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of Minorities
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Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES ON ITS FORTY-FIFTH SESSION

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* E/CN.4/Sub.2/1993/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to the Commission on Human Rights will be contained in documents E/CN.4/Sub.2/1993/L.11 and addenda.

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1993/4. Methods of work of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1992/8 of 26 August 1993 and the guidelines annexed thereto concerning its methods of work, which are being applied from the present session,

Noting with satisfaction that the Commission on Human Rights, in its resolution 1993/28 of 5 March 1993, took note with appreciation of the significant steps taken by the Sub-Commission to rationalize and streamline its work,

Noting the invitation addressed by the Commission to the Sub-Commission, in paragraph 5 of resolution 1993/28, to continue its consideration of ways in which its work should be improved,

1. Decides to convene, during its forth-sixth session, a sessional working group to continue the study of its methods of work with particular emphasis on the methods to be used and procedures to be followed under item 6 of its agenda, concerning the violation of human rights and fundamental freedoms, as well as on the means to ensure the follow-up of recommendations and conclusions of studies undertaken under the auspices of the Sub-Commission.

26th meeting
20 August 1993

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

1993/5. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its eighteenth session (E/CN.4/Sub.2/1993/30),

Deeply concerned at the information it contains relating to the traffic in persons and the exploitation of the prostitution of others, the sale of children, child prostitution and child pornography, the exploitation of child labour, debt bondage, the removal of organs, the slavery-like practices of apartheid and colonialism, and the phenomenon of child soldiers,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work, in particular for its continued broad approach and flexible methods of work;

I. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. Special Rapporteur on the sale of children, child prostitution and child pornography

2. Expresses its thanks to the Special Rapporteur on the sale of children, child prostitution and child pornography for participating in the eighteenth session of the Working Group;

3. Requests the Centre for Human Rights to transmit the report of the Working Group to the Special Rapporteur;

4. Invites the Special Rapporteur to participate in the nineteenth session of the Working Group;

B. Programme of action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

5. Encourages all Governments to consider in the context of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography the creation of programmes aimed at the social rehabilitation of all persons involved in prostitution, and of children in particular;

6. Takes note of the information submitted by States, specialized agencies and non-governmental organizations included in the report of the Secretary-General on the state of implementation of the Programme of Action (E/CN.4/Sub.2/AC.2/1993/8);

7. Decides, in accordance with its resolution 1992/2 of 14 August 1992, to transmit the report of the Secretary-General to the Commission on Human Rights at its fiftieth session;

C. Removal of organs from children

8. Requests, as a matter of urgency, the Secretary-General to invite again all Governments, United Nations bodies, including the United Nations Children's Fund, the specialized agencies, in particular the World Health Organization, the International Criminal Police Organization and all relevant non-governmental organizations to pursue in-depth investigations of allegations involving the removal of organs from children and to indicate the measures taken, if any, to counteract this practice wherever it exists, with a view to reporting thereon to the Working Group at its nineteenth session;

II. EXPLOITATION OF CHILD LABOUR AND DEBT BONDAGE

9. Welcomes the adoption by the Commission on Human Rights in its resolution 1993/79 of 10 March 1993 of the Programme of Action for the Elimination of the Exploitation of Child Labour;

10. Requests the Secretary-General, in accordance with Commission on Human Rights resolution 1993/79, to invite all States to inform the Working Group of measures adopted or to be adopted in the near future to implement the Programme of Action;

11. Requests the Working Group to examine at its nineteenth session the state of implementation of the Programme of Action and to transmit a report thereon, through the Sub-Commission, to the Commission;

12. Takes note with satisfaction of Commission on Human Rights decision 1993/112 of 10 March 1993 authorizing the Sub-Commission to consider the possibility of appointing a special rapporteur to update the report of Mr. Abdelwahab Bouhdiba (E/CN.4/Sub.2/479), and to extend that study to the problem of debt bondage;

13. Decides to appoint Mrs. Halima Embarek Warzazi as Special Rapporteur to update the report of Mr. Boudhiba and to extend the study to the problem of debt bondage;

14. Decides to keep the question of debt bondage under consideration and to assess the progress achieved, with a view to the elimination of this intolerable practice;

III. CHILD SOLDIERS

15. Expresses its deep concern that in many parts of the world children are recruited into armed forces and that some Governments and non-governmental entities encourage and sometimes compel children to take part in hostilities;

16. Requests the Working Group to continue to give attention to this question at its nineteenth session;

IV. PREVENTION OF TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

17. Recommends that the Commission on Human Rights examine the draft programme of action for the prevention of traffic in persons and exploitation of the prostitution of others at its fiftieth session;

18. Requests the Secretary-General to continue to seek the views of States concerning the draft programme of action for submission to the Commission at its fiftieth session;

19. Requests the Secretary-General to convey to the World Tourism Organization the Working Group's grave concern at the information received during its eighteenth session with regard to the persistence and the development of sex tourism;

20. Encourages all Governments to establish specific projects for the protection of the victims of traffic in persons and of prostitution from the risk of contamination with the human immunodeficiency virus and the spreading of acquired immunodeficiency syndrome;

21. Urges States to introduce and reinforce education programmes alerting children to the risks of sexual exploitation and the consequences for individuals and for society of such exploitation;

22. Requests all Governments to develop programmes in support of the family, especially as part of the International Year of the Family;

23. Recommends that States take urgent measures designed to protect minors from exposure to or involvement in child pornography, particularly in relation to sex tourism, and requests the Secretary-General to invite States to provide information on measures taken or already applicable;

24. Recommends that national bodies for the prevention of prostitution be established in all States which could assist in the rehabilitation and reintegration of victims of prostitution;

V. MACHINERY FOR MONITORING THE INTERNATIONAL CONVENTIONS ON SLAVERY

25. Recommends that the Secretary-General again request the States parties to the international conventions on slavery to submit to the Sub-Commission, at regular intervals, reports on the situation in their countries;

26. Requests the Secretary-General again to invite annually States which have not acceded to or have not ratified the international conventions on slavery to explain why they have not done so and to report on their replies to the Sub-Commission and to the Commission, and to extend a similar invitation to States which have not ratified the International Labour Organisation conventions on forced labour;

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

28. Urges the specialized agencies to give particular attention to poverty as a factor leading to or perpetuating slavery and slavery-like practices and to include in their technical assistance programmes activities designed to eliminate slavery and slavery-like practices;

VI. United Nations TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY

29. Appeals to all Governments, governmental and non-governmental organizations, private institutions and individuals to respond favourably to requests for contributions to the United Nations Trust Fund on Contemporary Forms of Slavery, and urges them to publicize the establishment and function of the Trust Fund, so as to increase general awareness of its existence;

30. Invites a representative of the Trust Fund to attend the nineteenth session of the Working Group;

VII. MIGRANT WORKERS

31. Notes that in recent years many countries have been running their development programmes, as well as the day-to-day maintenance of essential services, with the help of a foreign migrant labour force and that foreign workers are often subject to rules and regulations which are discriminatory and prejudicial to dignified living, forcing them to live separately from their spouse and their minor children, sometimes for extended periods;

32. Invites countries to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in its resolution 45/158 of 18 December 1990;

VIII. MISCELLANEOUS

33. Welcomes the decision of the Working Group to include consideration of the practice of incest on its agenda for the nineteenth session and to consider ways to combat this form of slavery, and urges that adequate help be offered to victims of such practices;

