

Technical cooperation programme

Since human rights are best protected when they are rooted in the local culture, the United Nations has increased its efforts to promote and protect human rights at the national and local level. International human rights norms cannot be applied unless they are incorporated in national legislation and supported by national institutions.

Many obstacles at the national level still hinder the universal enjoyment of human rights. Various Member States do not have the infrastructure that would allow them to effectively promote and protect the rights of their citizens. This is particularly true of countries that are just recovering from deadly civil wars.

The United Nations has therefore strengthened its advisory services to governments and expanded its technical cooperation programmes in the wider framework of promoting democracy, development and human rights, and strengthening the capacity of states to advance such rights in their laws and practice.

The Programme of Technical Cooperation for Human Rights, supervised by the Office of the High Commissioner, manages some 200 projects annually in some 50 countries. They are carried out mainly in developing countries and countries in transition towards democracy, which request the Office's expertise to establish national human rights structures. The Programme, with an annual budget of some \$1.7 million, is financed by the United Nations regular budget as well as by voluntary contributions, which have totalled more than \$20 million since 1987.

The Office helps governments to identify the different aspects of their human rights problems, and to define policies, especially by formulating and enacting broad national plans of action. Such plans define national priorities in human rights protection and promotion, set objectives and frames of reference, and involve human rights actors from both national institutions and NGOs.

The Office provides advice for enacting legislative reforms that affect the enjoyment of human rights, such as penal codes, prison regulations, judicial and legal practices, and freedom of expression and association. Detailed technical assistance is provided in incorporating international human rights standards in national laws and policies, and to establish national institutions promoting human rights, democracy and the rule of law. Among them are the Ombudsmen, who deal with complaints from individuals, and the National Commissions for Human Rights, which monitor the actions of the government and can help it to observe its human rights obligations under national accords for human rights protection.

In addition to national programmes, the Office carries out global or thematic programmes — such as human rights education, and training for peacekeeping forces.

rights education, among other things by including it in their school curricula. Various countries have adopted national action plans and involved national institutions in this effort.

A key source of human rights information is the OHCHR Web site (www.unhchr.ch).

Promoting and protecting human rights

The role and scope of United Nations action in promoting and protecting human rights continue to expand, but the central mandate remains: to ensure that the human dignity of the ultimate constituents, the "peoples of the United Nations", in whose name the Charter was written, is fully respected. Through the international machinery, the United Nations is at work on many fronts:

- **As global conscience** — The United Nations has set a pace in establishing international standards of acceptable behaviour by nations, and kept the attention of the international community focused on human rights practices that threaten to undermine those standards. Human rights declarations and conventions are adopted by the General Assembly, underscoring their universality.
- **As lawmaker** — An unprecedented codification of international law has taken place. Those human rights pertaining to women, children, prisoners and detainees, and mentally disabled persons, as well as violations such as genocide, racial discrimination and torture, to name just a few, are now a major part of international law which at one time focused almost exclusively on relations between states.
- **As monitor** — The United Nations plays a central role in ensuring that human rights are not just defined in the abstract, but also put into practice. The International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (1966) are among the earliest examples of treaties that empower international bodies to monitor how states live up to their commitments. Treaty bodies, Special Rapporteurs and Working Groups of the Commission on Human Rights (see box, page 229) each have procedures and mechanisms to monitor compliance with international standards and investigate allegations of violations. Their decisions on specific cases carry a moral weight that few governments are willing to defy.
- **As nerve-centre** — OHCHR receives communications from groups and individuals claiming violations of their human rights. More than 100,000 complaints are received per year. OHCHR refers these communications to the appropriate United Nations bodies and mechanisms, taking into account the implementation procedures established by conventions and resolutions. Requests

for urgent intervention can be addressed to OHCHR by fax (41 22 - 917 9003) and e-mail (webadmin.chr@unog.ch).

- **As defender** — When a Rapporteur or a chairman of a working group receives information that a serious human rights violation is about to be committed — such as torture or imminent extrajudicial execution — he or she addresses an urgent message to the state concerned, requesting clarification and appealing for guaranteeing the rights of the alleged victim. Such appeals are made in particular by the Special Rapporteurs on torture and on arbitrary executions, as well as the Working Groups on disappearances and on arbitrary detention.
- **As researcher** — The data compiled by the United Nations on human rights issues is indispensable to the development and application of human rights law. For example, several country studies provided the basis of an instrument being drafted to protect the rights of indigenous peoples. OHCHR prepares studies and reports requested by United Nations bodies on human rights issues, pointing the way towards policies, practices and new institutions which can enhance respect for human rights.
- **As forum of appeal** — Under the First Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention Against Torture and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, individuals can bring complaints against states that have accepted the appeal procedure, once all domestic remedies have been exhausted. Also, under procedures established by the Commission on Human Rights, the Commission itself, its Subcommission on the Promotion and Protection of Human Rights and their Working Groups hear numerous complaints annually submitted by NGOs or individuals.
- **As fact-finder** — The Commission on Human Rights has established mechanisms to monitor and report on the incidence of certain kinds of abuses, and on violations in a specific country. The mechanisms entrusted with this politically sensitive, humanitarian and sometimes dangerous task are **Special Rapporteurs/Representatives or Working Groups** (see box). They gather facts, keep contact with local groups and government authorities, conduct on-site visits when governments permit, and make recommendations on how respect for human rights might be strengthened.
- **As discreet diplomat** — The Secretary-General and the High Commissioner for Human Rights confidentially raise human rights concerns with Member States on items such as the release of pris-

