

sion on Human Rights on the sale of children, child prostitution and child pornography and the United Nations International Drug Control Programme.

Bearing in mind the diverse causes of the emergence and marginalization of street children, including poverty, rural-to-urban migration, unemployment, broken families, intolerance and exploitation, and that such causes are often aggravated and their solution made more difficult by serious socio-economic difficulties,

Bearing in mind also that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights urged all States, with the support of international cooperation, to address the acute problem of children in especially difficult circumstances and urged that national and international mechanisms and programmes should be strengthened for the defence and protection of children, including street children,

Recognizing that the prevention and solution of certain aspects of this phenomenon could also be facilitated in the context of economic and social development,

1. *Expresses grave concern* at the continued growth in the number of incidents worldwide and at reports of street children being involved in or affected by serious crime, drug abuse, violence and prostitution;

2. *Urges* Governments to continue actively to seek comprehensive solutions to tackle the problems of street children and to take measures to restore their full participation in society and to provide, *inter alia*, adequate nutrition, shelter, health care and education;

3. *Strongly urges* Governments to respect fundamental human rights, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat torture and violence against them;

4. *Emphasizes* that strict compliance with the provisions of the Convention on the Rights of the Child constitutes a significant step towards solving the problems of street children, and calls upon all States that have not done so to become parties to the Convention as a matter of priority;

5. *Calls upon* the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children, and encourages States parties to the Convention, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting, or indicating their need for, technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

6. *Reiterates its invitation* to the Committee on the Rights of the Child to consider the possibility of a general comment on street children;

7. *Recommends* that the Committee on the Rights of the Child and other relevant treaty-monitoring bodies bear this growing problem in mind when examining reports from States parties;

8. *Invites* Governments, United Nations bodies and organizations and intergovernmental and non-governmental

organizations to cooperate and to ensure greater awareness and more effective action to solve the problem of street children by, among other measures, supporting development projects that can have a positive impact on the situation of street children;

9. *Calls upon* special rapporteurs, special representatives and working groups of the Commission on Human Rights and the Subcommittee on the Prevention of Discrimination and Protection of Minorities, within their mandates, to pay particular attention to the plight of street children;

10. *Decides* to consider the question further at its forty-ninth session under the item entitled "Human rights questions".

85th plenary meeting
20 December 1993

48/137. Human rights in the administration of justice

The General Assembly,

Recalling its resolution 46/120 of 17 December 1991,

Bearing in mind the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights³ and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,¹³² in particular article 6 of the Covenant, in which it is stated explicitly that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁷⁵ and in the International Convention on the Elimination of All Forms of Racial Discrimination,⁵

Mindful of the Convention on the Elimination of All Forms of Discrimination against Women,⁴¹ in particular of the obligation of States parties to treat men and women equally in all stages of procedures in courts and tribunals,

Calling attention to the numerous international standards in the field of the administration of justice, such as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,¹⁷⁰ the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,¹⁷¹ the safeguards guaranteeing protection of the rights of those facing the death penalty,¹⁷² the Basic Principles on the Independence of the Judiciary,¹⁷³ the Basic Principles on the Role of Lawyers,¹⁷⁴ the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners,¹⁷⁵ the Code of Conduct for Law Enforcement Officials,¹⁷⁶ the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,¹⁷⁴ the Standard Minimum Rules for the Treatment of Prisoners,¹⁷⁶ the Basic Principles for the Treatment of Prisoners,¹⁷⁷ the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,¹⁷⁸ the Guidelines on the Role of Prosecutors,¹⁷⁹ the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules),¹⁸⁰ the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),¹⁸¹ the Model Treaty on the Transfer of Proceedings in Criminal Matters¹⁸² and the Model Treaty on the Transfer of

Supervision of Offenders Conditionally Sentenced or Conditionally Released,¹⁸³

Recalling its resolution 47/133 of 18 December 1992, by which it adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Welcoming the important work of the Commission on Human Rights and of the Subcommittee on Prevention of Discrimination and Protection of Minorities in the field of human rights in the administration of justice, in particular regarding the independence of the judiciary, the independence of judges and lawyers, the right to a fair trial, habeas corpus, human rights and states of emergency, the question of arbitrary detention, the human rights of juveniles in detention, the privatization of prisons and the question of the impunity of perpetrators of violations of human rights,

Taking note of resolution 1993/39 of 26 August 1993 of the Subcommittee on Prevention of Discrimination and Protection of Minorities, entitled "Independence of the judiciary",¹⁸⁴

Welcoming Commission on Human Rights resolutions 1993/32 of 5 March 1993, entitled "The administration of justice and human rights", and 1993/41 of 5 March 1993, entitled "Human rights in the administration of justice",³³

Welcoming also the important work of the Commission on Crime Prevention and Criminal Justice in the field of human rights in the administration of justice, as reflected in section III of Economic and Social Council resolution 1993/34 of 27 July 1993,