34. Takes note of the decision of the Working Group to transmit the information received at its eighteenth session on the sexual exploitation of women, as well as other forms of forced labour during wartime, to the Special Rapporteur on the right of restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms and to the Sub-Commission for their consideration;

35. Requests the Secretary-General to seek the views and suggestions of Member States and of governmental and non-governmental organizations on

proposals for future action by the Working Group, with a view to the consideration of their replies by the Working Group at its forthcoming sessions;

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

37. Encourages youth organizations as well as young persons from various non-governmental organizations to participate in the meetings of the Working Group;

38. Welcomes the decision of the Working Group to give particular attention to the issue of street children at its next sessions;

39. Recommends that arrangements regarding the organization of the sessions of the Working Group, as endorsed by the Commission on Human Rights in its resolution 1993/27 of 5 March 1993 and decision 1993/112 of 10 March 1992, be repeated in subsequent years;

40. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, with a view to combating contemporary forms of slavery;

41. Also recommends that the supervisory bodies of the International Labour Organisation and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

42. Requests the Secretary-General to transmit to the above-mentioned committees, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the present resolution, as well as the

report of the Working Group on its eighteenth session, drawing their attention to the recommendations contained therein of relevance to them;

43. Again requests the Secretary-General to reassign to the Working Group a full-time Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery, to prepare documentation well in advance, to facilitate the attendance at the sessions of the Working Group of the largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined, and to report on the measures taken for this purpose to the Commission on Human Rights at its fiftieth session and to the Working Group on Contemporary Forms of Slavery at its nineteenth session;

44. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery and to report on the measures taken for this purpose to the Commission on Human Rights at its fiftieth session and to the Working Group on Contemporary Forms of Slavery at its nineteenth session.

26th meeting
20 August 1993

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

1993/6. Additional assistance in studying ways and means of resolving problems arising from the former institution of slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that slavery cannot be effectively abolished by legislation alone,

Welcoming the efforts of Governments to ensure development in areas with a sizeable population of former slaves, and their descendants,

Having regard to the fact that in order truly to recover their freedom former slaves must be given economic and other means to enjoy their fundamental rights and liberties,

Concerned that a large number of former slaves and their descendants are still suffering grave consequences from, and are still subject to practices similar to slavery,

Aware that projects designed to assist former slaves and their descendants in recovering and enjoying their rights and liberties will be successful if they are based on a thorough knowledge of the issues and problems and if they are designed in consultation with the former slaves and their descendants themselves,

1. Calls upon those Governments concerned, academics and social scientists and international non-governmental organizations to undertake and carry through social science research projects to investigate all aspects of slavery and slavery-like practices for the purpose of finding ways to eradicate the phenomenon;

2. Calls upon the Economic Commission for Africa, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization and other United Nations bodies and specialized agencies and donor countries to support and assist in the implementation of such research projects and development plans.

26th meeting

20 August 1993

[Adopted without a vote.

See chap. ...]

1993/7. Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1989/35, in which the Commission requested the Secretary-General to undertake a study on the ways and means by which an effective mechanism might be established for the implementation of the Conventions,

Recalling the study prepared by the Secretary-General on slavery pursuant to the above request (E/CN.4/Sub.2/1989/37),

Recalling Commission on Human Rights resolutions 1993/27 of 5 March 1993, 1992/47 of 3 March 1992, 1991/58 of 6 March 1991 and 1990/63 of 7 March 1990, in which the Commission, inter alia, encouraged the Sub-Commission, including its Working Group on Contemporary Forms of Slavery, to continue to elaborate

recommendations on the ways and means of establishing an effective mechanism for the implementation of the Conventions on slavery,

Conscious of the interest in giving concrete application to the recommendations formulated by the Working Group and contained in its reports and to the Programme of Action for the Elimination of the Exploitation of Child Labour, adopted by the Commission at its forty-ninth session, and the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography adopted at its forty-eighth session,

1. Decides to continue its consideration of the question at its forty-sixth session under the same agenda item;

2. Recommends the following draft resolution to the Commission on Human Rights for adoption:

"The Commission on Human Rights,

"Noting resolution 1993/... of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"1. Decides to create for a period of three years a working group on contemporary forms of slavery, composed of five independent experts with relevant experience in the field of human rights and contemporary forms of slavery in particular, with the task of monitoring the application of the Conventions on slavery through the examination of the information it receives;

"2. Also decides that the Working Group, in carrying out its mandate, shall seek and receive information from Governments, intergovernmental and non-governmental organizations and individuals;

"3. Invites the Working Group to take account, in fulfilling its mandate, of the need to carry out its task with discretion, objectivity and independence;

"4. Requests the Secretary-General to provide all necessary assistance to the Working Group to enable it to accomplish its task."

26th meeting
20 August 1993

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

1993/8. Punishment of the crime of genocide

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international human rights instruments, in particular the Convention on the Prevention and Punishment of the Crime of Genocide,

Conscious of its responsibility to contribute to the promotion and encouragement of respect for human rights and fundamental freedoms and to prevent violations of such rights,

Recalling General Assembly resolution 3074 (XXVIII) of 3 December 1973 entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

Welcoming Commission on Human Rights resolution 1992/S-2/1 of 1 December 1992, in which the Commission called on all States to consider the extent to which acts committed in Bosnia and Herzegovina and Croatia constituted genocide, and resolution 1993/7 of 23 February 1993 on the situation of human rights in the territory of the former Yugoslavia,

Welcoming also General Assembly resolution 47/121 of 18 December 1992, in which the Assembly stated that the policy of ethnic cleansing was a form of genocide,

Noting the relevant Security Council resolutions, in particular resolutions 798 (1992) of 18 December 1992 and 808 (1993) of 22 February 1993, in which the Council decided that an international tribunal should be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia,

Aware that in its Order of 8 April 1993 concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide, the International Court of Justice found that circumstances in the territory of the former Yugoslavia required it to indicate provisional measures for the protection of rights under the Convention,

Taking into account that the Convention on the Prevention and Punishment of the Crime of Genocide confirms that genocide, whether committed in time of peace or in time of war, is a crime under international law which States have undertaken to prevent and to punish,

1. Affirms that all persons who perpetrate or authorize the commission of genocide and related crimes are individually responsible for such actions and that those in positions of authority who have failed adequately to ensure that persons under their control comply with the relevant principles of international law are accountable along with the perpetrators;

2. Reminds States Members of the United Nations which are parties to the Convention on the Prevention and Punishment of the Crime of Genocide of their obligation under article V to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of that Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts proscribed in the Convention;

3. Recalls that under article VI of the Convention persons charged with genocide or related crimes shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction;

4. Urges States Members of the United Nations to make every effort to bring to justice, in accordance with internationally recognized principles of due process, all those individuals directly or indirectly involved in the unspeakable crimes committed in Bosnia and Herzegovina, elsewhere in the territory of the former Yugoslavia or in any other part of the world.

26th meeting
20 August 1993
[Adopted without a vote.
See chap. ...]