Special Rapporteurs and Working Groups

The Special Rapporteurs and Working Groups on human rights are on the front lines of human rights protection, investigating violations and intervening in individual cases and emergency situations.

These independent human rights experts and groups of experts are established by the Commission on Human Rights and the Economic and Social Council, and report to the Commission, the Council and the General Assembly. In preparing their reports, they use all resources, including individual communications and information from NGOs. Much of their research is done in the field, conducting interviews with both authorities and victims and gathering on-site evidence. They also utilize an urgent-action procedure to intercede with governments at the highest level (see page 228). Their reports are made public, thus contributing to publicize violations and the responsibility of governments.

These experts examine, monitor and publicly report on human rights situations in specific countries, or on major phenomena of human rights violations around the world.

- Country-specific Special Rapporteurs and Representatives currently report on Afghanistan, Burundi, Cambodia, Democratic Republic of the Congo, Equatorial Guinea, Haiti, Iran, Iraq, Myanmar, Palestinian occupied territories, Rwanda, Somalia, Sudan and former Yugoslavia. In addition, mandates have been entrusted to the Secretary-General to prepare reports on Cyprus, East Timor, Kosovo, and occupied Arab Territories.
- Thematic Special Rapporteurs, Representatives and Working Groups currently report on enforced or involuntary disappearances, summary executions, torture, arbitrary detention, racial discrimination, violence against women, the sale of children, religious intolerance, internally displaced persons, migrants, human rights defenders, freedom of expression, independence of the judiciary, restitution and compensation of victims, mercenaries, structural adjustment and foreign debt, extreme poverty, right to development, right to education, right to food, right to housing, and adverse effects of shipping and dumping toxic and dangerous products and wastes.

oners, commutation of death sentences and other issues. The Commission on Human Rights may ask the Secretary-General to intervene or send an expert to examine a human rights situation with a view to preventing flagrant violations. The Secretary-General also undertakes such efforts of quiet diplomacy in the exercise of his "good offices", thus helping establish the United Nations legitimate concern and curb abuses.

Right to development

The recognition that grinding poverty and underdevelopment affect the enjoyment of human rights has long been part of the approach of the United Nations to human rights, reflected first in the Universal Declaration itself. The *Declaration on the Right to Development*, adopted by the General Assembly in 1986, marked a turning point in efforts to make this recognition a reality, and has had practical implications for the way in which national and international development policies are pursued.

In the Vienna Declaration, states attached a high priority to the right to development, and this is explicitly reflected in the mandate of the High Commissioner. The Commission on Human Rights in 1998 appointed an **Independent Expert on the Right to Development**. The Commission also established in 1998 a **Working Group** to monitor progress and develop strategies for implementing the right to development.

The rights of labour

Defining and protecting the rights of labour is another major area of concern for the United Nations. One of the principal bodies of the **International Labour Organization (ILO)**, the tripartite **International Labour Conference** — which is made up of government, employer and worker representatives — has set international standards through a series of conventions and recommendations. Ratification by states creates binding obligations to put the provisions of these conventions into effect. Recommendations provide guidance on policy, legislation and practice.

Over the years, the governments of member states and their employers' and workers' organizations have built up a system of international standards in all work-related matters. Altogether, some 183 Conventions and 191 Recommendations have been adopted. While many are concerned with matters such as labour administration, industrial relations, employment policy, working conditions, social security, occupational safety and health, others relate to ensuring basic human rights in the workplace, and to issues such as the employment of women, children and special categories, such as migrant workers and the disabled.

ILO's supervisory procedure to ensure the application of its conventions in law and practice is the most advanced of all such international procedures. It is based on the objective evaluation by independent experts of the manner in which obligations are complied with, and on the examination of cases by the ILO's tripartite bodies.

There is a special procedure to investigate complaints of infringements of freedom of association.

