundamental freedoms and democracy and thereby undermine the values of tolerance and pluralism;
3. *Reiterates* the obligation of all States and the international community:
 - (a) To promote and enhance tolerance, coexistence and harmonious relations between ethnic, religious, linguistic and other groups and ensure that the values of pluralism, respect for diversity and non-discrimination are promoted effectively;
 - (b) To protect effectively the human rights of all persons belonging to national or ethnic, religious or linguistic minorities without any discrimination and in full equality before the law;
 - (c) To oppose all forms of discrimination, in accordance with their international obligations, based on race, colour, sex, language, religion, political or other opinion, national or

social origin, property, birth or other status in order to promote tolerance and pluralism at the national and international levels and take all appropriate means towards their prevention and elimination;

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

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

4. *Recognizes* that the media can promote tolerance and respect for diversity and that information and communication technologies can enhance intercultural communication and mutual understanding, especially through the promotion of cultural and linguistic pluralism, the generation of cross-cultural links and the sharing of knowledge and information in various forms by networking communities and individuals;

5. *Welcomes* the role of civil society, particularly non-governmental organizations working at the grass-roots level, in disseminating the importance of tolerance and pluralism through their awareness-raising activities;

6. *Calls upon* the High Commissioner for Human Rights to continue to take steps:

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

(b) To undertake, in that regard, specific educational initiatives and public-awareness activities for the promotion of tolerance and pluralism within the programmes and activities being implemented by the United Nations;

(c) To advise or assist countries, upon request, through the programme of advisory services and technical cooperation, to put in place effective safeguards, including appropriate legislation, against intolerance and discrimination;

7. *Calls upon* the relevant mechanisms of the Commission:

(a) To continue to attach the highest priority to the effective promotion, at the national and international levels, of the values of democracy, pluralism and tolerance;

(b) To further study situations and conditions that promote intolerance;

(c) To continue efforts aimed at identifying commonly accepted principles and best practices to promote tolerance and pluralism;

8. *Calls upon* the High Commissioner for Human Rights to include details of activities undertaken by the Office to implement the present resolution in the High Commissioner's report to the Commission at its sixty-second session;

9. *Decides* to consider this question at its sixty-second session under the appropriate agenda item.

56th meeting
20 April 2004
[Adopted without a vote. See chap. XIV.]

2004/55. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the alarmingly high numbers throughout the world of persons who have been forced or obliged to flee or leave their homes or places of habitual residence and who have not crossed an internationally recognized State border, for reasons including armed conflict, violations of human rights and natural or human-made disasters,

Conscious of the human rights and humanitarian dimensions of the problem of internally displaced persons, who often do not receive adequate protection and assistance, and aware of the

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

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

Noting the resolve of the international community to find durable solutions for all internally displaced persons and to strengthen international cooperation in order to help them return voluntarily to their homes in safety and with dignity or, based on their free choice, to resettle in another part of their country, and to be smoothly reintegrated into their societies,

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

Bearing in mind the relevant provisions of, inter alia, the United Nations Millennium Declaration (General Assembly resolution 55/2), the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights and the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Noting that the Rome Statute of the International Criminal Court defines the deportation or forcible transfer of population as a crime against humanity and the unlawful deportation or transfer of the civilian population as well as ordering the displacement of the civilian population as war crimes,

Taking note with appreciation of the convening of regional seminars on internal displacement, in particular the Regional Seminar on Internal Displacement in the Americas, held

in Mexico City from 18 to 20 February 2004, as well as the Conference on Internal Displacement in the Inter-Governmental Authority on Development Subregion, held in Khartoum from 30 August to 2 September 2003,

Recalling its previous relevant resolutions, in particular resolution 2003/51 of 23 April 2003, and taking note of Economic and Social Council resolution 2003/5 of 15 July 2003 and General Assembly resolution 58/177 of 22 December 2003,

Recognizing that significant progress has been made by the Representative of the Secretary-General on internally displaced persons in defining and raising awareness of the problem of internal displacement, developing normative and institutional frameworks for the protection of and assistance to internally displaced persons, in particular the compilation and analysis of legal norms (E/CN.4/1996/52/Add.2) and the development of the Guiding Principles on Internal Displacement, undertaking country missions to engage in dialogue with Governments and other pertinent actors, conducting policy-oriented research into various dimensions of the displacement crisis and issuing reports, together with proposals for preventive or remedial measures,