1993/9. Situation in Kosovo

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the provisions of the Charter of the United Nations, 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 Discrimination (Employment and Occupation) Convention, the Convention against Discrimination in Education, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the Basic Principles on the Independence of the Judiciary,

Recalling also its decision 1992/103 of 13 August 1992, concerning the human rights situation within the territory of the former Yugoslavia,

Recalling further Commission on Human Rights resolution 1992/S-1/1 of 14 August 1992 in which the Commission condemned all violations of human rights within the territory of the former Yugoslavia and called upon all parties to cease such violations immediately and to take all necessary steps to ensure full respect for human rights and fundamental freedoms and humanitarian law,

Recalling Commission on Human Rights resolution 1993/7 of 23 February 1993, in which the Commission demanded that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo,

Bearing in mind the fourth report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1993/50) which described, inter alia, the various discriminatory measures taken in the legislative, administrative and judicial areas, summary executions, acts of violence and arbitrary arrests perpetrated against ethnic Albanians in Kosovo,

Noting with concern the information contained in the above-mentioned report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, as reflected in Commission on Human Rights resolution 1993/7, as well as the alarming information issuing from other reliable sources describing, in particular:

(a) Acts of police violence against ethnic Albanians, arbitrary searches, seizures and arrests, torture and ill-treatment of detained persons and discrimination practised in the administration of justice, creating a climate in which criminal acts are committed, particularly against ethnic Albanians, with absolute impunity;

(b) Discriminatory dismissals of ethnic Albanian civil servants, in particular within the police force and the judiciary, the massive dismissals of ethnic Albanians working in administrative, managerial or other specialized capacities within State enterprises and public institutions, including, in particular, teachers in educational institutions now run by Serbs, and the closure of Albanian secondary schools and universities;

(c) The arbitrary imprisonment of ethnic Albanian journalists, the banning of Albanian language media outlets and the discriminatory dismissal of ethnic Albanians working in local radio and television stations;

(d) The dismissal of ethnic Albanian doctors and other medical professionals and non-professionals working in clinics and hospitals;

(e) The banning of the use of the Albanian language, notably within the public administration and services,

Considering that these measures and practices constitute a form of ethnic cleansing,

Deeply concerned by the reports describing the persistence of flagrant and widespread violations of human rights in Kosovo,

Gravely concerned at the refusal of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), on the one hand, to facilitate the task of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia to fully execute his mandate, particularly in Kosovo, and on the other hand, to allow the CSCE of long duration in Kosovo to continue its activities,

1. Vigorously condemns the measures and practices of discrimination and the violations of the human rights of the ethnic Albanians of Kosovo committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro);

2. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To take whatever measures may be necessary to bring the human rights violations inflicted on the ethnic Albanians of Kosovo to an immediate halt, including, in particular, the discriminatory measures and practices, as well as the summary executions, arbitrary detentions and the use of torture and other cruel, inhuman or degrading treatment;

(b) To revoke all discriminatory legislation, in particular that which has entered into force since 1990;

(c) To re-establish the democratic institutions of Kosovo;

3. Requests the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To facilitate, in accordance with paragraph 34 of Commission on Human Rights resolution 1993/7, the appointment by the Special Rapporteur on

the situation of human rights in the territory of the former Yugoslavia, of officers mandated to inform him about the evolution of the situation of human rights, especially in Kosovo;

(b) To allow the CSCE missions of long duration to continue their activities pursuant to the terms of Security Council resolution 855 (1993) of 9 August 1993 on the termination of the CSCE monitoring mission.

26th meeting
20 August 1993

[Adopted by secret ballot by 17 votes
to 4, with 3 abstentions.
See chap. ...]

1993/10. Situation of human rights in Chad

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming that all Member States have the right to promote human rights and to fulfil their obligations under the various applicable instruments,

Deeply concerned by the serious events that have been taking place in Chad for several years, and most recently the massacres that occurred on 4 and 8 August 1993 at Chokoyam and N'Djaména,

Recalling that Chad has ratified the African Charter on Human and Peoples' Rights,

Taking into account the fact that the democratization process has been initiated in Chad through the Sovereign National Conference held at N'Djaména from 15 January to 7 April 1993, which brought together all the vital forces of the nation,

1. Strongly condemns the gross and continuing violations of human rights in Chad;

2. Calls upon the authorities of Chad to implement the decisions of the Sovereign National Conference contained in the transitional Government's plan of action;

3. Appeals to the international community to do its utmost to contribute by the appropriate means and by taking positive measures to the promotion and protection of human rights and fundamental freedoms in the country;

4. Decides to keep this matter on the agenda for its forty-sixth session.

26th meeting
20 August 1993
[Adopted without a vote.
See chap. ...]

1993/11 Situation in South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Declaration on Apartheid and its Destructive Consequences in southern Africa, adopted by the General Assembly in its resolution S-16/1 of 14 December 1989,

Recalling also all the relevant resolutions of the Commission on Human Rights, in particular resolution 1993/9 of 26 February 1993,

Mindful of General Assembly resolution 33/165 of 20 December 1978 on the status of persons refusing service in military or police forces used to enforce apartheid,

Taking note of the decisions of the Council of Ministers of the Organization of African Unity at its fifty-sixth Ordinary Session held at Dakar, from 22 to 28 June 1992, in particular the decision urging the international community to refrain from establishing official links with South Africa until the establishment of an interim Government and the holding of free and fair elections on the basis of a new constitution,

Welcoming the accord of 16 August 1991 between the United Nations and the Government of South Africa which opens the way for refugees to return to South Africa and for the release of political prisoners,

Concerned that many political prisoners are still incarcerated, that political trials of some opponents of apartheid still continue and that not all political exiles have been allowed to return,

Gravely concerned at the new wave of violence that is further devastating South Africa and the role of the Government of South Africa in this regard,

Gravely concerned also at the continued military cooperation between South Africa and some Governments,

Aware of the great courage, perseverance and sacrifices of the people of southern Africa in the face of aggression and oppression by the Government of South Africa,

Noting with great concern that the negotiation process within the framework of the Convention for a Democratic South Africa (CODESA) is deadlocked because of the refusal by the Government of South Africa to follow the universally accepted democratic principles for implementing constitutional change,

Concerned that the violence in South Africa is escalating in spite of the constant appeals by the international community to end the carnage which constitutes a major obstacle to the negotiation process,

Recalling the establishment and launching of the Action for Resisting Invasion, Colonialism and Apartheid Fund (A/41/697-S/18392) at the Eighth Conference of the Heads of State or Government of Non-Aligned Countries,

1. Reaffirms that apartheid is a crime against humanity;
2. Also reaffirms the right of all persons to refuse service in military or police forces when they are used to enforce apartheid;
3. Strongly condemns the perpetrators of the violence that continues to devastate South Africa and denounces the Government of South Africa for its failure to act to stop the violence;
4. Calls upon the South African authorities to exercise effectively their responsibility to maintain law and order, to stop the violence, to prosecute its perpetrators and to protect all citizens, irrespective of their political affiliation;
5. Reiterates the call contained in the Declaration on Apartheid and its Destructive Consequences in southern Africa for, inter alia, the unconditional release of all political prisoners and detainees by the Government of South Africa, the removal of all troops from the townships, the repeal of the remaining legislation designed to circumscribe political activity and the cessation of all political trials and executions;
6. Urges all States to continue to provide, both individually and collectively, moral and material assistance to the oppressed people of South Africa;
7. Calls upon the Government of South Africa not to proceed with the execution of persons convicted and sentenced to death for so-called "security", "security-related" or "unrest-related" offences;
8. Calls upon the Government of South Africa to bring before court on appropriate charges those members of the security forces or other government

organs or other persons against whom prima facie evidence of participation in the killing of residents in black areas or in the murder of political opponents of apartheid exists;

9. Reiterates that unity of action and cohesion among the liberation movements and other democratic South African forces within the framework of the United Patriotic Front is absolutely necessary at this crucial stage of the struggle and constitutes the best means of hastening the process of negotiations aimed at the advent of a non-racial, democratic and united South Africa;

10. Urges the international community to refrain from establishing official links with South Africa until an interim Government responsible for supervising the transition to democratic rule, including the holding of free and fair elections under universal adult suffrage on a common voters' roll, has been put in place in the country;

11. Affirms that any relaxation of pressure on South Africa at this time would be a violation of the Declaration on Apartheid and its Destructive Consequences in southern Africa;

12. Vigorously condemns all military collaboration with the Government of South Africa, particularly in the nuclear field.

