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NGO Forum Final Report

All human rights for all

Recommendations adopted by the
Forum of Non-Governmental Organizations (NGOs)

INTRODUCTION



HOWARD J. DAVIES/PANOS

United Nations human rights programme in order to meet the new challenges in a period of global political change and to ensure improved access of non-governmental organizations and indigenous peoples to the United Nations mechanisms in the field of human rights.

1 On the occasion of the UN World Conference on Human Rights, an NGO-Forum on 'All Human Rights for All' was held at Vienna from 10 to 12 June 1993. The NGO-Forum was attended by over 2,000 participants representing a total of more than 1,000 non-governmental organizations (NGOs) active in the field of human rights and development, as well as indigenous peoples. The NGO-Forum was prepared by a Joint NGO Planning Committee, consisting of representatives of the Conference of non-governmental organizations with consultative status with the Economic and Social Council (CONGO) Planning Committee in Geneva and New York, the Ludwig Boltzmann Institute of Human Rights (BIM) in Vienna and regional committees. During the plenary session, which was chaired by Ms Albertina Sisulu (South Africa), keynote speeches were delivered by Mr Ibrahim Fall, Secretary-General of the World Conference on Human Rights, Ms Vera Chirwa (Malawi), Mr Sheikh Hasina (Bangladesh), Ms Issam Abdel-Hadi (Palestine), Mr Jonathan Mann (United States), Mr Jimmy Carter (United States) and Mr Adolfo Pérez Esquivel (Argentina). Mr Manfred Nowak (Austria) served as General Rapporteur.

2 The aim of the NGO-Forum was to give international, regional and local human rights organizations, as well as indigenous peoples from all regions of the world, an opportunity to evaluate the achievements of the United Nations in promoting and protecting human rights, to formulate common recommendations on how to improve and restructure the

3 The work of the NGO-Forum was carried out in five major working groups (Working Groups A-E) and in another five working groups (Working Groups 1-5) established spontaneously on the first day. The recommendations of all the working groups, along with a proposal by the non-governmental organizations of disabled persons, were adopted by the plenary session and are as follows.

I. Recommendations of the Working Groups

Working Group A:

General evaluation of progress made in the field of human rights and of the overall effectiveness of United Nations standards and mechanisms, recommendations for their improvement, and greater involvement of non-governmental organizations

1 It is strongly and unequivocally affirmed that all human rights are universal and are equally applicable in different social, cultural and legal traditions. Claims of relativism can never justify violations of human rights under any circumstances. International human rights must be based on equality and the principle of universal application to all, regardless of race, colour, sex, language, religion, political or other opinion, ethnicity, national or social origin, age, disability, sexual preference or economic status.

All States should ratify international human rights instruments without reservations and should ensure the full implementation of such instruments in law and practice. As a subject of universal concern and a matter of international responsibility, human rights concerns

can never be considered to be solely a matter of the internal affairs of a State.

2 All human rights are indivisible and interdependent and measures should be taken to ensure the protection and promotion of all rights – civil, cultural, economic, political and social.

International mechanisms of protection should be established and maintained in respect of all rights. These should include the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights to provide for an individual complaints procedure.

3 An office of a High Commissioner for Human Rights should be established as a new high-level independent authority within the United Nations system, with the capacity to act rapidly in emergency situations of human rights violations and to ensure the coordination of human rights activities within the United Nations system and the integration of human rights into all United Nations programmes and activities.

Measures should be taken to ensure the protection and promotion of all rights – civil, cultural, economic, political and social



4 Specific and concrete reforms should be implemented to strengthen and improve the effectiveness of the United Nations mechanisms and procedures for the protection of human rights, including extending the possibility of access to them by non-governmental organizations and victims.

The budget provision for United Nations human rights activities should be significantly increased to comprise three to five per cent of the United Nations regular budget. In particular, the Centre for Human Rights should be greatly strengthened and provided at all times with adequate staff and funds to carry out all its responsibilities fully and effectively.

5 A permanent, independent and impartial International Penal Court should be established to prosecute gross violations of human rights and humanitarian law, including genocide, arbitrary killings, disappearances, torture, apartheid, war crimes and other grave breaches of the Geneva Conventions. Non-governmental organizations should be able to have an input into its work.

6 Women's rights should be fully integrated into the United Nations human rights programme. Mechanisms to protect women's rights should be further developed, including by the appointment of a special rapporteur on violence against women and gender-based discrimination, the elaboration of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the removal of reservations incompatible with this Convention and by ensuring gender parity at every level of the United Nations system.

7 Human rights education and other means to promote awareness of human rights and of international procedures for their protection is of fundamental importance. Governments should include human rights issues in all formal and non-formal education and should support and facilitate the work of non-governmental organizations in this field. Additional resources for human rights education work should be made available by the United Nations. Governments should also ensure that proper training in human rights is provided for law enforcement and other relevant officials.

8 States should ensure strict respect for the rule of law, including safeguarding the independence of the judiciary and the implementation of measures to eliminate impunity, as an essential element of the protection of human rights at the national level. National institutions for the protection of human rights should be able to function



The working group on the rights of indigenous peoples urged that indigenous people be recognized with inherent, distinctive, collective rights

effectively and independently and should never be used as a means to shield a Government from scrutiny of its human rights record.

9 The indispensable work of national, regional and international non-governmental organizations for the promotion and protection of human rights should be recognized and defended at all times. The rights of non-governmental organizations to organize and to operate freely should be protected by all States and the draft declaration on human rights defenders should be speedily adopted and fully respected. Consultative status for non-governmental organizations with the Economic and Social Council should be expanded to include a greater range of non-governmental organizations working at the regional and national levels in a way that preserves and strengthens the rights of non-governmental organizations associated with such status.

10 The sharing of information is crucial, both within the United Nations and between the United Nations and regional intergovernmental bodies engaged in the promotion and protection of human rights. A comprehensive database should be established to include information from intergovernmental organizations, non-governmental organizations, human rights experts, academics and others.