Expressing its appreciation to the Representative for these achievements and for improving international understanding of the issue of internal displacement,

Noting nonetheless that the magnitude of the problem of internal displacement remains serious and that the human rights needs of internally displaced persons, in particular for protection, are a matter of concern and require greater attention,

1. *Takes note with appreciation* of the report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/2004/77 and Add.1-3) and commends him for his efforts to promote a comprehensive strategy that focuses on the prevention of displacement and on the protection, assistance and development needs of internally displaced persons, as well as on durable solutions;

2. *Expresses concern* at the persistent problems of large numbers of internally displaced persons worldwide, in particular the risk of extreme poverty and socio-economic exclusion, their limited access to humanitarian assistance, vulnerability to human rights

violations, as well as difficulties resulting from their specific situation, such as lack of food, medication or shelter and issues pertinent during their reintegration, including, in appropriate cases, the need for the restitution of or compensation for property;

3. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, forced recruitment and abduction, and notes the need to pay more systematic and in-depth attention to their special assistance, protection and development needs, as well as those of other groups with special needs among the internally displaced, such as older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and bearing in mind Security Council resolution 1325 (2000) of 31 October 2000;

4. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes and in reintegration and rehabilitation processes;

5. *Welcomes* the cooperation established between the Representative of the Secretary-General and the United Nations as well as other international and regional organizations, in particular his participation in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

6. *Expresses its appreciation* of the Guiding Principles on Internal Displacement as an important tool for dealing with situations of internal displacement, welcomes the fact that an increasing number of States, United Nations agencies and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

7. *Welcomes* the dissemination, promotion and application of the Guiding Principles on Internal Displacement and the fact that the Representative of the Secretary-General has used the Guiding Principles in his dialogues with Governments, intergovernmental and non-governmental organizations and other pertinent actors, and encourages the continued dissemination and promotion of the Principles, inter alia through supporting and initiating their

publication and translation, undertaking training programmes, holding consultations with Governments, regional organizations, intergovernmental and non-governmental organizations and other relevant institutions, convening national, regional and international seminars on displacement, and providing support for efforts to promote capacity-building and the use of the Guiding Principles;

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

9. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, to develop national policies aimed at addressing their plight, as well as to ensure that they benefit from public services, in particular basic social services such as health services and education, based on the principle of non-discrimination, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects, including by improving access to internally displaced persons;

10. *Urges* all those concerned, as set forth in international humanitarian law, including the Geneva Conventions and the Hague Regulations, to allow full unimpeded access by humanitarian personnel to all people in need of assistance, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and the United Nations and its associated personnel and their assets;

11. *Encourages* all Governments, in particular Governments of countries with situations of internal displacement, to facilitate United Nations activities and to respond favourably to requests for visits as well as information, and urges Governments as well as the relevant parts of the United Nations system, also at the country level, to follow up effectively on United Nations recommendations and to make available information on measures taken in this regard;

12. *Stresses* the need to further strengthen inter-agency arrangements and the capacities of United Nations agencies and other relevant actors to meet the immense humanitarian challenge of internal displacement, and calls upon States to provide adequate resources for programmes to assist and protect internally displaced persons with a view to enhancing the capacities of countries with situations of internal displacement, and of the relevant intergovernmental and non-governmental organizations, to meet the needs of internally displaced persons;

13. *Emphasizes* in this regard the central role of the Emergency Relief Coordinator in inter-agency coordination for the protection and assistance of internally displaced persons, notes the work of the Unit on Internal Displacement within the Office for the Coordination of Humanitarian Affairs, and welcomes the collaboration that was extended to the Representative of the Secretary-General;

14. *Notes with appreciation* the activities aimed at addressing the plight of internally displaced persons undertaken by the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Children's Fund, the World Food Programme, the World Health Organization, the International Organization for Migration, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the World Bank, and by all other relevant humanitarian assistance, human rights and development agencies and organizations, including non-governmental organizations, and encourages them to further enhance their collaboration and coordination with regard to internally displaced persons, especially through the Inter-Agency Standing Committee;