The ILO has brought about many landmark conventions:

- *On Forced Labour* (1930): requires the suppression of forced or compulsory labour in all its forms;
- *On Freedom of Association and Protection of the Right to Organize* (1948): establishes the right of workers and employers to form and join organizations without prior authorization; lays down guarantees for the free functioning of such organizations;
- *On Right to Organize and Collective Bargaining* (1949): provides for protection against anti-union discrimination, for protection of workers' and employers' organizations, and for measures to promote collective bargaining;
- *On Equal Remuneration* (1951): calls for equal pay and benefits for work of equal value;
- *On Discrimination* (1958): calls for national policies to promote equality of opportunity and treatment, and to eliminate discrimination in the workplace on grounds of race, colour, sex, religion, political opinion, extraction or social origin;
- *On Minimum Age* (1973): aiming at the abolition of child labour, it stipulates that the minimum age for employment shall not be less than the age of completion of compulsory schooling;
- *On Worst Forms of Child Labour* (1999): prohibits child slavery, debt bondage, prostitution and pornography, dangerous work, and forcible recruitment for armed conflict.

In addition, the General Assembly has taken a number of measures to protect the rights of migrant workers (see page 240, below).

The struggle against discrimination

Apartheid

One of the great successes that demonstrated the ways in which the United Nations can bring an end to major injustices in the world is its role in the abolition of South Africa's apartheid rule. Practically from its inception, the United Nations was involved in the struggle against apartheid, a system of institutionalized racial segregation and discrimination imposed by the South African government.

When, in 1994, the newly elected President of South Africa, Nelson Mandela, addressed the General Assembly, he observed that it was the first time in its 49 years that the Assembly had been addressed by a South African head of state drawn from among the Afri-

can majority. Welcoming the vanquishing of apartheid, he said: "That historic change has come about not least because of the great efforts in which the United Nations engaged to ensure the suppression of the apartheid crime against humanity."

Condemned by the United Nations in 1966 as a "crime against humanity" incompatible with the Charter and the Universal Declaration of Human Rights, the issue of apartheid was on the agenda of the General Assembly from 1948 until the end of apartheid in 1994. During the 1950s, the General Assembly repeatedly appealed to the South African government to abandon apartheid in the light of the principles of the Charter.

- The United Nations Special Committee against Apartheid, established in 1962 by the General Assembly to keep the racial policies of South Africa under review, became the focal point in the efforts of the international community to promote a comprehensive programme of action against apartheid
- The General Assembly in 1973 adopted the *International Convention on the Suppression and Punishment of the Crime of Apartheid*.
- The Security Council instituted a voluntary arms embargo against South Africa in 1963, and made it mandatory in 1977 after determining that the country's aggressions against its neighbours and its potential nuclear capability constituted a threat to international peace and security — the first time the Council took such action against a Member State.
- The General Assembly called for a sports boycott of South Africa in 1971, a move which had a continuing impact on public opinion in South Africa and abroad, and adopted in 1985 the *International Convention Against Apartheid in Sports*.
- Among its many censures of South Africa, the General Assembly did not accept its credentials to the Assembly's regular sessions from 1970 through 1974, thereby refusing to allow the South African delegation to participate in its work. South Africa did not participate in further proceedings of the Assembly until the end of apartheid in 1994.
- In 1985, when the South African government proclaimed a state of emergency and escalated repression, the Security Council, for the first time, called on governments to take significant economic measures against South Africa under Chapter VII of the Charter.
- The transition from the apartheid government to a non-racial democracy, facilitated by a National Peace Accord between the government and major political parties in 1990, was fully supported

by the United Nations. Two Security Council resolutions in 1992 emphasized the involvement by the international community in facilitating the transition. To strengthen the structures of the peace accord, the Security Council in 1992 deployed the United Nations Observer Mission in South Africa (UNOMSA). The mission observed the 1994 elections that led to the establishment of a non-racial and democratic government. With the installation of the new government and the adoption of the first non-racial, democratic constitution, the apartheid system came to an end.

Racism

In 1963, the General Assembly adopted the *United Nations Declaration on the Elimination of All Forms of Racial Discrimination*. The Declaration affirms the fundamental equality of all persons and confirms that discrimination between human beings on the grounds of race, colour or ethnic origin is a violation of the human rights proclaimed in the Universal Declaration and an obstacle to friendly and peaceful relations among nations and peoples.

Two years later, the General Assembly adopted the *International Convention on the Elimination of All Forms of Racial Discrimination*, which obliges states parties to adopt legislative, judicial, administrative and other measures to prevent and punish racial discrimination.

The General Assembly in 1993 proclaimed the **Third Decade to Combat Racism and Racial Discrimination (1993-2003)** and called on all states to take measures to combat new forms of racism, especially through laws, administrative measures, education and information.

