

1. *Invites* all the relevant members of the Economic and Social Commission for Asia and the Pacific to become parties to the Intergovernmental Agreement on the Asian Highway Network in order to ensure the speedy entry into force of the Agreement;

2. *Also invites* the international and regional financing institutions and multilateral and bilateral donors to provide financial and technical support for the development of the Asian Highway network and related infrastructure, particularly taking into account the special needs of landlocked developing countries;

3. *Further invites* subregional organizations to promote the Agreement and accord priority to the development of the Asian Highway network in their respective subregions;

4. *Encourages* landlocked developing countries and their transit neighbours that are members of the Economic and Social Commission for Asia and the Pacific to enter into bilateral or subregional transit traffic facilitation agreements which will enable the Asian Highway network to provide further tangible transit transport opportunities within the scope of the Almaty Programme of Action;²⁶

5. *Requests* the Executive Secretary:

(a) To assist member countries in becoming parties to the Agreement;

(b) To accord priority to the development of the Asian Highway network, within the work programme of the Economic and Social Commission for Asia and the Pacific;

(c) To collaborate effectively with international and regional financing institutions, multilateral and bilateral donors and subregional organizations for the development of the Asian Highway network;

(d) To discharge effectively the functions of the secretariat of the Agreement;

(e) To report to the Commission at its sixty-first session on the implementation of the present resolution.

*42nd plenary meeting
16 July 2004*

2004/9 Genetic privacy and non-discrimination

The Economic and Social Council,

Guided by the purposes and principles set forth in the Charter of the United Nations and also by the Universal Declaration of Human Rights,²⁷ the International Covenants on Human Rights²⁸ and the other relevant international human rights instruments,

²⁷ General Assembly resolution 217 A (III).

²⁸ General Assembly resolution 2200 A (XXI), annex.

Recalling the Universal Declaration on the Human Genome and Human Rights, adopted on 11 November 1997 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,²⁹ and General Assembly resolution 53/152 of 9 December 1998 endorsing the Declaration,

Recalling also the Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, adopted in Durban, South Africa, on 8 September 2001,³⁰

Welcoming the International Declaration on Human Genetic Data adopted on 16 October 2003 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, which, inter alia, considers discrimination based on genetic characteristics as acts intended to infringe, or to have the effect of infringing human rights, fundamental freedoms or human dignity of an individual or for purposes that lead to stigmatization of an individual, a family or a group or communities,

Recalling its resolution 2001/39 of 26 July 2001, as well as its decision 2003/232 of 22 July 2002,

Recalling also Commission on Human Rights resolution 2003/69 of 25 April 2003 on human rights and bioethics,³¹

Recalling further the decision taken on 7 May 1998 whereby the Executive Board of the United Nations Educational, Scientific and Cultural Organization established the International Bioethics Committee, which is carrying out work on confidentiality and genetic data,

Reiterating that the life and health of individuals are inevitably related to developments in life sciences and social areas,

Acknowledging the importance of advances in genetic research, which have led to the identification of strategies for the early detection, prevention and treatment of diseases,

Bearing in mind that the genetic revolution has far-reaching implications and consequences for all humankind and that its evaluation and applications should therefore be conducted in an open, ethical and participatory manner,

Recognizing the contribution that civil society involved in this matter can make to the protection of genetic privacy and to the fight against discrimination based on genetic information,

Reaffirming that the information obtained from genetic tests, which is personal, should be held confidential, based on the conditions set by law,

Recognizing that genetic data associated with an identifiable person can in some instances be relevant to other members of the individual's family or to other persons and that the rights and interests of such persons must also be taken into account in the handling of such data,

²⁹ United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Twenty-ninth Session*, vol. I, *resolutions*, resolution 16.

³⁰ See A/CONF.189/12 and Corr.1, chap. I.

³¹ *Official Records of the Economic and Social Council, 2003, Supplement No. 3 (E/2003/23)*, chap. II, sect. A.