15. *Encourages* the Emergency Relief Coordinator, in his capacity as head of the Office for the Coordination of Humanitarian Affairs, to lead the efforts aimed at promoting an effective, predictable and collaborative response among all relevant international agencies and bodies with regard to protecting and assisting internally displaced persons, at headquarters as well as in countries with situations of internal displacement, making use of the Unit on Internal Displacement of the Office for the Coordination of Humanitarian Affairs and bearing in mind the role of resident or humanitarian coordinators;

16. *Notes with appreciation* the increased attention paid to internally displaced persons in the United Nations consolidated appeals process and encourages further efforts in this regard;

17. *Acknowledges with appreciation* the work of the International Committee of the Red Cross and the other components of the International Red Cross and Red Crescent Movement in protecting and assisting internally displaced persons;

18. *Notes with appreciation* the efforts of non-governmental organizations and the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

19. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Cooperation in Europe, the Intergovernmental Authority on Development, the Council of Europe, the Commonwealth and the Economic Community of West African States, to address the assistance, protection and development needs of internally displaced persons, and encourages them and other regional organizations to strengthen their activities in this regard;

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

21. *Calls upon* the United Nations High Commissioner for Human Rights, in cooperation with Governments and national human rights institutions, and with other relevant parts of the United Nations system, to continue to promote the human rights of internally displaced persons, to enhance their protection on the ground and to develop projects to address their plight as part of the programme of advisory services and technical cooperation, including in the areas of human rights education, training and assistance in legislative and policy development, and to provide information thereon;

22. *Recognizes* the relevance of the global database on internally displaced persons advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing relevant data on situations of internal displacement and financial resources;

23. *Requests* the Secretary-General, in effectively building upon the work of the Representative of the Secretary-General on internally displaced persons, to establish a mechanism that will address the complex problem of internal displacement, in particular by mainstreaming of human rights of the internally displaced into all relevant parts of the United Nations system;

24. *Recommends* that this mechanism work for the strengthening of the international response to the complex problem of situations of internal displacement, and engage in coordinated international advocacy and action for improving protection and respect of the human rights of the internally displaced, while continuing and enhancing dialogues with Governments, as well as non-governmental organizations and other relevant actors;

25. *Requests* the Secretary-General to provide this mechanism, from within existing resources, with all necessary assistance and adequate staffing to carry out its mandate effectively and to ensure that the mechanism works with the support of the Office of the High Commissioner for Human Rights, from within its existing resources, and in close cooperation with the Emergency Relief Coordinator and, in particular, the Unit on Internal Displacement within the Office for the Coordination of Humanitarian Affairs and the United Nations High Commissioner for Refugees;

26. *Encourages* States as well as relevant organizations and institutions to consider making voluntary contributions;

27. *Requests* the Secretary-General to review the new mechanism's performance and effectiveness after two years of its inception and submit a report thereon, as well as on the details of the mechanism, to the Commission on Human Rights at its sixty-second session;

28. *Also requests* the Secretary-General to ensure that the mechanism submits annual reports on its activities to the Commission on Human Rights and to the General Assembly, making suggestions and recommendations regarding the human rights of the internally displaced persons and engaging in an interactive dialogue thereon;

29. *Decides* to continue its consideration of the question of internal displacement at its sixty-first session.

56th meeting
20 April 2004
[Adopted without a vote. See chap. XIV.]