Also in 1993, the Commission on Human Rights appointed a **Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance**. His mandate is to examine incidents worldwide of contemporary forms of racism; racial discrimination; any form of discrimination against blacks, Arabs and Muslims; xenophobia; anti-Semitism; and related intolerance, as well as governmental measures to overcome them.

As decided by the General Assembly, the third **World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance** will be held in South Africa in 2001. It will focus on practical measures to eradicate racism, including measures of prevention, education and protection. Previous conferences were held in Geneva in 1978 and 1983.

The rights of women

Equality for women has been a focus of the work of the United Nations since its founding in 1945 and the establishment of the Commission on the Status of Women in 1946 as a special body to deal with women's issues. The United Nations has been a staunch ally in the struggle to attain women's rights universally and the efforts to ensure that women have equal access to public life and to opportunities in all aspects of economic and social development (see also *Chapter 3*, pages 178-181).

In recent years, the organizations of the United Nations family have all undertaken reviews of their work to ensure that women are better represented in decision-making bodies and that their concerns are considered a central component of policies and programmes in the field. In addition, steps have been taken to ensure the advancement of women in the Organization itself.

Commission on the Status of Women. The **Commission on the Status of Women**, made up of 45 Member States, examines women's progress towards equality throughout the world, prepares recommendations on promoting women's rights in political, economic, social and educational fields, and addresses women's rights problems requiring immediate attention. It also drafts treaties and other instruments aimed at improving the status of women in law and in practice.

The activities of the Commission have evolved from defining rights to exploring factors that have prevented women from enjoying them. Thus, emphasis has shifted to the underlying social and cultural causes of gender discrimination. The Commission, for example, has elaborated the *Declaration on the Elimination of Violence against Women*, adopted by the General Assembly in 1993. The Declaration includes a clear definition of violence as being physical, sexual and psychological violence occurring in the family or the community and perpetrated or condoned by the state.

The Commission has facilitated international guidelines and law for the advancement of women, most notably the 1979 *Convention on the Elimination of Discrimination against Women* (see *Chapter 3*, page 179) and the 1999 *Protocol* to the Convention (see page 221, above).

Women and development. Through its operational bodies, the United Nations works to further the empowerment of women, particularly in regard to overall development efforts (see *Chapter 3*, page 178). In addition to the work done by the United Nations Secretariat, in

Women's Conferences

United Nations conferences, combined with the energy of national women's movements, have galvanized understanding, interest and action concerning the advancement of women around the world.

Three world conferences — Mexico City, 1975; Copenhagen, 1980; and Nairobi, 1985 — greatly enhanced international awareness of the concerns of women and created invaluable links between national women's movements and the international community.

At the Fourth World Conference on Women (Beijing, 1995), representatives of 189 governments adopted the Beijing Declaration and Platform for Action, aimed at removing obstacles to women's participation in all spheres of public and private life. The Platform identifies 12 critical areas of concern:

- The persistent and increasing burden of poverty on women;
- Unequal access to and inadequate educational opportunities;
- Inequalities in health status, and unequal access to and inadequate health-care services;
- Violence against women;
- Effects of conflict on women;
- Inequality in women's participation in the definition of economic structures and policies and in the production process itself;
- Inequality in the sharing of power and decision-making;
- Insufficient mechanisms to promote the advancement of women;
- Lack of awareness of, and commitment to, internationally and nationally recognized women's human rights;
- Insufficient mobilization of mass media to promote women's contribution to society;
- Lack of adequate recognition and support for women's contribution to managing natural resources and safeguarding the environment;
- The girl child.

At the special session of the General Assembly in 2000 to follow up on the Conference, countries pledged additional initiatives — such as strengthening legislation against all forms of domestic violence, and enacting laws and policies to eradicate harmful practices such as early and forced marriage and female genital mutilation. Targets were set to ensure free compulsory primary education for both girls and boys, and to improve women's health through wider access to health care and prevention programmes.

particular the Division for the Advancement of Women, and the specialized agencies, funds and programmes, there are two entities dedicated exclusively to women: the **United Nations Development Fund for Women (UNIFEM)** and the **International Research and Training Institute for the Advancement of Women (INSTRAW)**.

Both were created to support programmes and projects that improve the quality of life for women (see *Chapter 3, pages 179-181*).

(On women's rights, see www.un.org/womenwatch).

The rights of children

Millions of children die every year from malnutrition and disease. Countless others become victims of war and extreme forms of exploitation and abuse, such as sexual exploitation. The **United Nations Children's Fund (UNICEF)** (see also *Chapter 3, page 181*), the only United Nations agency mandated to advocate for children's rights, is striving to sustain global commitment to the *Convention on the Rights of the Child* (see page 221, above), which embodies universal ethical principles and international legal standards of behaviour towards children.