26th meeting
20 August 1993
[Adopted without a vote.
See chap. ...]

1993/12 The situation in East Timor

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the universally accepted rules of international humanitarian law,

Bearing in mind General Assembly resolution 37/30 of 23 November 1982 and Security Council resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976,

Recalling the statement agreed by consensus by the Commission on Human Rights at its forty-eighth session (E/1992/22, para. 457) and resolution 1993/97 of 11 March 1993 adopted at its forty-ninth session.

Recalling also its resolution 1992/20 of 27 August 1992, 1990/15 of 24 August 1990, 1989/7 of 31 August 1989, 1987/13 of 2 September 1987, 1984/24 of 29 August 1984, 1983/26 of 6 September 1983, 1982/20 of 8 September 1982, as well as the statement made by the Chairman at its forty-third session on the question of the situation in East Timor,

Having examined the note by the Secretariat (E/CN.4/Sub.2/1993/14),

Noting with satisfaction the recent lifting of the restrictions imposed upon the activities of the International Committee of the Red Cross,

Disturbed by reports of continuing violations of human rights in East Timor, as well as by reports of forcible removal of prisoners from their original place of residence to serve jail sentences in parts of Indonesia in contravention of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

1. Expresses its deepest concern at reports of continuing violations of human rights in East Timor;

2. Notes with satisfaction the lifting of the restrictions imposed upon the activities of the International Committee of the Red Cross;

3. Urges the Indonesian authorities to implement fully the decisions of the Commission on Human Rights as contained in the consensus statement agreed by the Commission at its forty-eighth session and in resolution 1993/97 of 11 March 1993, adopted at its forty-ninth session;

4. Also urges the Indonesian authorities to honour the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, regarding the prohibition on removing prisoners from their original place of residence;

5. Decides to consider at its forty-sixth session the situation pertaining to human rights and fundamental freedoms in East Timor, and to this purpose requests the secretariat to transmit to it all available information received.

26th meeting
20 August 1993

[Adopted by secret ballot by 13 votes
to 10, with 2 abstentions.
See chap. ...]

1993/13 Consequences for the enjoyment of human rights
of acts of violence committed by armed groups that
spread terror among the population

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Alarmed at the proliferation of acts of terrorism which affect human
rights and fundamental freedoms of the individual,

Reaffirming that terrorism constitutes a serious obstacle to the full
enjoyment of all human rights,

Condemning all acts, methods and practices of terrorism in all its forms
and manifestations as gross violations of human rights,

Deeply deploring the loss of human lives and the injuries which result
from acts of terrorism,

1. Expresses its deep concern at the persistence of acts of terrorism
in all its forms and manifestations which endanger or take innocent lives,
threaten the fundamental freedoms, democracy, territorial integrity and
security of States, destabilize legitimately constituted Governments and have
adverse consequences on the economic development of States;

2. Calls upon Governments, in accordance with international standards
of human rights and internationally recognized principles of due process, to
take all necessary and effective measures to prevent and combat terrorism;

3. Calls upon the international community to enhance cooperation in
the fight against the spread of terrorism at the national, regional and
international levels.

26th meeting
20 August 1993

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

1993/14 The situation of human rights in the
Islamic Republic of Iran

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Recalling its resolution 1992/15 of 27 August 1992 and other relevant
resolutions adopted by the General Assembly since 1986, by the Commission on

Human Rights since 1982 and by the Sub-Commission since 1981, calling for an end to the violation of human rights by the Islamic Republic of Iran,

Taking note of Commission on Human Rights resolution 1993/62 of 4 March 1993, in which the Commission expressed its regret that, as the Special Representative had concluded, the Islamic Republic of Iran had not given adequate follow-up to many of the recommendations contained in his previous reports,

Deeply concerned at continuing human rights violations by the Government of the Islamic Republic of Iran, including arbitrary and summary executions, torture and other cruel, inhumane and degrading treatment, arbitrary arrests and imprisonment, forced disappearances, the absence of guarantees for the due process of law and the right to a fair trial and disregard for the freedom of religion and speech,

Gravely concerned at the systematic repression of the Baha'i community and at the plight of the Iranian Kurds,

Expressing its profound regret that for more than one year the Government of the Islamic Republic of Iran has refused to cooperate with the Special Representative and has prevented him from visiting the country,

Expressing its regret that despite agreements between the Government of the Islamic Republic of Iran and the International Committee of the Red Cross on its visits to Iranian prisons, the International Committee of the Red Cross delegation was expelled from the country in March 1992, less than one month after starting its mission, and that the Government still refuses to allow the International Committee of the Red Cross to resume its visits,

Expressing its concern at an increase in the number of arrests following anti-Government demonstrations and at the violent suppression of popular protest in various cities, including Tehran,

Reaffirming that Governments are to be held responsible for assassination attempts and attacks by their agents against individuals in other countries and for deliberate incitement, sanctioning or condoning of such acts,

Recalling its previous resolutions condemning the assassination abroad of Iranian expatriates, and the apparent direct involvement of Iranian official services in these assassinations,

Recalling also the need for the Government of the Islamic Republic of Iran to cooperate with the Swiss judicial authorities to shed light on the assassination of Professor Kazem Rajavi,

Appalled at the continued repression of women in the Islamic Republic of Iran, in which women have been publicly flogged and even arrested or imprisoned, and particularly noting reports concerning the large number of adolescents and persons below the age of 18,

Noting the reaffirmation of the universality and indivisibility of human rights standards by representatives of the international community at the World Conference on Human Rights,

1. Endorses the urgent call of the Special Representative of the Commission on Human Rights to the Government of the Islamic Republic of Iran urging it to comply with the current international norms in the field of human rights;

2. Strongly condemns the continuing flagrant human rights violations of the Islamic Republic of Iran, including:

(a) The use of excessive force and violence to suppress anti-government gatherings and demonstrations;

(b) The continuing execution of political prisoners and the assassination of opponents abroad;

(c) The stoning, torture and degrading treatment of citizens, especially women;

(d) The continued persecution of Baha'is and other religious minorities;

(e) The harassment of Iranian political refugees' relatives inside the Islamic Republic of Iran to coerce the refugees to return to the country or to cooperate on intelligence matters;

3. Rejects any cultural or religious justification of the breach of universal human rights standards;

4. Emphatically urges the Government of the Islamic Republic of Iran to stop its attacks on Iranian dissidents abroad;

5. Supports the continuation of the mandate of Mr. Reynaldo Galindo Pohl, Special Representative of the Commission of Human Rights, and of international monitoring of the human rights situation in the Islamic Republic of Iran;

6. Maintains that the deteriorating conduct of the Islamic Republic of Iran in terms of violations of human rights and fundamental freedoms and the breach of international instruments, the repercussions of which spread beyond its national frontiers, jeopardizes peace and security in other regions;

7. Requests the Special Representative to consider and recommend in his report the strongest measures which could be adopted within the framework of the United Nations to eliminate human rights violations in the Islamic Republic of Iran;

8. Requests the Secretary-General to inform the Sub-Commission at its next session of the relevant reports and measures already implemented by United Nations bodies, or under way, to prevent human rights violations in the Islamic Republic of Iran;

9. Decides to consider further the situation of human rights in the Islamic Republic of Iran, including the situation of women and minority groups such as the Baha'is and the Kurds, at its forty-sixth session.