Working Group B:

Assessment of the present state of the rights of indigenous peoples

The Working Group on Indigenous Peoples, Acknowledging the extensive work done by

indigenous peoples over the last two decades, developing statements and positions on indigenous rights, such as the Kari Oca Declaration, the Indigenous Peoples Earth Charter and the International Labour Organisation Convention on Indigenous and Tribal Peoples, No. 169,

Emphasizing that the world's indigenous peoples have lived on their lands before colonization and continue to reside there manifesting distinct characteristics which identify them as nations, distinguishing them from minorities and identifying them as peoples with the right of self-determination,

Considering the fact that in the majority of countries where indigenous peoples live there are military incursions and persisting insurgencies by States that continually use violence against indigenous peoples in the form of systematic campaigns of genocide, ethnocide, extermination, development aggression, population transfers, forced assimilation, invasions and militarization,

Noting that indigenous peoples are a vital and structured whole and not the remains of traditions or customs, the United Nations should support the solution of indigenous peoples' problems by the indigenous peoples themselves, especially with regard to culture, forms of land ownership, language, traditions, forms of organization, technologies, education, intellectual beliefs, art and other creative activities and this in accordance with the indigenous conceptions of life and their own vision of providing for their future,

Strongly urges that indigenous peoples be recognized with inherent, distinctive, collective rights including rights of self-determination, self-government and autonomy.

Recommendations of Working Group B

The NGO-Forum tenders the following recommendations for adoption by the World Conference on Human Rights:

1 To build on the International Year of the World's Indigenous Peoples, 1993, by proclaiming the International Decade of the World's Indigenous Peoples, with adequate resources and clear programmes of action to be decided on, in partnership with indigenous peoples.

2 That after the United Nations Working Group on Indigenous Populations has finished the task of drafting the Universal Declaration on the Rights of Indigenous Peoples, the Working Group be upgraded to a permanent United Nations body, with adequate resources, for the protection of the rights of indigenous peoples. The mandate of such a permanent body should be determined



Democracy, human rights and peace are incompatible with the poverty and exploitation that women at all stages of their lives experience in disproportionate numbers

by the United Nations in partnership with indigenous peoples' organizations.

3 That the United Nations Commission on Human Rights appoint a High Commissioner to monitor the recognition and implementation by Governments of indigenous peoples' rights and that such monitoring of the situation of indigenous peoples be made a permanent agenda item of the Commission on Human Rights.

4 Because indigenous peoples live in all areas of the world and in the spirit of building on the emerging relationship between the United Nations system and indigenous peoples, we recommend that future meetings of United Nations indigenous rights bodies be regularly convened in regional centres especially in areas that have concentrations of indigenous peoples.

5 Because the right to development is an important human right for indigenous peoples, we urge the United Nations to ensure that its funding and technical assistance and development programmes recognize and

respect indigenous peoples' rights and work in partnership with them. The United Nations should provide these services and assistance to development programmes initiated by indigenous peoples.

6 We call on the United Nations to adopt the strongest possible draft of the Universal Declaration on the Rights of Indigenous Peoples. Indigenous peoples shall have access to participate in the drafting and review process as it moves through the Commission on Human Rights, Economic and Social Council and the General Assembly. We urge the United Nations to hasten this already lengthy process and bring pressure upon States to ratify the finished document as soon as possible.

7 We urge the United Nations to recognize the unique relationship and immemorial ownership of the land which indigenous peoples have and to support the retention and recovery of their traditional territories.

Working Group C:

Evolution of the present state of the protection of women's rights

Women throughout the world have been engaged in organizing and preparing at the local, regional and international levels for the World Conference on Human Rights. In all regions it has been found that the United Nations and Governments have by and large failed to promote and protect women's human rights, whether civil and political or economic, social and cultural. Women's subordination throughout the world should be recognized as a human rights violation with due account to those structures of oppression that intersect and compound such subordination. Examples of such oppressive structures include those based on race, ethnicity, national origin, class, colonialism, age, sexual orientation, disability, culture, geography, immigration or refugee status and other considerations. The full realization of women's human rights requires the elimination of all forms of discrimination and the achievement of equality for all women. Therefore, we recommend the following measures to ensure that women's human rights are systematically recognized in all areas of the work of the United Nations.

1 All United Nations treaty bodies, thematic and country rapporteurs and working groups, independent experts, specialized agencies and other bodies entrusted with protecting human rights should address violations of women's human rights by including gender-specific abuses in the areas that fall within their mandate (through advisory services and

training programmes, reporting, monitoring and complaints procedures, etc.). Each body should prepare a report on the effectiveness of these initiatives for the 1995 World Conference on Women.

2 In order to promote the equal realization of women's civil, political, economic, social and cultural rights, we urge the appointment of a special rapporteur on gender discrimination, violence against women, sexual exploitation and trafficking in women by the Commission on Human Rights. The Special Rapporteur should be authorized to receive and report on information from Governments, non-governmental organizations and intergovernmental institutions, to respond effectively to allegations of violations against women, and to recommend measures to prevent continuing violations. The Special Rapporteur should also report to the Commission on the Status of Women to assist its policy-making function.

3 We call upon States which have not yet ratified the Convention on the Elimination of All Forms of Discrimination Against Women (Convention on Women) to do so immediately

and encourage States to withdraw those reservations to the Convention on Women which are obstacles to its effective implementation and to object to reservations by other States parties that are incompatible with the object and purpose of the Convention.

4 The United Nations must strengthen implementation procedures under the Convention on Women by, *inter alia*, adopting an optional protocol establishing an individual and group complaints procedure and expanding the resources of the Committee on the Elimination of Discrimination against Women, which is charged with overseeing the governmental implementation of the Convention.

5 We call upon States to effectively implement the Convention on Women and its recommendations through the elimination of discriminatory laws, policies, practices, customs, and religious prejudices and through positive measures to advance the equality of women. States should present to the Committee on the Elimination of Discrimination against Women a plan of action for this, including monitoring mechanisms at the local level and circulate it inside the country to non-governmental organizations.