The General Assembly in 2000 adopted two *Optional Protocols* to the Convention: one prohibits the recruitment of children under 18 into armed forces or their participation in hostilities; the other strengthens prohibitions and penalties concerning the sale of children, child prostitution and child pornography.

The **Committee on the Rights of the Child**, established under the Convention, meets regularly to monitor the progress made by states parties in fulfilling their obligations. The Committee makes suggestions and recommendations to governments and to the General Assembly on the ways children's rights under the Convention may be met.

Regarding the problem of child labour, the goals of the United Nations are to protect working children from exploitation and hazardous conditions that endanger their physical and mental development, to ensure children's access to at least minimum levels of education, nutrition and health care, and, in the long term, to achieve the progressive elimination of child labour.

- The International Programme on the Elimination of Child Labour, an initiative of the **International Labour Organization (ILO)**, involves technical cooperation, as well as awareness raising and mobilization. Direct interventions focus on child labour prevention; search for alternatives, such as decent employment for parents of child workers; and rehabilitation, education and vocational training for children.
- UNICEF supports programmes providing education, counselling and care to children working in very hazardous conditions — as sex slaves or as domestic workers — and vigorously advocates against the violation of their rights;

- The General Assembly has urged governments to take action on the problem of street children, who are increasingly involved in and affected by crime, drug abuse, violence and prostitution.
- The Subcommission on the Promotion and Protection of Human Rights has called for steps to halt the recruitment or conscription of children into armed forces. The Secretary-General's **Special Representative for Children and Armed Conflict** (see *Chapter 5, page 250*) works to enhance child protection during conflicts.
- The Commission on Human Rights has appointed a **Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography**.

The rights of minorities

A well-defined interest has emerged in issues affecting minorities as ethnic, racial and religious tensions have escalated, threatening the economic, social and political fabric of countries. Meeting the aspirations of national, ethnic, religious and linguistic groups and ensuring the rights of persons belonging to minorities acknowledges the equality of all individuals, furthers their participation in society and helps to reduce social tensions.

The United Nations has from its inception placed minority rights high on its human rights agenda. The protection of the human rights of members of minorities is guaranteed in the principle of non-discrimination, which is basic to all United Nations human rights law, and specifically in the International Covenant on Civil and Political Rights.

The adoption in 1992 by the General Assembly of the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* gave a new impetus to United Nations work, and in 1995 the Commission on Human Rights approved the establishment by its Subcommission of a **Working Group on Minorities**. The Working Group recommends practical measures for the better promotion and protection of the rights of persons belonging to minorities.

Indigenous peoples

The United Nations has increasingly taken up the cause of indigenous people, who are considered one of the world's most disadvantaged groups. Indigenous peoples are also called "first peoples", tribal peoples, aborigines and autochthons. There are at least 5,000 indigenous groups, made up of 300 million people, living in over 70 countries on five continents. Excluded from decision-making processes, many have been marginalized, exploited, forcefully assimilated and sub-

jected to repression, torture and murder when they speak out in defence of their rights. Fearing persecution, they often become refugees and sometimes must hide their identity, abandoning their languages and traditional customs.

In 1982, the Subcommission of the Commission on Human Rights established a **Working Group on Indigenous Populations**. The Group reviews developments pertaining to the rights of indigenous peoples and promotes international standards concerning their rights. The Group prepared a draft *Declaration on the Rights of Indigenous Peoples* for eventual adoption by the General Assembly. The draft is now being considered by the Commission.

In 2000, ECOSOC established the **Permanent Forum on Indigenous Issues** as a subsidiary organ. The 16-expert forum, composed of an equal number of government and indigenous experts, will advise ECOSOC, help to coordinate United Nations activities, and discuss indigenous concerns relating to development, culture, the environment, health and human rights.

The 1992 Earth Summit heard the collective voice of indigenous peoples as they expressed their concerns about the deteriorating state of their lands and the environment. UNDP, UNICEF, IFAD, UNESCO, the World Bank and WHO all have programmes directed at specific indigenous groups working to improve health and literacy and combat environmental degradation of their native lands.

At the conclusion of the International Year of the World's Indigenous People (1993), the Assembly proclaimed the **International Decade of the World's Indigenous People (1995-2004)**, which aims at fostering partnerships to improve the living conditions of indigenous people.

Persons with disabilities

More than 500 million persons — 8 per cent of the world's population, an estimated 80 per cent of them living in the developing world — suffer from some type of physical, mental or sensory impairment.