Recognizing that the rule of law and the proper administration of justice are prerequisites for sustainable economic and social development,

Recognizing also the central role of the administration of justice in the promotion and protection of human rights,

Aware of the importance of national and regional intergovernmental human rights bodies and institutions in the promotion and protection of human rights,

Having considered the report of the Secretary-General,¹⁸⁵

Mindful of the recommendations relating to human rights in the administration of justice contained in the Vienna Declaration and Programme of Action,⁶ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

1. *Takes note with appreciation* of the report of the Secretary-General;

2. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

3. *Acknowledges* that it is the primary responsibility of all Governments to promote and protect human rights;

4. *Acknowledges also* that the administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international

human rights instruments, are essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development;

5. *Once again calls upon* all States to pay due attention to United Nations norms and standards on human rights in the administration of justice in developing national and regional strategies for their practical implementation and to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as for adequate financial resources to ensure more effective implementation of those norms and standards;

6. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights;

7. *Urges* the Secretary-General to consider favourably requests for assistance by States in the field of the administration of justice within the framework of the United Nations programme of advisory services and technical cooperation in the field of human rights and to strengthen coordination of activities in this field;

8. *Strongly recommends*, in this context, that the establishment of a comprehensive programme within the system of advisory services and technical assistance be considered in order to help States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law; such a programme should provide, upon the request of the interested Governments, technical and financial assistance to national projects for the reform of penal and correctional establishments and for the education and training of lawyers, judges and security forces in human rights and in any other sphere of activity relevant to the good functioning of the rule of law;

9. *Acknowledges* that institutions concerned with the administration of justice should be properly funded and that an increased level of both technical and financial assistance should be provided by the international community;

10. *Appeals* to the international community to provide assistance, at the request of the Governments concerned, for the provision of legal-aid services with a view to ensuring the promotion, protection and full enjoyment of human rights;

11. *Invites* the international community to respond favourably to requests for financial and technical assistance made by institutions concerned with the promotion and protection of human rights, with a view to enhancing and strengthening their national capacities to promote and protect human rights consistent with the standards set forth in international and other human rights instruments;

12. *Acknowledges* the important role of the regional commissions, specialized agencies and United Nations institutes in the area of human rights and crime prevention and criminal justice, and of other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field;

13. *Invites* the Commission on Crime Prevention and Criminal Justice to pay particular attention to questions relating to the administration of justice, with special emphasis on the effective implementation of norms and standards;

14. *Decides* to consider the question of human rights in the administration of justice at its fiftieth session under the item entitled "Human rights questions".

85th plenary meeting
20 December 1993

48/138. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, in which it adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Conscious of the need effectively to promote and protect the rights of persons belonging to minorities, as set out in the Declaration,

Noting the importance of an even more effective implementation of international human rights instruments with regard to the rights of all persons, including those belonging to national or ethnic, religious and linguistic minorities,

Welcoming Commission on Human Rights resolution 1993/24 of 5 March 1993 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,³³

Noting that resolutions 1993/42 and 1993/43 adopted by the Subcommission on Prevention of Discrimination and Protection of Minorities on 26 August 1993³⁴ are to be considered by the Commission on Human Rights at its fiftieth session,

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights⁵⁴ concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, *inter alia*, taking due account of the Declaration,

Concerned by the growing frequency and severity of disputes and conflicts concerning minorities in many countries, and their often tragic consequences,

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

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace, and enrich the cultural heritage of society as a whole of the States in which such persons live,

Reaffirming the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration,

Welcoming initiatives aiming at disseminating information on the Declaration and at promoting understanding thereof,

Having considered the report of the Secretary-General on the effective promotion of the Declaration,¹⁸⁶

Mindful of the recommendations contained in section II, paragraphs 25 to 27, of the Vienna Declaration and Programme of Action,⁶ adopted unanimously by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

1. *Takes note* of the report of the Secretary-General on the effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

2. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country;

3. *Calls upon* the Commission on Human Rights to examine ways and means to promote and protect effectively the rights of persons belonging to minorities, as set out in the Declaration;

4. *Calls upon* the Secretary-General to provide through the Centre for Human Rights of the Secretariat, at the request of Governments concerned and as part of the programme of advisory services and technical assistance of the Centre, qualified expertise on minority issues and human rights, as well as on the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

5. *Appeals* to States to take all the necessary legislative and other measures to promote and give effect, as appropriate, to the principles of the Declaration;

6. *Also appeals* to States to make bilateral and multilateral efforts, as appropriate, to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in their countries, in accordance with the Declaration;

7. *Urges* all treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities to give due regard to the promotion and protection of the rights of persons belonging to minorities, as set forth in the Declaration, as appropriate, within their mandates;

8. *Encourages* intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

9. *Invites* the Secretary-General to continue the dissemination of information on the Declaration and the promotion of