



**United Nations**

# **Report of the Human Rights Council**

**Sixth session**

**(10-28 September and 10-14 December 2007)**

**Seventh session**

**(3-28 March and 1 April 2008)**

**Eighth session**

**(2-18 June 2008)**

**Fifth special session**

**(2 October 2007)**

**Sixth special session**

**(23-24 January 2008)**

**Seventh special session**

**(22 May 2008)**

**General Assembly**

**Official Records**

**Sixty-third session**

**Supplement No. 53 (A/63/53)**



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\* \*

The present volume contains the resolutions, decisions and president's statements adopted by the Human Rights Council from 10 September 2007 to 18 June 2008, at its sixth, seventh and eighth sessions, and at its fifth, sixth and seventh special sessions. The resolutions and decisions adopted by the Council from 19 June to 11 August 2006 at its first session and its first and second special sessions appear in the report of the Council to the General Assembly, issued as *Official Records, Sixty-first Session, Supplement No. 53 (A/61/53)*. The resolutions, decisions and president's statements adopted by the Council from 18 September 2006 to 22 June 2007, at its second, third, fourth and fifth sessions, at its first organizational meeting and at its third and fourth special sessions appear in the report of the Council to the General Assembly, issued as *Official Records, Sixty-second Session, Supplement No. 53 (A/62/53)*.

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## **Introduction**

1. The Council held its sixth session from 10 to 28 September and 10 to 14 December 2007; its seventh session from 3 to 28 March and 1 April 2008; and its eighth session from 2 to 18 June 2008. The second organizational meeting was held on 19 and 20 June 2008, in accordance with rule 8 of its rules of procedure, as contained in the annex to Council resolution 5/1. The Council held its fifth special session on 2 October 2007, its sixth special session on 23 and 24 January 2008, and its seventh special session on 22 May 2008.
  
2. The reports of the Council on each of the above-mentioned sessions have been issued in documents A/HRC/6/22, A/HRC/7/78, A/HRC/8/52, A/HRC/S-5/2, A/HRC/S-6/2 and A/HRC/S-7/2.

**Resolutions and decisions adopted by the Council at its sixth, seventh and eighth sessions and at its fifth, sixth and seventh special sessions, as well as President's statements adopted by the Council at its sixth and eighth sessions**

**I. Sixth session**

**A. RESOLUTIONS**

**6/1. Protection of cultural rights and property in situations of armed conflict**

*The Human Rights Council,*

*Guided* by the purposes, principles and provisions of the Charter of the United Nations,

*Guided also* by the principles relating to economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

*Recalling* that the Vienna Declaration and Programme of Action (A/CONF.157/23), the 2005 World Summit Outcome (General Assembly resolution 60/1 of 16 September 2005) and Assembly resolution 60/251 of 15 March 2006 that established the Human Rights Council all affirm that all human rights are universal, indivisible, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis,

*Recalling also* that the General Assembly acknowledged in its resolution 60/251 that peace and security, development and human rights are the pillars of the United Nations system and the foundations for the collective security and well-being, and recognized that development, peace and security and human rights are interlinked and mutually reinforcing,

*Acknowledging* that human rights law and international humanitarian law are complementary and mutually reinforcing,

*Gravely concerned* about serious violations of international humanitarian law and human rights law during armed conflicts, in all parts of the world, and their detrimental impact on cultural rights and property,

*Recalling* the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols, and stressing the importance of their implementation to protect cultural property,

*Reaffirming* that the destruction of or any other form of damage to cultural property may impair the enjoyment of cultural rights, in particular of article 15 of the International Covenant on Economic, Social and Cultural Rights,

1. *Calls upon* all States to respect human rights law and strongly urges all parties to an armed conflict to strictly observe and respect, as applicable, the rules of international humanitarian law during armed conflicts, and to respect the rules on the protection of cultural property;



2. *Emphasizes* that each party to an armed conflict is committed under international law to take all necessary steps to protect cultural property through safeguarding of and respect for such property, including cultural property situated in occupied territories;
3. *Strongly condemns* any destruction of cultural property in violation of international humanitarian law, as applicable, during armed conflicts;
4. *Emphasizes* that protection of cultural property during armed conflicts can contribute to the full enjoyment of the right of everyone to take part in cultural life;
5. *Urges* States and encourages intergovernmental and non-governmental organizations to take all necessary measures at the national, regional and international levels to address the issue of protection of cultural rights and property during armed conflicts, paying particular attention to the situation in occupied territories, and to provide appropriate assistance as requested by the concerned States;
6. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations;
7. *Decides* to remain seized of this issue and to consider further actions to implement the present resolution.