Persons with disabilities are often excluded from the mainstream of society. Discrimination takes various forms, ranging from the denial of education opportunities to more subtle forms, such as segregation and isolation through the imposition of physical and social barriers. Society also suffers, since the loss of the enormous potential of persons with disabilities impoverishes humankind. Changing the perception and concept of disability involves both changes in values and increased understanding at all levels of society.

Since its inception, the United Nations has sought to advance the status of persons with disabilities and to improve their lives. United Nations concern for the well-being and rights of persons with disabilities is rooted in its founding principles, which are based on human rights, fundamental freedoms and equality of all human beings.

In the 1970s, the concept of human rights for persons with disabilities gained wider international acceptance. The General Assembly adopted in 1971 the *Declaration on the Rights of Mentally Retarded Persons*, and in 1975 the *Declaration on the Rights of Disabled Persons*, which sets the standards for equal treatment and access to services accelerating their social integration.

The International Year of Disabled Persons (1981) led to the adoption by the General Assembly of the *World Programme of Action Concerning Disabled Persons*, a policy framework for promoting the rights of persons with disabilities. The Programme identifies two goals for international cooperation: equality, and full participation of persons with disabilities in social life and development.

A major outcome of the United Nations Decade of Disabled Persons (1983-1992) was the adoption by the General Assembly in 1993 of the *Standard Rules on the Equalization of Opportunities for Persons with Disabilities*. The Rules serve as an instrument for policy-making and as a basis for technical and economic cooperation.

A new set of standards for the protection of people with mental illness — the *Principles for the protection of persons with mental illness and the improvement of health care* — was adopted by the Assembly in 1991.

The Assembly in 1994 endorsed a long-term strategy to further the implementation of the *World Programme of Action*, with the goal of "a society for all". Accessibility, employment, and social services and social safety nets are the priority policy issues set forth by the Assembly in 1997.

United Nations activities. A growing body of data suggests the need to address disability issues in the context of national development, within the broad human rights framework. The United Nations works with governments, NGOs, academic institutions and professional societies to promote awareness and build national capacities for broad human rights approaches to persons with disabilities.

The growing public support for disability action has highlighted the need to build national capacities for improved information services, outreach and institutional mechanisms to promote equalization of opportunities. The United Nations has been increasingly involved in helping countries strengthen their national capacities to promote

disability action in their overall development plans (for further information, see www.un.org/esa/socdev/disabled).

Migrant workers

With increasing movement of people across international frontiers in search of work, a new human rights convention was approved to curb discrimination against migrant workers. In 1990, following 10 years of negotiations, the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* was adopted by the General Assembly.

- The Convention covers the rights of both documented and undocumented migrant workers and their families;
- Makes it illegal to expel migrant workers on a collective basis or to destroy their identity documents, work permits or passports;
- Entitles migrant workers to receive the same remuneration, social benefits and medical care as nationals; to join or take part in trade unions; and, upon ending their employment, to transfer earnings, savings and personal belongings;
- Grants children of migrant workers the right to registration of birth and nationality and of access to education.

As of 2000, the Convention had not yet acquired the necessary number of ratifications (20) to enter into force.

Administration of justice

The United Nations has taken many steps to strengthen the protection of human rights in the judicial process. When individuals are under investigation by state authorities, when they are arrested, detained, charged, tried or imprisoned, there is always the need to ensure that the application of the law shows due regard for human rights protection.

The United Nations has worked to develop standards and codes to serve as models for national legislation, covering matters such as the treatment of prisoners, the protection of detained juveniles, the use of firearms by police, the conduct of law-enforcement officials, the role of lawyers and prosecutors, and the independence of the judiciary. Many of these standards have been developed through the United Nations Commission on Crime Prevention and Criminal Justice and the Centre for International Crime Prevention (see Chapter 3, pages 189-190).

The OHCHR has a programme of technical assistance focusing on human rights training for legislators, judges, lawyers, law enforcement officers, prison officials and the military.

Future priorities

Despite the work of the United Nations, there continue to be massive and widespread violations of human rights. Five decades after the Universal Declaration of Human Rights was adopted, violations across the broad spectrum of human rights continue to dominate news from around the world. At least part of this can be attributed to the heightened awareness of human rights and the stepped-up monitoring of problem areas, particularly child abuse, violence against women, and abuses that until only recently were considered acceptable behaviour by traditional standards.

Indeed, measures to promote and protect human rights are stronger than ever, and increasingly linked to the fight for social justice, economic development and democracy. In his reform programme for the United Nations, Secretary-General Kofi Annan declared that human rights would be the cross-cutting theme in the multifaceted work of the Organization, thus highlighting the central role their promotion and protection would play in all its policies and programmes. Human rights are increasingly becoming part of the daily operations of the United Nations in the field. The vigorous action of the High Commissioner for Human Rights, and steps taken to enhance cooperation and coordination among United Nations partners, are expressions of the concrete efforts under way to strengthen the ability of the United Nations system to fight for human rights.