**2004/56. International Convention on the Protection of the Rights of
All Migrant Workers and Members of Their Families**

The Commission on Human Rights,

Reaffirming that all human beings are born free and equal in dignity and rights, are endowed with reason and conscience and should act towards one another in a spirit of brotherhood,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

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

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

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

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

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

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

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

Considering that the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights urges all States to guarantee the protection of all migrant workers and their families and invites them to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. *Acknowledges with appreciation* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 1 July 2003;

2. *Welcomes* the signing or ratification of or accession to the Convention since then by other States and takes note of the report of the Secretary-General on the status of the Convention (E/CN.4/2004/73);

3. *Calls upon* all States that have not yet done so to consider urgently signing and ratifying or acceding to the Convention;
4. *Expresses its appreciation* for the convening of the first meeting of the States parties to the Convention, especially for the election of the 10 independent experts of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families in accordance with article 72 of the Convention, and for the convening of the first session of the Committee, and takes note of its rules of procedure, adopted in accordance with article 75 of the Convention;
5. *Requests* the Secretary-General to continue providing the facilities and assistance necessary for the effective functioning of this new body created by virtue of an international treaty of human rights;
6. *Invites* the Committee to take into account the work of other human rights committees to protect and promote the human rights of migrant workers, as well as the work of other international forums addressing issues of international migration;
7. *Invites* the Committee to take into account the debate in other human rights committees concerning the improvements of their methods of work and to avoid any duplication;
8. *Calls upon* States parties to the Convention to submit in due time their first periodic report requested by article 73 of the Convention;
9. *Invites* States parties to the Convention to consider making the declarations foreseen in articles 76 and 77 of the Convention;
10. *Requests* the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the programme of advisory services and technical cooperation in the field of human rights;
11. *Welcomes* the increasing activities of the International Steering Committee of the Global Campaign for the Ratification of the Convention and invites organizations and agencies

of the United Nations system, as well as intergovernmental and non-governmental organizations, to continue and intensify their efforts with a view to disseminating information on the Convention and promoting understanding of the importance of the Convention;

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

13. *Notes* that the Committee should present an annual report to the General Assembly on the application of the Convention, in accordance with its article 74;

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

15. *Decides* to include in the provisional agenda of its sixty-second session the agenda sub-item entitled "Specific groups and individuals: migrant workers".

*56th meeting
20 April 2004*

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

2004/57. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights

The Commission on Human Rights,

Considering Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on the Promotion and Protection of Human Rights, formerly the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, giving special attention to the evolution of standards concerning the rights of indigenous populations,

Taking note of resolution 2003/29 of 14 April 2003 of the Sub-Commission on the Promotion and Protection of Human Rights and of the report of the Working Group on Indigenous Populations on its twenty-first session (E/CN.4/Sub.2/2003/22), in particular its programme of work,

Taking into account that in accordance with Economic and Social Council decision 2003/307 of 25 July 2003 the Council will consider at its substantive session of 2004 the review mandated in paragraph 8 of Council resolution 2000/22 of 28 July 2000 regarding all existing mechanisms, procedures and programmes within the United Nations concerned with indigenous issues, including the Working Group on Indigenous Populations,

Recalling its resolution 2003/55 of 24 April 2003 in which it endorsed the recommendations made by the Sub-Commission in its resolutions 2002/17 and 2002/21 of 14 August 2002,

Reaffirming the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous people and the important role to be played in that respect by all existing mechanisms within the United Nations system mandated to review indigenous issues,

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

Considering the continuing need for the Working Group on account of its present mandate, which is distinct from those of the Permanent Forum on Indigenous Issues and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people,

Convinced of the need to continue exploring ways and means to promote and further strengthen the already existing cooperation between the Working Group, the Permanent Forum and the Special Rapporteur, since their respective mandates are complementary and do not give rise to duplication,

1. *Reiterates* the recommendation made to the Economic and Social Council in Commission resolution 2003/55 that the Council take duly into account the contents of that resolution when holding the review of all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues mandated in paragraph 8 of Council resolution 2000/22 of 28 July 2000;

2. *Recommends also* that the Council take duly into account the contents of the present resolution when carrying out the review at its substantive session of 2004, pursuant to Council decision 2003/307.

*56th meeting
20 April 2004*

[Adopted by a recorded vote of 38 votes to 15. See chap. XV.]