26th meeting
20 August 1993

[Adopted by secret ballot by 20 votes
to 3, with 2 abstentions
See chap. ...]

1993/15 Situation in the Palestinian and other
Arab territories occupied by Israel

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, in particular the principles of equal rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the Geneva Conventions of 12 August 1949 for the protection of war victims, of the principles and provisions of international law and of the obligations arising from the Regulations concerning the Laws and Customs of War on Land, annexed to the Hague Convention IV of 1907,

Recalling that, in accordance with article 1 of the Geneva Conventions of 12 August 1949, all States parties to the Conventions have undertaken to respect and to ensure respect for the Conventions in all circumstances,

Recalling also all the resolutions of the General Assembly and the Commission on Human Rights condemning the practices of the Israeli occupation authorities in the Palestinian and other Arab territories occupied by Israel

which affirm the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to these territories, in particular resolution 1993/2 of 19 February 1993 of the Commission on Human Rights,

Recalling further the relevant Security Council resolutions, in particular resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 681 (1990) of 20 December 1990, 726 (1992) of 6 January 1992 and 799 (1992) of 6 December 1992,

Noting with great concern the Report submitted to the Security Council by the Secretary-General in accordance with resolution 799 (1992) (S/25149), which affirmed that Israel continued to refuse to comply with the resolutions of the Council and recommended that the Council take the necessary measures to ensure that its decision, as set out in resolution 799 (1992), was respected,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly and the relevant reports of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization,

Recalling with great concern the press releases issued by the International Committee of the Red Cross in Geneva on 13 January 1988, on 18 and 19 August 1988 and on 21 May 1992 and the statement of the President of the International Committee of the Red Cross on 23 May 1993 concerning the continuing violations by Israel of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, including the deportation of Palestinian citizens from their territory, the killing of civilians, including children, and the application of the policy of collective punishment against the Palestinian people,

Reaffirming its previous resolutions in this respect, the most recent being resolution 1992/10 of 26 August 1992,

Deeply alarmed at the persistent refusal of Israel to respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to apply it to the Palestinians in the occupied Palestinian territories, and at the systematic and established violations of

human rights by Israel over the past 26 years and its persistence in killing, wounding and arresting Palestinian people and in deporting and expelling Palestinian citizens,

Taking into account the ongoing process of negotiation between the parties concerned since the Peace Conference on the Middle East convened at Madrid, and encouraging this process to reach speedily a just and lasting peace settlement on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and all other relevant United Nations resolutions,

1. Reaffirms that the Israeli occupation of Palestinian and other Arab territories, including Jerusalem, itself constitutes a gross and systematic violation of human rights and an aggression under international law;

2. Also reaffirms that the continued perpetration by the Israeli occupation authorities of deliberate killings of Palestinians, including children, breaking limbs of young men and causing grave harm to their physical integrity, subjecting cities, villages and camps to living conditions designed to strangulate and destroy them by imposing curfews, as happened in the Gaza Strip on 25 May 1992, and preventing their provision with food and medical supplies, firing gas bombs into houses, mosques, churches and hospitals, thus causing the death of many people by asphyxia, severely beating pregnant women and throwing gas bombs inside their homes, thereby causing them to miscarry, torturing Palestinian detainees, imposing collective punishment and administrative detention upon thousands of Palestinians, expelling and deporting Palestinians from their homeland, confiscating land and establishing Israeli settlements in the occupied Palestinian territories, bringing Jewish immigrants from several parts of the world and settling them on these territories, thus modifying their demographic character, closing schools and universities, desecrating holy places and demolishing houses, all constitute grave violations of the principles of international law and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, of the Universal Declaration of Human Rights and of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;

3. Further reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinians and to the Palestinian and other Arab

territories occupied by Israel, and that the continued disregard and rejection of the provisions of the Convention by Israel constitute gross violations of the principles of international law, and that it is therefore the responsibility of the international community to provide protection for the Palestinian people under Israeli occupation, in accordance with the relevant Security Council resolutions and the provisions of the Convention, until the end of the Israeli occupation of the Palestinian and other Arab territories;

4. Calls upon the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, to apply article 1 of the Convention, to ensure respect by Israel for the Convention and to secure protection for the Palestinian people under occupation, until the end of this occupation;

5. Reaffirms once again the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with United Nations resolutions, and affirms that the intifada of the Palestinian people, which began on 8 December 1987, is one such means confirming their determination to liberate their land from Israeli occupation and to exercise their inalienable national rights on their national soil, above all their right to self-determination;

6. Also reaffirms the inalienable rights of the Palestinian people to return to their homeland in accordance with General Assembly resolution 194 (III) of 12 December 1948, to self-determination without foreign interference and to establish their independent sovereign State on their national soil, in accordance with the principles and provisions of the Charter of the United Nations, and resolutions of the General Assembly and of the Commission on Human Rights;

7. Condemns the policy of Israel for:

(a) Its gross violations of the rules of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and calls upon Israel to desist immediately from those practices and to withdraw from the Palestinian and other occupied Arab territories, in accordance with the principles of international law and the relevant United Nations resolutions;

(b) Continuing the policy of deporting Palestinian citizens and for expelling them from their homeland, as happened to more than 400 Palestinian citizens on 17 December 1992, and calls upon Israel to comply with the

relevant resolutions of the Security Council, the most recent being resolution 799 (1992) of 18 December 1992, as well as with the relevant resolutions of the General Assembly and the Commission on Human Rights, and to refrain from such a policy, which violates the principles of international law;

(c) Establishing Israeli settlements in the Palestinian and other occupied Arab territories and calls for them to be dismantled, and confirms that all measures taken by Israel with the purpose of annexing these territories or altering the political, cultural, religious or other character of Jerusalem and the Palestinian and other Arab territories occupied since 1967 are illegal, null and void;

(d) Its continued occupation of the Syrian Golan and its defiance of the relevant United Nations resolutions, in particular Security Council resolution 497 (1981) of 17 December 1981, and reaffirms that the decision by Israel in 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void;

(e) The inhuman treatment and terrorist practices in violation of human rights which the Israeli occupation authorities continue to exercise against Syrian Arab citizens in the occupied Syrian Golan for their refusal to carry Israeli identity cards and in order to force them to carry such cards, practices which constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and requests all States and competent international organizations not to recognize any Israeli laws, jurisdiction or administration in respect of the occupied Syrian territory;

8. Requests the Secretary-General to provide the Sub-Commission, at its forty-sixth session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the most recent relevant United Nations decisions and resolutions and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and with all other information relevant to the implementation of the present resolution.

27th meeting

20 August 1993

[Adopted by secret ballot by 17 votes to 2, with 5 abstentions.

See chap. ...]