(For further information, see www.unhchr.ch).

FAO's Global Information and Early Warning System provides regular and updated information on the global food situation. It also carries out assessments of the food situation in food-insecure countries due to man-made or natural disasters.

Based on assessments made in collaboration with WFP, emergency operations for food aid are prepared and jointly approved by FAO and WFP. FAO provides agricultural inputs for rehabilitating food production and gives technical advice in agricultural emergencies. Its Special Relief Operations Service provides considerable support to disaster-stricken farmers.

The assistance programmes of the **World Health Organization (WHO)** focus on assessing the health needs of those affected by emergencies and disaster, providing health information and assisting in coordination and planning. WHO carries out emergency programmes in areas such as nutritional and epidemiological surveillance, control of epidemics (including HIV/AIDS), immunizations, management of essential drugs and medical supplies, reproductive health and mental health. WHO makes special efforts to eradicate polio and to control malaria in countries affected by emergencies.

International protection and assistance to refugees

Throughout 1999, the **Office of the United Nations High Commissioner for Refugees (UNHCR)** (*see also Chapter 1, page 40*) provided international protection and assistance to some 22 million people who had fled war or persecution. Of these, some 17 million were refugees and returnees, and some 4.6 million were internally displaced persons. Internal conflicts have become the main cause of refugee crises.

UNHCR has been the lead humanitarian agency during the conflicts in the Balkans, which produced the largest refugee flows in Europe since the Second World War (*see Chapter 2, page 104*). It was the lead agency in addressing the massive exoduses out of Kosovo and East Timor in 1999. It has also been assisting refugees, displaced people and returnees in Africa's Great Lakes region and other parts of the continent, and in south-west Asia.

Refugees are defined as those who have fled their countries because of a well-founded fear of persecution for reasons of their race, religion, nationality, political opinion or membership in a particular social group, and who cannot or do not want to return.

Refugees in their own country

Internally displaced persons (IDPs) are people who have been forced to flee their homes to escape war, generalized violence, human rights violations or natural and man-made disasters, and who have not crossed an international border. Civil wars have created large groups of internally displaced all over the world. Today, there are an estimated 20 to 25 million internally displaced — more than the number of refugees.

Primary responsibility for internally displaced people lies first and foremost with national governments. But at times governments are unable — or unwilling — to meet their responsibilities.

Refugees usually find in a second country a place of safety, food and shelter. They are protected by a well-defined body of international laws and conventions, and are assisted by UNHCR and other organizations. The internally displaced often face far more insecure conditions. They may be trapped in an ongoing internal conflict, at the mercy of warring parties that make the provision of relief hazardous and sometimes impossible. The government, which may view them as "enemies of the state", retains ultimate control over their fate. There are no specific international conventions to cover them and, until recently, donors have been reluctant to intervene in internal conflicts to help them.

The needs of internally displaced persons are similar to those of refugees: they need immediate protection and assistance, as well as long-term solutions, such as return or resettlement.

Effective coordination is particularly important in assisting the internally displaced, since there is no single international lead agency. Work in this area is carried out jointly by the International Committee of the Red Cross, UNHCR, OCHA, the Secretary-General's Representative for Internally Displaced Persons and the Office of the United Nations High Commissioner for Human Rights.

The Secretary-General's Representative, Mr. Francis M. Deng, has issued guiding principles on the internally displaced, which define who they are, outline a large body of international law protecting a person's basic rights, and set out the responsibility of states. The principles have been accepted by more and more states.

UNHCR has been called to assist an estimated 4.6 million internally displaced in various regions. Increasingly — in the former Yugoslavia, East Timor, Colombia and Chechnya — UNHCR has decided to assist all uprooted people on the basis of humanitarian needs, rather than refugee status.

Notwithstanding these efforts, many internally displaced remain without humanitarian assistance or protection, underlining the selective, uneven, and in many cases inadequate response of national authorities and the international community, and the need to find more effective ways to help the internally displaced.

The legal status of refugees is defined in two international treaties, the 1951 *Convention relating to the Status of Refugees* and its 1967 *Protocol*, which spell out their rights and obligations. As of December 2000, 137 states were parties to one or both treaties.

UNHCR's most important function is international protection — trying to ensure respect for refugees' basic human rights, including their ability to seek asylum, and ensure that no one is returned involuntarily to a country where he or she has reason to fear persecution. Other types of assistance include:

- help during major emergencies involving the movement of large numbers of refugees;
- regular programmes in such fields as education, health and shelter;
- assistance to promote the self-sufficiency of refugees and their integration in host countries;
- voluntary repatriation;
- resettlement in third countries for refugees who cannot return to their homes and who face protection problems in the country where they first sought asylum.