Stressing the fact that revealing genetic information belonging to individuals without their consent may cause harm and discrimination against them in such areas as employment, insurance, education and other areas of social life,

Recalling that, in order to protect human rights and fundamental freedoms, the limitations to the principles of consent and confidentiality may be prescribed only by law, for compelling reasons consistent with international law, including international human rights law,

1. *Takes note* of the reports of the Secretary-General on information and comments received from Governments and relevant international organizations and functional commissions pursuant to Economic and Social Council resolution 2001/39;³²

2. *Expresses its appreciation* to the Governments, relevant international organizations and functional commissions that have responded to the request for information formulated by the Council in its resolution 2001/39;

3. *Urges* States to ensure that no one shall be subjected to discrimination based on genetic information;

4. *Also urges* States to protect the privacy of those subject to genetic testing and to ensure that genetic testing and the subsequent processing, use and storage of human genetic data is done with the prior, free, informed and express consent of the individual or authorization obtained in the manner prescribed by law consistent with international law, including international human rights law, and to ensure that limitations on the principle of consent are prescribed only for compelling reasons, such as forensic medicine and related legal proceedings, by domestic law consistent with international law, including international human rights law;

5. *Calls upon* States to take appropriate specific measures, including through legislation, to prevent the misuse of genetic information leading to discrimination against, or stigmatization of, individuals, members of their families or groups in all areas, particularly in insurance, employment, education and other areas of social life, whether in the public or the private sector, and in this respect calls upon States to take all appropriate measures to ensure that the results and interpretations of population-based genetic studies are not used for purposes that discriminate against the individual or group concerned;

6. *Also calls upon* States to promote, as appropriate, the development and implementation of standards providing appropriate protection with regard to the collection, storage, disclosure and use of genetic information taken from genetic tests that might lead to discrimination, stigmatization or invasion of privacy;

7. *Urges* States to continue to support research in the area of human genetics, subject to accepted scientific and ethical standards and to the potential benefit of all people, emphasizing that such research and its applications should fully respect human rights, fundamental freedoms and human dignity, as well as the prohibition of all forms of discrimination based on genetic characteristics;

8. *Recognizes*, in this context, that international efforts to ensure non-discrimination on genetic grounds need to be pursued and that, in the context of international cooperation, States should endeavour to assist developing countries to

³² E/2003/91 and Add.1 and E/2004/56.

build their capacity to participate in generating and sharing scientific knowledge concerning human genetic data and the related know-how, with full respect for all human rights;

9. *Decides* to continue considering the various implications of the question of genetic privacy and non-discrimination for ethical, legal, medical, employment, insurance-related and other aspects of social life, consistent with public international law and international human rights law;

10. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, relevant international organizations and functional commissions, to collect the comments received pursuant to it, and other relevant information, and to submit a report to the Council at its substantive session of 2007.

*46th plenary meeting
21 July 2004*

2004/10 Situation of women and girls in Afghanistan

The Economic and Social Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,³³ the International Covenants on Human Rights,³⁴ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,³⁵ the Convention on the Elimination of All Forms of Discrimination against Women,³⁶ the Declaration on the Elimination of Violence against Women,³⁷ the Convention on the Rights of the Child³⁸ and the Optional Protocols thereto on the involvement of children in armed conflict³⁹ and on the sale of children, child prostitution and child pornography,⁴⁰ the Beijing Declaration⁴¹ and Platform for Action,⁴² the further actions and initiatives to implement the Beijing Declaration and Platform for Action, adopted by the General Assembly at its twenty-third special session,⁴³ accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949,⁴⁴ and other instruments of human rights and international law,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,⁴⁵ the International Covenant on Civil and Political Rights,³⁴ the International Covenant on Economic, Social and Cultural

³³ General Assembly resolution 217 A (III).

³⁴ General Assembly resolution 2200 A (XXI), annex.

³⁵ General Assembly resolution 39/46, annex.

³⁶ General Assembly resolution 34/180, annex.

³⁷ See General Assembly resolution 48/104.

³⁸ General Assembly resolution 44/25, annex.

³⁹ General Assembly resolution 54/263, annex I.

⁴⁰ *Ibid.*, annex II.

⁴¹ *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

⁴² *Ibid.*, annex II.

⁴³ General Assembly resolution S-23/3, annex.

⁴⁴ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

⁴⁵ General Assembly resolution 260 A (III), annex.