1993/16 Situation of human rights in Guatemala

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, as well as by the relevant norms and principles of international humanitarian law,

Recalling its resolution 1992/18 of 27 August 1992,

Taking note of Commission on Human Rights resolution 1993/88 of 10 March 1993, in which the Commission took note with appreciation of the report of the independent expert on the situation of human rights in Guatemala, Mr. Christian Tomuschat (E/CN.4/1993/10) and requested the Secretary-General to extend his mandate,

Encouraged by the mobilization of the people of Guatemala in defence of democratic institutions, which made possible the restoration of constitutional order and the rule of law following the events of 25 May 1993,

Welcoming the designation of Mr. Ramiro de León Carpio as Constitutional President of the Republic, whose work as Procurator for Human Rights is widely acknowledged by Guatemalan society,

Convinced that the situation of human rights in Guatemala calls for the close attention of the authorities in order to ensure the protection and full observance of those rights,

Considering that the economic and social situation continues to have serious consequences for the most vulnerable sectors of Guatemalan society, particularly the indigenous populations, women and children,

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

Taking into account also the initiative of the Government to resume negotiations with the Unidad Revolucionaria Nacional Guatemalteca, with a view to reaching an agreement which will bring the internal armed conflict to an end and permit the establishment of a firm and lasting peace,

Taking note of the Government's proposal to establish the Permanent Forum for Peace to discuss national issues with the various sectors of society,

1. Expresses its firm support for the measures adopted by President Ramiro de León Carpio with a view to strengthening democratic institutions, human rights and fundamental freedoms in Guatemala;

2. Urges the Government of Guatemala to continue according special attention to the current situation of human rights in Guatemala;

3. Exhorts the Government of Guatemala to continue its action to guarantee the full observance of human rights by the authorities and the armed and security forces and, with a view to eliminating impunity, to bring to trial any person guilty of violations of human rights and guarantee the proper functioning of the administration of justice;

4. Urges the Government of Guatemala to give priority to economic and social development programmes and to strengthen in particular policies and programmes concerning the indigenous population, taking into account its proposals, respecting the country's multicultural nature and fostering the Mayan cultural heritage;

5. Exhorts the Government of Guatemala to continue its constructive dialogue with refugees and internal displaced persons in order to resolve satisfactorily the question of their resettlement in Guatemala in conditions of dignity and security;

6. Expresses the hope that the negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca will be resumed as soon as possible with a view to reaching, with the active support of the international community, in particular the United Nations and the Organization of American States, an agreement which will put an end to the internal armed conflict and permit the establishment of a firm and lasting peace;

7. Expresses its appreciation to the independent expert, Mr. Christian Tomuschat, for the work which he has done.

27th meeting

20 August 1993

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

1993/17 The situation in Bosnia and Herzegovina

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the statement adopted without a vote on 4 August 1993 at its present session,

Recalling its decision 1992/103 of 13 August 1993,

Reiterating that the protection of different ethnic and religious groups is at the core of the mandate of the Sub-Commission,

Expressing once again its horror and its total and unqualified condemnation of so-called "ethnic cleansing" which in the former Yugoslavia and particularly in Bosnia and Herzegovina has generated vast displacements of people and large flows of refugees of the different ethnic groups which in Bosnia and Herzegovina has affected, in particular, the Muslim population,

Taking into account Commission on Human Rights resolutions 1993/7 of 23 February 1993, 1992/S-1/1 of 14 August 1992 and 1992/S-2/1 of 1 December 1992,

Also taking into account the special declaration on Bosnia and Herzegovina adopted by the World Conference on Human Rights,

Noting with alarm the reports of the Special Rapporteur on the situation of human rights in the former Yugoslavia (E/CN.4/1992/S-1/9, E/CN.4/1992/S-1/10, A/47/666-S/24809 and E/CN.4/1993/50),

Sharing the concern expressed by the Commission on Human Rights at the growth of ultra-nationalist ideologies in Serbia and other parts of the former Yugoslavia and that indoctrination and misinformation continued to encourage ethnic and religious hatred,

Noting that the General Assembly, in its resolution 47/121 of 18 December 1992, and the World Conference on Human Rights, in the special declaration on Bosnia and Herzegovina, stated, inter alia, that the abhorrent policy of ethnic cleansing was a form of genocide,

Recalling the repeated reaffirmation by the Security Council that any taking of territory by force or any practice of "ethnic cleansing" is unlawful and unacceptable and will not be permitted to affect the outcome of the negotiations on constitutional arrangements for the Republic of Bosnia and Herzegovina, and its insistence that all displaced persons be enabled to return in peace to their homes,

Deeply disturbed by the fact that the draft constitutional agreement for what is therein referred to as "the Union of Republics of Bosnia and Herzegovina" could constitute a de facto partition on ethnic and religious grounds,

1. Appeals to the international community:

(a) To reject any permanent partition which results from aggression, intervention and massive violations of human rights, in particular the abhorrent practice of "ethnic cleansing" that has developed into "religious cleansing";

(b) To deny the validity of any agreement obtained under extreme duress from the Government of the Republic of Bosnia and Herzegovina for purposes other than a cessation of hostilities paving the way for a more lasting peaceful settlement based on the principles of the Charter of the United Nations, including respect for human rights and fundamental freedoms without discrimination on the grounds, inter alia, of race, ethnicity or religion;

2. Expresses the view that, should disarmament of militia and other armed groups take place as part of the first stages of the peace plan, it should be extended to all parts of Bosnia and Herzegovina and not be confined to places now under the control of the Government;

3. Emphasizes that no arrangements for impunity should be included in the peace plan;

4. Urges the immediate implementation of Security Council resolution 808 (1993) of 22 February 1993, by establishing an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 and initiating proceedings against all persons suspected of committing crimes against humanity, including war crimes;

5. Calls upon the relevant United Nations bodies to ensure that sufficient funds are urgently allocated to allow for the swift and effective operation of the Commission of Experts to investigate the evidence of grave breaches of humanitarian law committed in the former Yugoslavia, and of the international tribunal;

6. Calls for the effective eradication of the tragic consequences of the aggression and the human rights violations in the Republic of Bosnia and Herzegovina, through joint international efforts for the reconstruction of the country;

7. Recommends that, to this end, steps be taken through concerted international action and by the relevant international bodies to enable all refugees, deportees and displaced persons to return safely to their homes in the Republic of Bosnia and Herzegovina, and their properties to be restored to them, any documents signed by them under duress being rejected;

8. Also recommends that steps be taken to ensure full reparation for losses suffered as a consequence of aggression and religious and ethnic cleansing, to which end the international community should contribute to the resources required, it being understood that those responsible

for causing destruction and other losses shall be held personally responsible for the repayment of the losses incurred;

9. Urges that, to overcome the present partition of Bosnia and Herzegovina brought about by aggression and ethnic cleansing, a process of peace-building should be initiated through the United Nations and appropriate intergovernmental organizations to reintegrate, over a period of time, the national society of Bosnia and Herzegovina as a whole;

10. Also urges that this process be advanced through appropriate economic and other assistance for projects and institution-building intended to overcome the division of Bosnia and Herzegovina.

27th meeting
20 August 1993

[Adopted by secret ballot
by 22 votes to 1,
with 1 abstention.
See chap. ...]