Although UNHCR's mandate is to protect and assist refugees, it has been called upon more and more to come to the aid of a wider range of people living in refugee-like situations. They include people displaced within their own countries; former refugees who may need UNHCR monitoring and assistance once they have returned home; stateless people; and people who receive temporary protection outside their home countries, but who do not receive the full legal status of refugees. Today, refugees comprise just over half of the people of concern to UNHCR.

Asylum seekers are persons who have left their countries of origin and have applied for recognition as refugees in other countries, and whose applications are still pending. UNHCR is currently assisting 1.2 million people in this category. The largest groups of asylum seekers are living in industrialized countries.

Most refugees want to return home as soon as circumstances permit, and UNHCR is currently assisting 2.6 million returnees. One of the most successful repatriation operations was the return of over 1.7 million refugees to Mozambique following a peaceful settlement of the civil war in 1993 (see *Chapter 2, page 83*). In 1999, the largest repatriation movements assisted by UNHCR were to Kosovo (751,400), Afghanistan (252,700), East Timor (127,500) and Liberia (94,900).

People in flight

Number of people of concern to UNHCR*

Total: 22.2 million

By region:

Africa	6.2 million
Asia	7.3 million (Afghanistan, 2.6 million)
Europe	7.3 million (former Yugoslavia, 2.9 million)
Latin America and Caribbean	0.1 million
North America	1.2 million
Oceania	0.08 million

Some 3.7 million Palestinians, who are assisted by UNRWA, are not included. However, Palestinians outside the UNRWA area of operations, such as those in Iraq or Libya, are of concern to UNHCR.

*Includes refugees, asylum seekers, returnees, displaced people and others of concern as of 1 January 2000. Source: UNHCR

However, the sudden return of large numbers of people can quickly overwhelm fragile economic and social infrastructures. To ensure that returnees can rebuild their lives after they go back home, UNHCR works with a range of organizations to facilitate reintegration. This requires emergency assistance for those in need, development programmes for the areas that have been devastated and job-creation schemes.

The links between peace, stability, security, respect for human rights and sustainable development are increasingly seen as crucial in the search for durable solutions to the refugee problem.

Palestine refugees

The **United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)** has been providing education, health, relief and social services to Palestine refugees since 1950 (see *Chapter 1, page 43*). The General Assembly created UNRWA to provide emergency relief to some 750,000 Palestine refugees who had lost their homes and livelihoods as a result of the 1948 Arab-Israeli conflict (see *Chapter 2, page 95*). By 2000, UNRWA was providing essential services to more than 3.7 million registered Palestine refu-

gees in Jordan, Lebanon, the Syrian Arab Republic, and the West Bank and Gaza Strip.

UNRWA's humanitarian role has been reinforced by recurrent conflicts in the Middle East, such as the civil war in Lebanon and the Palestinian uprising (*intifada*) (see Chapter 2, pages 97-98).

Education is UNRWA's largest area of activity, accounting for half of its regular budget and two-thirds of its staff. Its 647 elementary and junior secondary schools accommodated more than 468,000 pupils in the 1999/2000 school year, while the eight UNRWA vocational training centres had over 4,600 trainees.

The Agency's network of 122 health centres handled 7.1 million patient visits in 1999. Environmental health services were provided to the 1.2 million refugees living in 59 refugee camps.

Some 205,000 people received special hardship assistance in 1999, which sought to ensure minimum standards of nutrition and shelter and to promote self-reliance through poverty-alleviation programmes. The income-generation programme in the West Bank and Gaza Strip has provided more than 27,000 loans worth \$41 million to small businesses and micro-enterprises, achieving a repayment rate approaching 100 per cent in the Gaza Strip.

UNRWA cooperates closely with the Palestinian Authority. After the 1993 accords between Israel and the Palestine Liberation Organization and the establishment of the Palestinian Authority in the West Bank and Gaza Strip (see Chapter 2, page 98), UNRWA started its *Peace Implementation Programme* to ensure that the benefits of the peace process were realized at the local level. The Programme has helped to upgrade infrastructure, create employment and improve socio-economic conditions in refugee communities throughout its area of operations. By the end of 1999, the Programme had received more than \$181 million in contributions and pledges. The European Gaza Hospital, an initiative of the European Union and UNRWA, opened in 2000.

The international community considers UNRWA a stabilizing factor in the Middle East. The refugees themselves look upon UNRWA's programmes as a symbol of the international community's commitment to a solution of the Palestine refugee issue.

PART TWO

Chapter 6

International Law