6 The World Conference should recommend effective United Nations implementation procedures to eliminate the violence against women that is endemic to all societies. Various forms of violence against women and sexual exploitation breach guarantees established in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other human rights instruments, including: the rights not to be arbitrarily deprived of life, liberty and security of person; the right not to be subjected to torture or other cruel, inhuman and degrading treatment; the right to just and favourable conditions of work; the right to equal protection of the law; and the right to be free from all forms of gender discrimination. All appropriate treaty bodies and human rights organizations should address gender-based violence as an aspect of these fundamental rights. Nation States should enforce or create new measures to prevent and respond to gender-specific violence in both the public and private spheres, including affirmative measures to eliminate the conditions that breed this violence.

7 The World Conference should urge the adoption of stronger measures against sexual exploitation and trafficking in women as a violation of human rights that obligates States to adopt laws and policies addressing local and

Many women have specific needs: women political prisoners, refugee women, exiled women, internally displaced and migrant women. This Somali woman seeks refuge in Kenya



global situations, including conditions that render women vulnerable to sexual exploitation, and to prosecute perpetrators and provide for restitution, services and assistance to victims.

8 Democracy, human rights and peace are incompatible with the poverty and exploitation that women at all stages of their lives experience in disproportionate numbers. This Conference should urge Governments to affirm and propose initiatives and mechanisms that make concrete the indivisibility of political, civil, social, economic and cultural rights and the right to development; they should bring about an end to the policies of structural adjustment which lead to violations of such rights and have a particularly discriminatory impact on women. Women should have effective and equitable participation in shaping all financial measures and development programmes, with a view towards establishing a more just economic order that guarantees the economic rights of women.

9 The World Conference should reaffirm the right of women to the enjoyment throughout their life span of the highest standard of physical and mental health as affirmed in the Convention on Women. This requires Governments to respect women's fundamental rights to accessible quality care, reproductive health, health education and to ensure that motherhood results from a free and informed decision by each woman.

10 All international instruments should be applied equally to women and culture and religion should not be used as a shield to evade responsibility for defending the fundamental

human rights of women. To ensure the universality of human rights, Governments should devise measures to counter all forms of religious intolerance and cultural practices which deny women's human rights and liberties. We call upon the Commission on Human Rights to appoint a Special Rapporteur responsible for monitoring systematic violations of women's rights in States where Governments are based on religious fundamentalism.

11 Systematic crimes against women are crimes against humanity, and the failure of Governments to prosecute those responsible for such crimes implies complicity. In order to ensure that those responsible for such abuses will be brought to justice, a permanent International Penal Court, with universal jurisdiction over war crimes and crimes against humanity, as well as gross and systematic violations of fundamental human rights, including gender-specific abuses such as rape, sexual slavery, forced sterilization and forced pregnancy, should be established. Such a court should have jurisdiction over crimes committed by United Nations personnel as well as by State officials and individuals.

12 The World Conference should give consideration to the gender-specific needs of women political prisoners, refugee women, exiled women, internally displaced and migrant women. It should call for international and national measures recognizing feared or actual persecution based on gender as a basis for refugee status and political asylum. Governments should be urged to implement immediately the 1991 Guidelines on the Protection of

More detailed attention must be given 'to the links between democracy, development and the satisfaction of basic human needs' said the working group on democracy. Queuing to vote in Haiti





Participatory democracy has to encompass the full range of economic, social and political rights. Taking the ballot box to voters in Mongolia

Refugee Women issued by the United Nations High Commissioner for Refugees, to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and to ensure the rights of these women to citizenship, health, safety, work, legal aid and education.

13 The World Conference should declare that women's access to decision-making power in all fields is crucial to democracy and the enjoyment of their human rights. States should set goals and timetables to secure equal representation of women at all levels of decision-making. The United Nations should also set goals and timetables to secure equal representation of women (including women from diverse backgrounds) on all its bodies.

14 The World Conference should recognize that human rights education is a human right and should reaffirm that the United Nations and nation States have an obligation to disseminate human rights information, to support local non-governmental organizations working to create human rights awareness, and to help communities protect themselves against violations. All publications related to human rights teaching, peace and international education should contain information about women's human rights and the Convention on Women.

15 The United Nations should develop procedures to expand access of non-governmental organizations with expertise in the field of the human rights of women to all United Nations structures and activities relating to human rights.

Working Group D:

Examination of the relationship between human rights, development and democracy with particular attention to the role of non-governmental organizations in fostering popular participation and in creating awareness of the necessity of solidarity between the North and the South

1 The universal ratification of United Nations human rights treaties and the withdrawal of reservations to them. Such ratification should constitute an essential condition for new and continued membership in the United Nations system.

2 The democratization of the structure of the United Nations itself, with the abolition of the veto in the Security Council and of the weighted voting in the international financial agencies.

3 The examination by the United Nations of the compatibility of structural adjustment programmes undertaken by its international financial agencies with the relevant provisions of the United Nations human rights treaties. The request by the Economic and Social Council of the United Nations to the International Court of Justice of an advisory opinion on the matter.

4 The examination and redefinition by the United Nations of the role of its international financial agencies in the interests of development, democracy and human rights.

5 The integrated and holistic approach to the right to development as propounded in the United Nations Declaration on the Right to Development of 1986 aimed specifically at poverty elimination and empowerment of the people everywhere, through effective gender and class representation of different sectors of society in institution decision-making processes.