**2004/58. Working Group on Indigenous Populations of the Sub-Commission
on the Promotion and Protection of Human Rights, and the
International Decade of the World's Indigenous Peoples**

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter of the United Nations, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

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

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

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

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

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

Mindful also that the Economic and Social Council will consider at its substantive session of 2004 the review mandated in paragraph 8 of Council resolution 2000/22 of 28 July 2000 regarding all existing mechanisms, procedures and programmes within the United Nations concerned with indigenous issues, including the Working Group on Indigenous Populations,

Recalling in this regard that in 2003 the Permanent Forum on Indigenous Issues, at its second session, in its draft decision VII (E/2003/43-E/C.19/2003/22, chap. I, sect. A), the Working Group, at its twenty-first session (E/CN.4/Sub.2/2003/22, para. 117), and the Sub-Commission, in its resolution 2003/30 of 14 August 2003, recommended that a second decade be proclaimed by the General Assembly, and that the Economic and Social Council, in decision 2003/306 of 25 July 2003, requested the Assembly to initiate the consideration of such a decade, taking into account, inter alia, the forthcoming review by the Council in 2004,

Recalling also in this regard Economic and Social Council decisions 2001/316 of 26 July 2001 and 2002/286 of 25 July 2002 and taking note of 2003/307 of 25 July 2003,

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

1. *Takes note* of the report of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2004/2-E/CN.4/Sub.2/2003/43) and of the report of the Working Group on Indigenous Populations on its twenty-first session (E/CN.4/Sub.2/2003/22);

2. *Welcomes* the fact that the Working Group has continued to carry out a comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people and that at its twenty-second session, the Working Group will focus on the theme "Indigenous peoples and conflict resolution", and invites Governments, intergovernmental organizations, indigenous organizations and non-governmental organizations to provide information and data on this theme to the Working Group at its twenty-second session;

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

4. *Also invites* all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars, within the framework of their respective mandates, to duly take into account in their deliberations the particular situation of indigenous people and to ensure that it is properly reflected in their periodic reports to their superior bodies, so as to contribute to the effective fulfilment of the respective mandates of the Economic and Social Council, the Commission on Human Rights, the Special Rapporteur and the Permanent Forum;

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

6. *Invites* the Working Group to continue its consideration of ways and means in which the expertise of indigenous people can contribute to the work of the Working Group, and

encourages initiatives by Governments, organizations of indigenous people and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group;

7. *Recommends* that the Economic and Social Council authorize the Chairperson-Rapporteur of the twenty-first session of the Working Group to submit the report on its twenty-first session to the Permanent Forum during the second week (17-21 May) of the Forum's third session in 2004, as requested in Sub-Commission resolution 2002/20 of 14 August 2002;

8. *Requests* the Secretary-General:

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

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

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

II. INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

10. *Invites* the Working Group on Indigenous Populations to continue its review of activities undertaken during the Decade and encourages Governments and intergovernmental and

non-governmental organizations to provide information on the implementation of the goals of the Decade, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

11. *Emphasizes* the affirmation by the General Assembly that a major objective of the Decade is the adoption of a declaration on the rights of indigenous people and calls for the early conclusion of the drafting of that most important document;

12. *Welcomes* the results of the second session of the Permanent Forum on Indigenous Issues, held in New York in May 2003, and looks forward to the convening of its third annual session from 10 to 21 May 2004, and encourages all parties concerned, including all mechanisms, procedures and programmes of the United Nations concerned with indigenous issues, to continue efforts to secure, from within existing resources, an adequately funded and well-functioning Forum that reflects its broad mandate, including through the provision of adequate secretariat support;

13. *Requests* the High Commissioner, in her capacity as Coordinator of the Decade, to submit a final report reviewing the activities within the United Nations system under the programme for the Decade and evaluating their results to the Commission at its sixty-first session under the agenda item entitled "Indigenous issues", in accordance with the request by the General Assembly to the Secretary-General;

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

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

16. *Encourages* Governments, as appropriate, recognizing the importance of action at the national level for the implementation of the goals and activities of the Decade, to continue supporting the Decade during its present final stage, in consultation with indigenous people, by:

(a) Executing the relevant programmes, plans and reports in relation to the Decade through effective mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are implemented on the basis of full partnership with indigenous people;

(b) Seeking means of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them, in compliance of the provisions of the Vienna Declaration and Programme of Action;

17. *Also encourages* Governments to continue to give support, as appropriate, in support of the achievement of the goals of the Decade, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean;

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

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

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

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

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

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

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

23. *Decides* to consider the final evaluation of the International Decade of the World's Indigenous People at its sixty-first session under the agenda item entitled "Indigenous issues".