1993/18. The situation in Haiti: restoration of democracy and reconstruction of the country

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Referring to the Universal Declaration of Human Rights, the International Covenants on Human Rights, the American Convention on Human Rights and the other international instruments on human rights to which Haiti is a party,

Recalling the resolutions concerning the situation in Haiti adopted by the competent bodies of the United Nations and the Organization of American States since the events of 30 September 1991,

Recalling in particular resolutions 47/143 of the General Assembly of the United Nations of 18 December 1992, 1993/68 of the Commission on Human Rights of 10 March 1993 and Sub-Commission resolution 1992/16 of 27 August 1992 as well as the relevant resolutions of the Permanent Council of the Organization of American States and the General Assembly of that organization,

Bearing in mind the state of the situation in Haiti established by the Special Rapporteur of the Commission on Human Rights, Mr. Marco Tullio Bruni Celli, who reports numerous violations of the right to life, security of person, freedom of expression, freedom of association and freedom of movement in that country,

Noting with serious concern that extrajudicial executions have taken place, mainly at Port-au-Prince, during the month of July and that, according to the reports received by the international civil mission of the United Nations and the Organization of American States, the number of victims is estimated at over 30,

Noting with satisfaction the agreements which have been concluded between the President of the Republic and the Chief of the armed forces, and between the different political parties of Haiti,

1. Takes note with satisfaction of the agreements of Governor's Island signed between the constitutional President of the Republic, Fr. Jean-Bertrand Aristide, and the Commander-in-Chief of the armed forces, General Raoul Cedras, which provide for a programme of international cooperation and a series of institutional reforms, including the professionalization of the armed forces, the establishment of a new police force and the reform of the judicial system, and which should culminate, on 30 October 1993, in the return to the country of the constitutional President of the Republic;

2. Also takes note with satisfaction of the pact of New York, which was signed in July 1993 between the various political forces represented in Parliament and which aims at establishing a political truce, the normalization of Parliament and the enactment of fundamental laws with a view to a peaceful transition;

3. Encourages the Secretary-General of the United Nations and the Secretary-General of the Organization of American States to continue their efforts at mediation through their special envoy, Mr. Dante Caputo, with a view to achieving the constitutional normalization of the situation and the return to Haiti of the constitutional President of the Republic on 30 October 1993;

4. Encourages the international community to make available all the necessary economic and technical resources for the economic reconstruction of the country and the institution of a programme of development assistance for Haiti as soon as the sanctions imposed on that country have been lifted;

5. Calls on all sectors of Haitian society to ensure that a peaceful transition, based on national agreement, can take place and that democracy can be firmly established in Haiti;

6. Decides to follow the evolution of the situation in Haiti at its next session under agenda item 6.

27th meeting
20 August 1993
[Adopted without a vote.
See chap. ...]

1993/19. The situation in Myanmar

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Body of Principles for the Protection of All Persons under Any Form or Detention or Imprisonment,

Recalling Commission on Human Rights resolution 1993/73 of 10 March 1993,

Recalling also its resolution 1992/22 of 27 August 1992 on the question of human rights and states of emergency in which it expressed its appreciation to the Special Rapporteur, Mr. Leandro Despouy, for his fifth annual report (E/CN.4/Sub.2/1992/23),

Deeply concerned at continued reports of the routine torture and mistreatment of detainees and prisoners by members of the Myanmar police, intelligence and military forces,

Noting that, despite the release between April and December 1992 of many hundreds of prisoners, thousands of others remain under arbitrary detention, including the 1991 Nobel Peace Prize recipient, Aung San Suu Kyi, and numerous other political leaders,

Deploring the ongoing persecution of Muslims, Christians and ethnic minorities and the numerous violations of human rights entailed by the practices of forced conscription and portage,

Noting with concern the conclusions and recommendations contained in the report on the situation of human rights submitted by the Special Rapporteur, Mr. Yozo Yokota (E/CN.4/1993/37),

Noting with regret that the Government of Myanmar has withheld its full cooperation concerning the on-site visit by the Special Rapporteur of the Commission on Human Rights and has refused to allow monitoring by the International Committee of the Red Cross,

Commending, however, the recent discussions between the Government of Myanmar and the United Nations High Commissioner for Refugees at Yangon in July 1993, in which it was agreed, in principle, that the Office of the United Nations High Commissioner for Refugees would be allowed to establish a presence in the Rakhine state of Myanmar to assist and coordinate the voluntary repatriation of the residents of Rakhine state at present in camps in Bangladesh assisted by the Office of the United Nations High Commissioner for Refugees,

1. Calls upon the Government of Myanmar to ensure respect for human rights and fundamental freedoms for all citizens, including all minorities, notably through repeal of discriminatory citizenship laws and immediate and unqualified cessation of all practices of torture, arbitrary detention, forced conscription, forced portage and forced relocation, and of violent attacks on civilians, including children and women, by members of the armed forces;

2. Also calls upon the Government of Myanmar to allow full implementation of the results of the election of 27 May 1990 in accordance with General Assembly resolution 47/144 of 18 December 1992;

3. Urges the Government of Myanmar to cooperate fully with the monitoring activities, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, and the International Committee of the Red Cross;

4. Reminds the Government of Myanmar of its obligations under common article 3 of the Geneva Conventions of 12 August 1949 regarding the protection of civilians in armed conflicts not of an international character;

5. Encourages the Government of Myanmar to continue the positive cooperation with the Office of the United Nations High Commissioner for Refugees initiated in recent discussions concerning their mutual responsibilities regarding the repatriation of returnees from Bangladesh;

6. Invites the Government of Myanmar to consider, as a matter of urgency, acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and other human rights instruments to which it is not yet a party.

27th meeting

20 August 1993

[Adopted by secret ballot by 17 votes
to 2, with 5 abstentions
See chap. ...]

1993/20. Situation of human rights in Iraq

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

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

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on human rights and to other human rights instruments,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that the human and political rights of all Iraqi citizens be respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Mindful that the United Nations has not yet sent a fact-finding mission to the marshlands region of southern Iraq,

Deeply concerned by the recent information that thousands of Arab Shiites have sought refuge on the border between Iraq and the Islamic Republic of Iran because of the artillery bombardment and the programme undertaken by the Iraqi Government to drain the southern marshlands,

Deeply concerned also by the continued massive repression of the Arab Shiah populations in the south of Iraq, particularly those who are under siege by Iraqi armed forces there,

Disturbed by the possibility of a continued exodus of these populations, both to the border area and within Iraq itself,

Recalling its decision 1992/106 of 27 August 1992 by which the Sub-Commission expressed its deep concern about the serious consequences which the United Nations embargo is having on the entire civilian population in Iraq, and in particular on children, women and the most underprivileged sectors of the population,

Noting the crop and food supply assessment mission to Iraq undertaken by the Food and Agriculture Organization of the United Nations and the World Food

Programme in June 1993, which described the negative impact of the international embargo on the civilian population, especially the most vulnerable groups,

Deeply concerned by the fact that multitudes of refugee women and children coming from the marshlands suffer a lack of food, drinking water and medical assistance,

Deeply concerned also by the internal embargo maintained by the Government against the Kurdish population in the north of Iraq and the Arab Shiites in the southern marshlands,

1. Expresses its concern at the exceptional gravity of the human rights situation in Iraq and, therefore, welcomes the proposal of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq contained in his report (E/CN.4/1993/45), that human rights monitors be deployed;

2. Calls upon the Government of Iraq immediately to halt its artillery bombardment, to cease all draining schemes and destruction of the marshes and to lift the internal embargo imposed in October 1991 on the populations of the marshlands;

3. Also calls upon the Government of Iraq to abide by Security Council resolution 706 (1991) of 15 August 1991 and 712 (1991) of 19 September 1991, which permit the Government of Iraq to sell oil to finance humanitarian assistance for the Iraqi people;