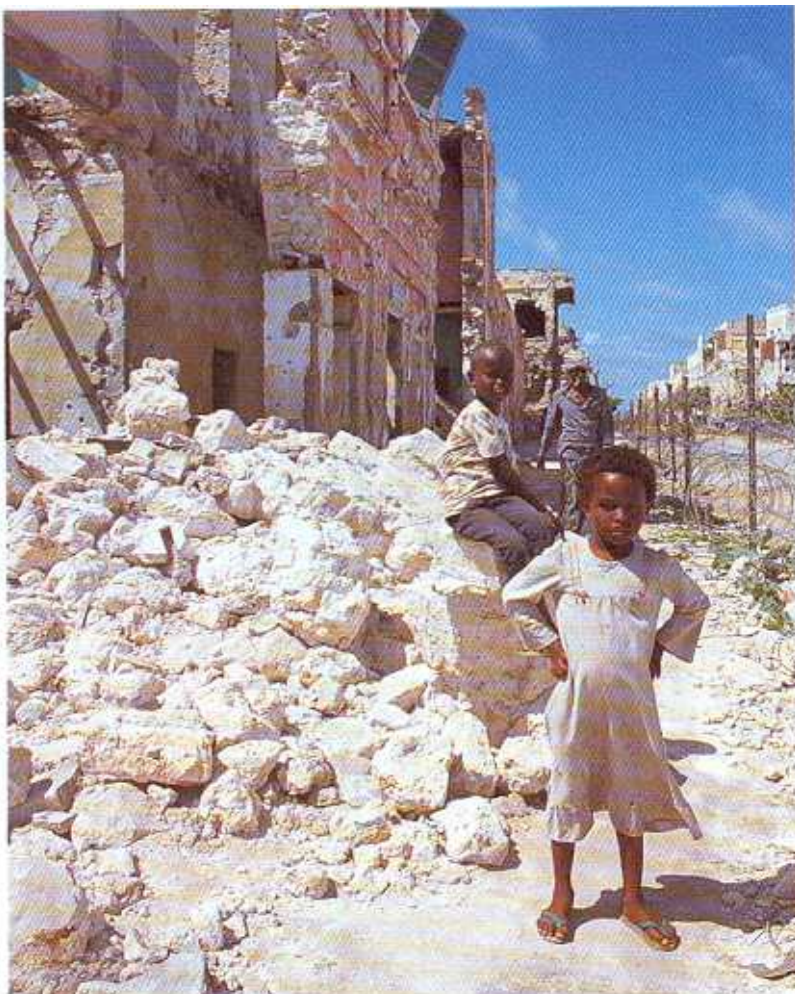
6 The recognition of impoverishment of large sectors of the population as a gross violation of human rights – civil, political, economic, social, cultural – in their entirety.

7 The condemnation of the monopolization of decision-making processes in international economic relations. The call upon non-governmental organizations to launch a global campaign of popular resistance to the present Uruguay Round of GATT negotiations in order to prevent the massive violations of human and peoples rights in both South and North.

8 The drastic reduction of military expenditure to the benefit of the social sector and the prevalence of peace.

- 9** The reaffirmation of the indivisible character of human rights and the inseparable links between human rights, democracy and development.
- 10** Closer attention to the links between democracy, development and the satisfaction of basic human needs, with special attention to the most disadvantaged sectors of the population – mainly women, children, youth and disabled people.
- 11** The elimination of the mechanisms of external debts as linked to the commitment of all countries to devote considerably more resources to the promotion of basic human rights, and to establish fair and just international trade relations.
- 12** The abolition of economic conditionalities that have negatively affected the realization of basic human rights.
- 13** The equitable, meaningful and effective monitoring by non-governmental organizations of negotiations between Governments and the international financial agencies.
- 14** The recognition that the universality of human rights ensues from, and is enriched by, cultural diversity, which should never become a justification for the denial of those rights (especially with respect to women, as well as ethnic and other minorities).
- 15** The recognition of the guarantee of the right to life in its wide dimension, with emphasis not only on the security of the person but also of dignified living.
- 16** The recognition of participatory democracy as encompassing the exercise of the full range of economic, social, cultural, civil and political rights, with particular attention to the right to organize.
- 17** The guarantee of the right to information as comprising the right to receive, to produce and to have access to impartial and uncensored information, free of monopoly.
- 18** The urgent adoption of a new strategy of formal and non-formal education on human rights, peace, gender, democracy, development and the environment, at all levels (family, communities, schools, etc), in order to promote a universal consciousness of such global themes.
- 19** The condemnation of violations of the right of self-determination as well as practices such as armed invasion, territorial occupation, the practice of economic sanctions and blockades.
- 20** The removal of obstacles to and the fostering of solidarity between non-governmental organizations of the South, as well as those of the South and the North.
- 21** The adoption of appropriate measures by the United Nations and Governments to combat violence against women. Such violence – including sexual harassment – constitutes a violation of human rights as well as an impediment to their full development.
- 22** The adoption of appropriate measures by Governments to repeal all existing discriminatory legislation against women, and to eliminate such discriminatory practices as well.
- 23** The standardization of the language of human rights instruments so as to eradicate gender bias (eg, replace 'droits de l'homme' by 'droits humains' or 'droits de la personne humaine').
- 24** Urgent attention to recognize and promote the rights of indigenous peoples and to put an end to the violation of those rights.
- 25** Urgent attention to put an end to distinct forms of discrimination based on disability manifested in all circumstances. In this connection, to draw the attention of Governments to the proposed new instrument of the United Nations, the Standard Rules on the Equalization of Opportunities for Disabled Persons.
- 26** Urgent attention to put an end to continuing violation of the rights of migrant workers, refugees, internally displaced persons and stateless persons.
- 27** Urgent attention to the growing erosion of workers' rights and the consequent need to improve the mechanisms of their supervision and enforcement by human rights organs.
- 28** To recommend the adoption of follow-up mechanisms of supervision in connection with the reporting systems under United Nations human rights instruments.
- 29** The importance of civil institutions, as the basis of participatory democracy, must be guaranteed to ensure respect for human rights and to realize genuine development. These institutions, such as trade unions, professional and consumer organizations and women's organizations, to name a few, play vital roles in the articulation, promotion and defence of

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A child stands in front of the wreckage of Mogadishu, Somalia – 'Due protection should be afforded to children who are victims of armed conflicts, displaced by political violence, or abandoned'

human rights. Respect for the rights of civil institutions must therefore be guaranteed.

30 Urgent and effective steps must be taken to ensure that multinational corporations and other non-State violators of human rights are subjected to the standards and obligations of international human rights law.