*56th meeting
20 April 2004*

[Adopted by a recorded vote of 38 votes to 2,
with 13 abstentions. See chap. XV.]

2004/59. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and Part II, paragraph 28, of the Vienna Declaration and Programme of Action,

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

Underlining the importance of concluding, at the latest in 2004, the draft United Nations declaration on the rights of indigenous people for consideration and adoption by the General Assembly, prior to the conclusion of the Decade,

Reaffirming in particular that the invitation contained in resolution 1995/32 was addressed to organizations of indigenous people seeking authorization to participate in the working group,

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

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

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

Encouraging Governments and organizations of indigenous people to participate actively and in a spirit of compromise in the working group in order to present a draft United Nations declaration on the rights of indigenous people to the General Assembly, as a matter of priority, for consideration and adoption,

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

1. *Takes note* of the report of the working group (E/CN.4/2004/81 and Add.1) and welcomes the continuation and positive nature of the deliberations of the working group, in particular the measures taken to ensure effective input by organizations of indigenous people;

2. *Expresses its appreciation* for the work of the Economic and Social Council in considering applications from organizations of indigenous people to participate in the working group under the procedures set out in the annex to Commission resolution 1995/32 of 3 March 1995;

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

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

5. *Invites* the Chairperson-Rapporteur of the working group to undertake inquiries with the Office of the United Nations High Commissioner for Human Rights to determine the possibility of convening additional meetings of the working group, within existing resources, with a view to facilitating progress in drafting a declaration on the rights of indigenous people;

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

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

8. *Requests* the working group to submit a report for consideration by the Commission at its sixty-first session under the same agenda item;

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

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2004/59 of 20 April 2004, authorizes the working group of the Commission established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of ten working days prior to the sixty-first session of the Commission, the costs of the meeting to be met from within existing resources.”

*56th meeting
20 April 2004*

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

2004/60. The work of the Sub-Commission on the Promotion and Protection of Human Rights

The Commission on Human Rights,

Recalling its previous relevant resolutions, in particular 2003/59 of 24 April 2003 and the resolutions identified therein, as well as the terms of reference of the Sub-Commission on the Promotion and Protection of Human Rights (formerly the Sub-Commission on the Prevention of Discrimination and Protection of Minorities) as set out in the relevant resolutions of the Commission on Human Rights, the Economic and Social Council, and the General Assembly,

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

Recalling further the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto, and Sub-Commission decision 1999/114 of 26 August 1999 by which the Sub-Commission adopted guidelines for the application of the rules,

Bearing in mind the final working paper on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1999/2),

Taking note of:

(a) The report of the Sub-Commission on its fifty-fifth session (E/CN.4/2004/2-E/CN.4/Sub.2/2003/43),

(b) The report of the Chairperson of the fifty-fifth session of the Sub-Commission (E/CN.4/2004/83),

1. *Reaffirms* its recognition of the valuable contribution made by the Sub-Commission on the Promotion and Protection of Human Rights, as a subsidiary body of the Commission, to the human rights work of the United Nations over the past fifty-seven years;

2. *Recognizes* in particular the important contribution of the Sub-Commission and its thematic mechanisms to the development of a better understanding of human rights through the study of important issues, the elaboration of international human rights standards and the promotion and protection of human rights throughout the world, as well as the valuable contribution that Governments, intergovernmental organizations and non-governmental organizations have made to the success of the Sub-Commission;

3. *Decides* that the Sub-Commission can best assist the Commission by providing it with:

(a) Independent expert studies and working papers solely carried out by its members or alternates during their mandate, notwithstanding the completion of currently existing mandates;

(b) Recommendations based on, and after full consideration of, these studies;

(c) Studies, research and expert advice at the request of the Commission, including proposals confirmed by the Commission which have been suggested by treaty bodies or other United Nations human rights bodies;

4. *Notes* the proposals made by the Acting High Commissioner at the opening of the fifty-fifth session concerning the future role of the Sub-Commission;