4. Requests the relevant United Nations humanitarian organizations to speed up the delivery of aid to the persons who have sought refuge on the border between Iraq and the Islamic Republic of Iran and to ensure that their food and medical needs are satisfied;

5. Appeals once again to the international community as a whole and to all Governments, including that of Iraq, to facilitate the supply of food and medicines to the civilian population;

6. Urges the Special Rapporteur on the situation of human rights in Iraq to visit the border and the marshlands and to report his findings to the General Assembly;

7. Deplores the continuing victimization of civilians and destruction of civilian infrastructure of military actions against Iraq;

8. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to undertake this mission;

9. Also requests the Secretary-General to call upon the Government of Iraq to cooperate with the Special Rapporteur;

10. Urges the implementation of Security Council resolution 688 (1991) of 5 April 1991 and of the recommendations of the Special Rapporteur to station permanent monitors in the area of the marshlands and to establish permanent aid centres;

11. Condemns the violations of human rights by the Government of Iraq and decides to keep the situation of human rights in Iraq under review at future sessions of the Sub-Commission.

27th meeting
20 August 1993

[Adopted by secret ballot by 14 votes
to 9, with 2 abstentions.
See chap. ...]

1993/21. Freedom of movement and the situation of migrant workers and their families

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1992/5 of 27 August 1992 on measures to combat racism and racial discrimination and the role of the Sub-Commission,

Recalling also Commission on Human Rights resolution 1993/20 of 2 March 1993 on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the appointment of a Special Rapporteur thereon,

Recalling further Commission on Human Rights resolutions 1992/81 of 6 March 1992 and 1993/89 of 10 March 1993 concerning the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Aware of the growing importance and magnitude of the phenomenon of racism and its consequences for migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of all migrant workers and their families, and recalling in that regard the adoption by the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Concerned that despite these efforts racism and acts of violence resulting therefrom persist and are even increasing in a number of developed countries,

Bearing in mind the existence of bilateral agreements with host countries and convinced that combined bilateral and multilateral action should lead to the problem being addressed more effectively,

Convinced that greater awareness of the contribution of migrant workers in host countries must be effectively ensured at all levels in order to change xenophobic behaviour on the part of individuals and put an end to the complex of rejection from which this category of workers continues to suffer throughout the world,

Recognizing that migrant workers and members of their families are free to leave any State, including their State of origin,

Conscious that impunity for crimes motivated by racist and xenophobic attitudes contributes to weakening the rule of law and tends to encourage the recurrence of those crimes,

Noting that the special interest taken by the United Nations in the situation of migrant workers with a view to ensuring the human rights and dignity of all migrant workers and their families truly reflects the complexity of the problems faced by this vulnerable population group,

Noting that those workers suffer from racism and xenophobia, after being compelled to leave their countries because of objective economic difficulties, entailing first that they are uprooted and then that they have to go through the various stages involved in adapting to a new socio-cultural environment,

Noting also that migrant workers have largely contributed to the construction, development and economic prosperity of employing countries, following the migratory movement encouraged before and after the independence of their countries by the countries of the North,

Noting further that workers and their families whose social situation is extremely precarious are constantly subjected to extortion, injustice, hatred and aggression,

1. Requests host countries to continue the efforts undertaken to improve the situation and ensure the human rights and dignity of all migrant workers and their families;

2. Asks host countries to provide effective protection for migrant workers and members of their families against violence, bodily injury, threats and intimidations, whether by public officials or private persons, groups or institutions;

3. Affirms that the family is the natural and fundamental element of society and has a right to the protection of society and the State, and requests that appropriate steps be taken to protect the family unit of the migrant worker;

4. Invites all Governments to cooperate with the Special Rapporteur on contemporary forms of racism, racial discrimination, and xenophobia and related intolerance, to take action forthwith and to establish vigorous policies to prevent and combat all forms and manifestations of racism, xenophobia and intolerance, adopting, if need be, appropriate legislation providing for penal measures;

5. Further invites all States to give effect to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, and to ensure the protection of the rights of all migrant workers and members of their families;

6. Emphasizes that it is important to create conditions conducive to greater harmony, tolerance and mutual respect between migrant workers and the rest of the population of the State in which they live;

7. Invites to consider the possibility of signing or ratifying at the earliest opportunity the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

8. Decides to include in the agenda for its forty-fifth session, as a sub-item of the item on freedom of movement, "the situation of migrant workers and members of their families".

27th meeting
20 August 1993
[Adopted without a vote.
See chap. ...]

1993/22. Question of the human rights of disabled persons

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the publication of the report by Mr. Leandro Despouy, Special Rapporteur on the question of the human rights of disabled persons (United Nations publication, Sales No. E.92.XIV.4),

Recalling Commission on Human Rights resolution 1993/29 of 5 March 1993, as well as General Assembly resolution 47/3 of 14 October 1992, in which the Assembly proclaimed the International Day of Disabled Persons, and General Assembly resolution 46/96 of 16 December 1991, in which it reiterated the need to achieve the objectives set out in the Programme of Action of the United Nations Decade of Disabled Persons,

Recalling the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights, which reaffirm that persons with disabilities should be guaranteed equal opportunity through the elimination of all barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society,

Noting resolution 1991/19 of 28 August 1991, which emphasizes that the provisions of the Universal Declaration of Human Rights, whereby everyone is entitled to all rights and freedoms, 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, also apply to disabled persons.

1. Requests the Commission on Human Rights to take into consideration the recommendations by the Special Rapporteur, Mr. Leandro Despouy, as proposed in his report Human Rights and Disabled Persons and particularly to work towards the appointment of an international ombudsman for the human rights of disabled persons;

2. Requests the Secretary-General to report to the Commission on Human Rights and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the coordination endeavours, including the results, undertaken by the various United Nations organs and bodies concerned with the protection of disabled persons, for the purpose of envisaging the establishment of an effective mechanism for coordination and cooperation between the various organs and bodies;

3. Decides to remain seized of this question and to deal with it each year as sub-item (c) of the agenda item entitled "Promotion, protection and restoration of human rights at national, regional and international levels".

27th meeting
20 August 1993
[Adopted without a vote.
See chap. ...]

1993/104. Decision taken under item 10

At its 19th meeting, on 16 August 1993, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, by 6 votes to 4, with 7 abstentions, to request its Chairman to request the competent authorities of the United States of America to provide official information to the Sub-Commission on the incident that took place on 29 July 1993 in Laredo, Texas, in connection with a donation intended for religious institutions in Cuba, which resulted in a hunger strike maintained for 17 days by 13 persons who considered that they were prevented from exercising their civil rights and whose health is deteriorating.

[See chap. ...]

1993/105. Voting by secret ballot on proposals pertaining to allegations of violation of human rights in countries

At its 26th meeting, on 20 August 1993, the Sub-Commission decided, without a vote, pursuant to Economic and Social Council resolution 1991/32 of 31 May 1991, to vote on proposals pertaining to allegations of violations of human rights in countries, including proposals of a procedural nature relating to proposals of a substantive nature, by secret ballot whenever a vote was requested thereon.

1993/106. Situation in Tibet

At its 26th meeting, on 20 August 1993, the Sub-Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, by secret ballot, by 17 votes to 6, with 2 abstentions, to take no decision on draft resolution E/CN.4/Sub.2/1993/L.24.