Working Group E:

Examination of current trends in human rights violations as a result of racism, xenophobia, ethnic violence and religious intolerance with a particular focus on minorities. What should the appropriate response of the United Nations be?

Racism, racial discrimination and xenophobia

1 Nations that have still not done so should be encouraged to become parties to the International Convention on the Elimination of All Forms of Racial Discrimination and to make a declaration under article 14 thereof recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive individual petitions. They should become parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their

Families as a matter of priority, in view of its possible early entry into force. Moreover, nations should be encouraged to ratify all other relevant instruments relating to the rights of women, children and all other persons who are the subject of discrimination.

2 Non-governmental organizations, in cooperation with national and international institutions, have an important role to play in combating racism, racial discrimination, anti-Semitism, xenophobia and ethnic violence. All efforts should be made to strengthen national institutions designed to promote racial and intercultural harmony, to establish such institutions where they do not yet exist and to promote interaction between national and international levels.

3 Immediate and effective action should be taken in the fields of teaching, education, culture, the media and other information to combat racial prejudice and to promote understanding, tolerance and friendship among nations and among racial, ethnic and religious groups. In particular, history and textbooks should describe in an accurate way inhuman and criminal policies and practices carried out in the name of fanatic ideology, religious bigotry, or ethnic exclusivity.

4 National and international policies against racism and racial discrimination should particularly focus on the root causes, especially the economic and social deprivation that often underlies and exacerbates these problems, and should be instrumental in implementing solutions to these problems. Particular attention should be paid to the worsening economic conditions in the 'developed' countries as a source of increasing incidents of racism, racial discrimination and xenophobia. The imposition of more restrictive immigration laws as a response of Governments to incidents of racism and xenophobia is a source of great concern.

5 The newly appointed Special Rapporteur on racism and racial discrimination should be provided with all the resources necessary to implement his mandate. In his work he should give priority attention to these areas where the problems of racism and racial discrimination have been traditionally ignored, notably the regions of North America and Europe.

6 Pursuant to presentations made by women of various ethnic backgrounds, the United Nations should take account of and establish mechanisms in order to eliminate double discrimination which affects women belonging to ethnic groups that are discriminated against.



In many countries, people are persecuted because of their religious beliefs. These Coptic Christians in Ethiopia practise their faith

This implies that:

- a Violence against women as well as the sale of and the traffic in women and girls shall be considered to be a gross violation of human rights; and
- b All forms of discrimination in employment, in education and other fields shall be considered to violate economic and social rights as well as the right of women to equal opportunities in development.

Religious intolerance

1 In order to further the understanding and practice of the interdependence and universality of human rights, the United Nations should sponsor further reflection and work on the interrelationship of freedom of religion and belief with other human rights.

2 Greater attention should be given to the way racism and religious intolerance are fostered by the persistent refusal of Governments and religious systems to address gender inequity. Accordingly, Governments should devise measures and review laws to counter all forms of religious intolerance affecting women's human rights.

3 The United Nations and related organizations should give greater prominence to interfaith dialogue as a means of promoting peace, understanding, tolerance and respect for diversity of religion or belief.

4 The role of the Special Rapporteur on religious intolerance should be expanded to pay more attention to recommendations presented by non-governmental organizations. Urgent action must be taken on behalf of persons who are being arrested on grounds of religion or belief. The effectiveness of the work of the Special Rapporteur would be

enhanced by the preparation of a world report which should not only include information on difficulties encountered but also on progress made in the areas highlighted by the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

5 In dealing with problems of religious intolerance, Governments must not impose restrictions outside the limitations set forth in the relevant international instruments.

Other issues of discrimination and the rights of minorities

1 As an effective means to implement the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, United Nations agencies and bodies should enter into dialogue with Governments and relevant non-governmental organizations and establish a wide-ranging programme which should include measures in the field of public participation, information, education and training, as well as effective anti-discrimination measures.

2 In order to give to minority issues the central place they deserve in the United Nations system, the United Nations Commission on Human Rights should establish a working group on minority issues to consider especially those issues that require early action.

3 Effective mechanisms should be developed to counter discrimination against various disadvantaged groups such as men and women discriminated against for reasons of sexual orientation, people with disabilities, people oppressed because of caste, the old or the very young, widows, linguistic minorities, conscientious objectors to military service, displaced persons, refugees, migrant workers, those who are HIV positive or are living with AIDS or other diseases, homeless children, sex workers and sexually exploited people. Particular attention should be paid to trade union rights and to discrimination in employment and the removal of barriers in communication and social and physical environments.

4 Special attention should be paid to gross violations of human rights committed by non-State entities which are not accountable to the world community, and whose abuses include assassinations, systematic killings, sectarian massacres, the taking of hostages and assault on property.

5 Due protection should be afforded to children who are victims of armed conflicts, displaced by political violence, or abandoned.



Children have the right 'to participate as valued members of society, to speak and to be listened to, and for their views and needs to be taken into account in all matters that affect their life'

Traffic in children, false adoptions, denial of a child's identity, sale of children's organs, child prostitution and any abuse that impairs their development should be condemned.

Enforcement

With respect to all of the foregoing, all States should be vigilant in taking measures on an ongoing basis to ensure that the foregoing recommendations are implemented to assure protection against both intentional and inadvertent infractions through legislative, judicial, administrative or other means deemed appropriate under the legal system of each State.

F. Working Group 1:

Military forces, paramilitary forces, police and political repression, missing persons, disappearances, torture, foreign occupation and human rights

The Working Group met on 10 and 11 June 1993 and heard speakers as well as representatives of organizations from the following countries or areas: Argentina, Australia, Bangladesh, Bhutan, Burma, Cuba, Cyprus, Denmark, East Timor, India, Ireland, Japan, Kurdistan, Kuwait, the Lao People's Democratic Republic, the Pacific Islands, Pakistan, Palestine, Philippines, Puerto Rico, the Republic of Korea, the Sudan, Switzerland, Turkey and the United States of America.