5. *Welcomes* the actions taken by the Sub-Commission at its fifty-fifth session to respond to recommendations by the Commission for the initiation of working papers and new studies;
6. *Also welcomes* the attention given by the Sub-Commission to economic, social and cultural rights, as well as its continued attention to civil and political rights;
7. *Further welcomes* the improved working methods of the Sub-Commission at its last three sessions at which it:
 - (a) Reformed, improved and streamlined its agenda to seven items;
 - (b) Held a closed joint meeting with the Expanded Bureau of the fifty-ninth session of the Commission;
 - (c) Drafted many of its resolutions in closed session rather than attempting to do so in public sessions;
8. *Takes note* of the report submitted by the Office of the United Nations High Commissioner for Human Rights pursuant to the request of the Commission in its resolution 2002/66 on possible ways and means of addressing the issues raised by the Sub-Commission and of improving the Commission's action on proposals of the Sub-Commission (E/CN.4/2003/95) and of discussions in which the Bureau of the Commission studied further those proposals, and decides to continue consideration of possible ways and means of improving, as soon as possible, the Commission's prompt action on proposals of the Sub-Commission;
9. *Reiterates and reaffirms*:
 - (a) Its decision that the Sub-Commission should not adopt country-specific resolutions, decisions or Chairperson's statements and, in negotiating and adopting thematic resolutions or decisions, should refrain from including references to specific countries;

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

(c) That the Sub-Commission should seek the Commission's approval prior to embarking on any new activity, with the exception of the preparation of studies and research;

(d) That the role of the Sub-Commission is that of a "think tank", as confirmed by the Commission in decision 2000/109 of 26 April 2000, and therefore should not attribute to itself monitoring functions, while reaffirming the content of paragraph 52 of the annex to its decision 2000/109 of 26 April 2000;

10. *Recommends* that the Sub-Commission continue at its future sessions the successful innovations of the fifty-third session which were confirmed at the fifty-fourth and fifty-fifth sessions, in particular by:

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

(b) Maintaining a streamlined agenda;

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

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

(e) Using the "question and answer" format and some expert panel discussions;

11. *Also recommends* that the Sub-Commission further improve its methods of work by:

- (a) Focusing on its primary role as an advisory body to the Commission, specifically when its advice is requested by the Commission;
- (b) Giving particular attention to the selection of studies specifically recommended by the Commission or proposals confirmed by the Commission which have been suggested by treaty bodies or other United Nations human rights bodies, at the same time focusing on how and when the implementation of existing standards can be improved;
- (c) Respecting strictly the highest standards of impartiality and expertise and avoiding acts which would affect confidence in the independence of its members, in particular in situations where they could have a conflict of interest;
- (d) Facilitating efficient and effective participation of non-governmental organizations;
- (e) Giving full consideration to studies and working papers by special rapporteurs and its members before sending them to the Commission;
- (f) Taking further steps to accomplish its work within a three-week session, while making efforts to avoid the scheduling of working groups and plenary sessions concurrently with each other;
- (g) Making proposals to the Commission on how it might assist the Sub-Commission in improving its work, and vice versa;
- (h) Focusing strictly on questions relating to human rights in accordance with its mandate;
- (i) Avoiding duplication of its work with that being carried out by other competent bodies and mechanisms;
- (j) Taking fully into account legal opinions addressed to the Sub-Commission by the Legal Counsel of the United Nations;

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

(a) To be conscious of the strong concern to ensure that the body is independent and is seen to be so;

(b) To keep in mind the need to ensure universality, a balanced representation, as well as the benefits of continuity and the importance of renewal;

(c) To select members with acknowledged expertise in human rights;

(d) To submit nominations, if possible, at least two months prior to the beginning of the session at which they will be elected, so as to enable the members of the Commission thoroughly to assess the qualifications and the independence of the nominees;

(e) To keep in mind that they should be impartial and independent and without a conflict of interest;

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

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

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

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

17. *Decides* to consider the issue of the work of the Sub-Commission at its sixty-first session under the relevant agenda item.

56th meeting
20 April 2004
[Adopted without a vote. See chap. XVI.]