The Working Group acknowledged that the people in many countries were suffering from various types of serious violations of human rights: physical and psychological torture, including the use of drugs; extrajudicial executions; enforced disappearances and displacement; arbitrary detention; economic blockade; violations of due process of law and of their rights to free movement and the enjoyment of property; freedom of develop-

ment, education and health care; freedom of speech, thought and communication; conscientious objection to military service; the right to be free of cruel and inhuman treatment and the right of self-determination. They were becoming refugees, missing persons and enslaved.

General recommendations

The Working Group called on Governments to recognize that gross violations of human rights exist in many countries. It urged the immediate restoration of human rights which were presently being violated and which could be achieved by:

- The right of all nations to self-determination;
- Recognition and immediate action against violators of human rights;
- Free movement of persons;
- Proper housing for persons and their families.

In order to counteract these abuses and others not mentioned, it recommended that Governments:

- Address the root causes of exploitation and domination which are, *inter alia*, foreign occupation, poverty and powerlessness among the people;
- Respect the work of human rights activists and ensure that human rights as defined by the Charter of the United Nations have the first call on State resources;
- Ensure that the proper legal procedures are invoked without impunity, if the existence of human rights abuses are proven;
- Create new structures and instruments to identify potential internal conflicts at an early stage;
- Create in each country a climate in which individuals can express themselves freely, through their culture, religion, sexual orientation, ethnic affiliation, etc.

Specific recommendations

1 The Working Group strongly supports the consideration of the appointment of a High Commissioner for Human Rights.

2 Calls upon Governments to accede to and efficiently implement all international human rights instruments and to withdraw any reservations they have made to such instruments.

3 Supports the adoption of the proposed draft optional protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the draft Declaration on Violence Against Women. A convention should be adopted to prevent and provide sanctions against enforced disappearances.

4 Supports the rehabilitation centres for the victims of torture and calls upon States to provide resources to the United Nations Voluntary Fund for Victims of Torture.

5 Declares that grave and systematic violations of fundamental human rights (ie torture, enforced disappearances and summary executions) are crimes against humanity which cannot be pardoned or put in line for amnesty. Massive violations of human rights in all cases must be submitted to an independent, objective and impartial investigation. An international criminal court should be established to judge such crimes.

6 Recognizes the individual and collective rights to reparations, restitution and compensation for human rights violations as an obligation of the State.

7 Calls for the improvement of the existing procedures of the United Nations in particular by the adoption of a new machinery to react efficiently and promptly to massive violations of human rights and to send fact-finding missions to any countries where gross violations are reported.

8 Calls for the reduction of arms purchases and the reallocation of arms expenditures to

development needs, the improvement of preventive mechanisms and the promotion of human rights education and protection.

9 Requests that the authority of the Working Group on Enforced or Involuntary Disappearances be strengthened and that Governments fully cooperate with it.

10 Requests that conscientious objection to military service be recognized as a fundamental human right by establishing a convention or any other adequate measure in the framework of human rights legislation.

11 Calls for the decolonization of all remaining colonies and Non-Self-Governing Territories.

G. Working Group 2:

The human rights of children and young people

All human rights issues begin with children and young people. Unless the human rights issues of children and young people are urgently addressed, human rights abuses will continue. The United Nations Convention on the Rights of the Child has been ratified by 136 nations. However, there has been a lack of significant progress to date in most countries. There are numerous public and private violations of children's and young people's human rights across the globe. The girl child is particularly affected by such violations.

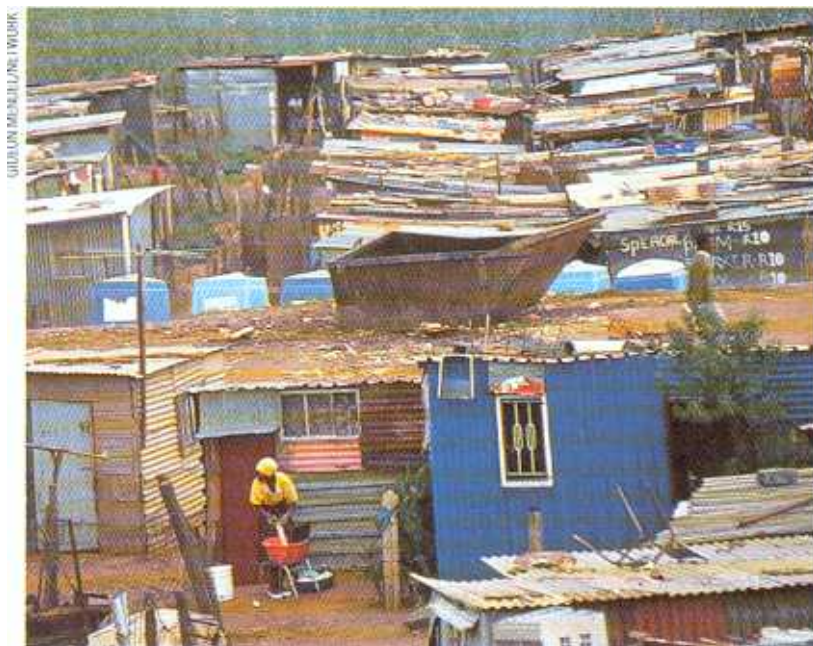
Effective action is urgently required in the following areas:

- a** Universal ratification of the Convention on the Rights of the Child and withdrawal of reservations contrary to the object and purposes of the Convention or of international treaty law;
- b** Creation of a special mechanism within the United Nations Committee on the Rights of the Child, with the capacity to receive denunciations and information from non-governmental organizations related to serious violations of the rights of children and young people;
- c** Recognition that the family plays a major role for most children;
- d** Development of better mechanisms for the defence and protection of children and young people in violent situations. This includes those subjected to armed conflict, physical, sexual or psychological violence, within and outside the family; 'social cleansing'; extermination and torture. Each State must take preventive measures to avoid massive violations of children's and young people's rights, especially in those countries characterized by high levels of violence;
- e** Revision of State legislation so that it is compatible with the Convention; changes have

The working group on housing rights stressed 'the fundamental and inalienable nature of the legally recognized right to adequate housing'. Homeless in the UK



PETER JORDAN/NETWORK



All Governments must 'allocate the resources, land and services necessary for all citizens to enjoy the right to adequate housing'. Soweto, South Africa

to be made to national and international legal instruments, notably with the aim of fixing a minimum age of criminal responsibility and sexual consent and the raising of the age limit prohibiting participation in armed conflicts;

¶ To address economic exploitation which includes child labour, child prostitution, trafficking in and sale of children and bonded labour; protection of mechanisms and instruments must be fully enforced; social, economic and financial programmes must give priority to the rights of children and young people; development and structural adjustment programmes must include specific measures to guarantee better protection of children and young people; the Special Rapporteur on the realization of economic, social and cultural rights should conduct a study on the impact of structural adjustment programmes on the realization of children's and young people's rights;

■ Provision of adequate health care which includes nutrition, clean water, safe shelter and prevention of diseases;

■ Revision of the school curriculum must be undertaken in order to inform all children and young people of their rights and duties in the spirit of the Convention.

All parties must acknowledge the right of children and young people to participate as valued members of society, to speak and to be listened to, and for their views and needs to be taken into account in all matters that affect their life.

All non-governmental organizations working on issues related to human rights must acknowledge that the rights of the child are paramount in all of their goals.

H. Working Group 3:

Forced evictions, displacement and housing rights

Housing rights

1 The Working Group reaffirmed in the strongest possible terms the universal nature of all human rights and emphasized in particular the indivisible, interdependent and interrelated dimensions of economic, social, cultural, civil and political rights.

2 In the field of economic, social and cultural rights, the Working Group stressed the fundamental and inalienable nature of the legally recognized right to adequate housing.

3 The Working Group was strongly encouraged by the recent appointment by the United Nations Commission on Human Rights of Mr Rajindar Sachar as Special Rapporteur on the right to adequate housing.

4 The Working Group drew the attention of all Governments to their binding obligations to respect, protect and fulfil the right to adequate housing and the continuous improvement of living conditions as enshrined in article 11 (1) of the International Covenant on Economic, Social and Cultural Rights.

5 The Working Group reiterated the inseparable relationship between the right to adequate housing and the rights to life, to livelihood, to an adequate standard of living and the right of all women, men and children to a place to live in security and dignity.

6 The Working Group stressed the importance and critical need for guaranteeing equality of treatment and equality of rights, including the right to participation and control of all aspects of the housing process for all women and men.

7 The Working Group demanded that all Governments halt immediately any and all violations of the right to adequate housing, in particular the practice of forced evictions, demolitions and sealing of housing, discrimination of any form in the housing sphere, processes that lead to homelessness, destitution and the tolerance and perpetration of inadequate living conditions.

8 The Working Group demanded that Governments repeal or amend all legislation which in any manner directly or indirectly impinges upon the full realization of housing rights, including processes such as economic adjustment.

9 The Working Group demanded that all

Governments allocate the resources, land and services necessary for all citizens to enjoy the right to adequate housing.

Forced evictions and displacement

1 The Working Group recognized and expressed its deepest concern that forced evictions – the removal, relocation and resettlement of individuals, families, groups and communities against their will – is a widespread and global phenomenon, affecting millions of persons annually in all countries and in every region of the world in both urban and rural areas.

2 The Working Group demanded unequivocally that all States halt immediately all manifestations of the practice of forced evictions and that all Governments refrain from adopting legislation which effectively legitimizes forced evictions.

3 The Working Group reaffirmed the position of several United Nations human rights bodies, including the Commission on

Human Rights and the Committee on Economic, Social and Cultural Rights, that forced evictions are a gross violation of human rights, in particular the right to adequate housing.

4 The Working Group demanded that immediate compensation and restitution be provided to any and all victims of the practice of forced evictions.

5 The Working Group was deeply alarmed that the non-fulfilment and continued denial of housing rights, including the practice of forced evictions, created situations that gave rise to outbursts of communal and ethnic violence and led to discrimination in the housing sphere of specific ethnic groups.

6 The Working Group expressed its dismay that acts of communal and ethnic violence throughout the world can and do result in massive violations of housing rights including the acts of forced evictions and displacement.

7 The Working Group expressed its alarm at the explicit use by States, including occupying Powers, of the utilization of the planning process as a means of discriminating, through policy and programmes, including master plans, against certain groups, often leading to being forced to leave their homes through the process of displacement and forced evictions.

8 The Working Group demanded that international and bilateral financial agencies halt funding of all development projects, including the imposition of conditionality ridden economic adjustment policies, that lead to the involuntary removal of people from their homes.

9 The Working Group, taking into account the aforementioned points, recommended in the strongest possible terms the appointment by the Commission on Human Rights of a Special Rapporteur on forced evictions as a matter of urgency and with a view towards documenting, exposing and especially preventing the gross violations of human rights arising from the practice of forced evictions.

I. Working Group 4:

The caste system, untouchability, the role of the United Nations

The caste system due to religious beliefs that all human beings are not born equal was mainly practised in South Asia, where about 250 million people were suffering as untouchables – the outcasts of South Asian society. More than 15,000 cases per year of human rights violations were recorded by Govern-

A Bhutanese refugee in Nepal, showing the marks of his caste. 'The caste system is nothing but another form of racism' concluded the NGO-Forum



ments. The untouchables were among the poorest of the poor and suffered from bonded labour, child labour and child prostitution. They have been suffering from extreme hardship for their bare survival for thousands of years. Casteism was nothing but another form of racism. There was a desperate need to address the condition of this largest segregate population in the world.

Therefore, the Working Group called upon the World Conference on Human Rights:

- 1 To establish linkages between international financing of development programmes and incidence of human rights violations in the region.
- 2 To call upon the Governments to appoint separate judicial organs to take up the cases on atrocities of the voiceless millions, the untouchables.
- 3 To establish a special women-cell for the development and protection of untouchable women.
- 4 To ask the Governments of all importing countries to enact suitable legislations banning import of goods fully or partially made by children; only those goods bearing a label from the authorized agency vouching for 'free from child labour' must be allowed to enter the country; similarly, the exporting countries must also be asked to take similar steps for the banning of goods made by children.
- 5 To appoint national Commissions on bonded labour including child servitude vested with statutory powers to identify, release and rehabilitate the bonded labour. Laws relating to abolition need to be enacted expeditiously in countries where they do not exist.
- 6 To stop all loans, aid or support by any of the United Nations organizations or development banks to any project which is likely to involve or perpetuate bonded labour and/or child labour.
- 7 To appoint Human Rights Education Commissions in all South Asian countries and administer human rights education in collaboration with the regional governments.

J. Working Group 5:

Beyond Vienna: building the human rights movement

These proposals concern the work that the Working Group believes lies ahead of us, beyond Vienna. The Working Group is aware that its proposals are likely to be complemented by those of other Working Groups, in their vision of the common work beyond Vienna. It also acknowledges and confirms, as the basis for the proposals, the conclusions and recommendations of the non-governmental organization regional preparatory meetings for the World Conference, and in particular the principles identified, especially the commitment to the universality and indivisibil-

ity of human rights for all peoples, without discrimination on the basis of race, gender, sexuality, age or physical disability, and the right of self-determination of all peoples.

The Working Group proposes:

- 1 Preparation and finalization of a common manifesto or agenda, around the call for 'All Human Rights For All', based on the content of the conclusions and recommendations of the NGO-Forum and the regional meetings.
- 2 Human rights information and education campaign, including training.
- 3 Accountability of major institutions of society, in terms of their obligations nationally and internationally, ie States, multinational corporations, global financial and other institutions, religious bodies, big national and international non-governmental organizations, in terms of the principle that parallel to the universality of rights lies the universality of accountability of all institutions.
- 4 Curbing State lawlessness, in all areas of human rights.
- 5 Promotion and defence of the freedom and autonomy of civil society.
- 6 Expanding civil society, and the democratization and liberalization of States.
- 7 A focus on local issues: no hierarchy of rights or organizations, no double standards, consistency of practice.
- 8 Establish and/or democratize official national human rights bodies, down to the local level.
- 9 Raise the proportion of the budget of the United Nations devoted to human rights work, to reflect the priority accorded to human rights in the Charter of the United Nations.
- 10 Campaigning for optional protocols to the International Covenant on Economic, Social and Cultural Rights and the Convention on Women.
- 11 Democratization of the United Nations system.
- 12 Establishment of an Office of the United Nations High Commissioner for Human Rights, accountable to the General Assembly.
- 13 Establishment of a permanent independent Penal Court for violations of human rights.

In addition, we make the following suggestions for thematic content for our work together:

- 1 Addressing the arms industry and trade and the increasing militarization of States in the South.
- 2 Addressing debt and structural adjustment.
- 3 Campaigning against unfair trade practices.
- 4 Campaigning for non-proliferation of nuclear capacity and for unilateral disarmament by States.

These can be accomplished by:

- 1 Building networks that are horizontal/ democratic, non-partisan and decentralized.



The human rights movement has been built by activists, such as these demonstrators protesting against disappearances

2 Reaching out to and including all sections of activists and organizations involved in the promotion and defence of human rights, democracy, and humane and sustainable development.

3 Reaching out additionally to all sections of concerned professionals, academics and others who are currently not actively involved in such work.

4 Using non-governmental organizations to build broad-based platforms, forums and bodies of civil society.

The aim must be ultimately to establish a regionally based, democratically constituted Coordination Committee to take forward the guidance and execution of the work outlined above. This should be done over the coming year, and in the meantime an ad hoc arrangement should be put into place. The challenge before us is to craft a structure which will reflect the character of truly non-governmental, civil society and also be sensitive to the social inequities that prevail and are to be overcome.

It is proposed that an ad hoc, democratically oriented structure – tentatively called a ‘Continuing Committee’ – be formed, to take up the work of coordination of activities beyond Vienna. We propose that its composition should be as follows:

- Five representatives of organizations per region, plus two alternates per region;
- Five representatives of organizations with an international focus/status.

As far as possible, each regional group should reflect/cover the full range of human rights concerns. Primacy should be given to organizations of working people, indigenous peoples, women and other historically oppressed sectors of the population.

The term of the Continuing Committee

would be a maximum of two years, with regional forums to take place within the first year, followed by a Global Forum or Convention. Preparatory national and/or subregional meetings would take place as soon as possible and required.

The Coordination Committee should be mandated to explore the possibility of the revision of regional zones, to reflect contemporary cultural-political realities, in coordination with existing Regional Coordination Committees.

The existing Regional Committees are requested to broaden contact with and involve people and organizations as widely as possible.

K. Proposal by the non-governmental organizations of disabled persons

The non-governmental organizations of disabled persons urge specifically all those reading the present report to be aware of the fact that 10-15 per cent of all oppressed groups are disabled persons, who thus encounter double, often multiple, discrimination and violations of their rights. There are more than 500 million disabled persons in the world and the non-governmental organizations of disabled persons urge the adoption, and effective implementation, by the United Nations and its Member States, of the new instrument, the Standard Rules on the Equalization of Opportunities for Disabled Persons on the implementation of the World Programme of Action concerning Disabled Persons. They also urge all individuals to become aware of the rights of disabled girls, boys, women and men.

II. Conclusions

In the opinion of the General Rapporteur, it was a major achievement to bring together more than 1,000 international, regional and local non-governmental organizations from all parts of the world, representing a great variety of concerns, and to produce, in a short period of time, such constructive and forward-looking common recommendations to improve the United Nations human rights programme.

These proposals should guide the future cooperation among non-governmental organizations as well as between non-governmental organizations and the United Nations. Concerns of the global human rights community should be taken into account by the government representatives meeting in Vienna from 14 to 25 June 1993 and should be reflected in the final document of the World Conference on Human Rights.