*20th meeting  
27 September 2007*

[Resolution adopted without a vote.]

## **6/2. Mandate of the Special Rapporteur on the right to food**

*The Human Rights Council,*

*Reaffirming* all previous resolutions adopted by the General Assembly and the Commission on Human Rights on the issue of the right to food, including General Assembly resolution 61/163 of 19 December 2006 and Commission on Human Rights resolution 2005/18 of 14 April 2005,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* the resolutions 5/1 “Institution-building of the United Nations Human Rights Council” and 5/2 “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council” of 18 June 2007 and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and their annexes,

*Recalling also* commitments taken by the international community to fully implement the Millennium Development Goals,

*Recognizing* that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even increase dramatically in some regions of the world unless urgent, determined and concerted action is taken,

1. *Welcomes* the valuable work and commitment of Mr. Jean Ziegler during his tenure as the first mandate-holder to achieving the realization of the right to food;

2. *Decides* to extend the mandate of the Special Rapporteur on the right to food for a period of three years:

(a) To promote the full realization of the right to food and the adoption of measures at the national, regional and international levels for the realization of the right of everyone to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

(b) To examine ways and means of overcoming existing and emerging obstacles to the realization of the right to food;

(c) To continue mainstreaming a gender perspective and taking into account an age dimension in the fulfilment of the mandate, considering that women and children are disproportionately affected by hunger, food insecurity and poverty;

(d) To submit proposals that could help the realization of Millennium Development Goal No. 1 to halve by the year 2015 the proportion of people who suffer from hunger, as well as to realize the right to food, in particular, taking into account the role of international assistance and cooperation in reinforcing national actions to implement sustainable food security policies;

(e) To present recommendations on possible steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and as soon as possible enjoy fully the right to food, taking into account lessons learnt in the implementation of national plans to combat hunger;

(f) To work in close cooperation with all States, intergovernmental and non-governmental organizations, the Committee on Economic, Social and Cultural Rights, as well as with other relevant actors representing the broadest possible range of interests and experiences, within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

(g) To continue participating in and contributing to relevant international conferences and events with the aim of promoting the realization of the right to food;

3. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his/her task, to supply all necessary information requested by him/her and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, to enable him/her to fulfil his/her mandate effectively;

4. *Requests* the United Nations High Commissioner for Human Rights to provide all necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;
5. *Invites* the Special Rapporteur ending the fulfilment of his mandate to submit to the Council in 2008 a comprehensive final report on his findings, conclusions and recommendations, after more than six years as mandate-holder on the right to food;
6. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the General Council of the Food and Agriculture Organization of the United Nations in November 2004 represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;
7. *Requests* the Special Rapporteur to submit a report on the implementation of the present resolution to the General Assembly at its sixty-third session and to the Council in 2008, in accordance with its annual programme of work;
8. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his/her mandate, inter alia through the submission of comments and suggestions on ways and means of realizing the right to food;
9. *Decides* to continue its consideration of this matter under the same agenda item.

*20th meeting  
27 September 2007*

[Resolution adopted without a vote.]

### **6/3. Human rights and international solidarity**

*The Human Rights Council,*

*Recalling* Commission on Human Rights resolution 2005/55 of 20 April 2005, and taking note of the report presented to the Council by the independent expert on human rights and international solidarity (A/HRC/4/8),

*Recalling also* the resolutions 5/1 “Institution-building of the United Nations Human Rights Council” and 5/2 “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council” of 18 June 2007 and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and their annexes,

*Underlining* that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

*Recalling* the importance, in the view to the promotion and protection of international solidarity, of the declarations and programmes of action of international conferences such as the World Conference on Human Rights held in Vienna in 1993, the International Conference on Financing for Development held in Monterrey in 2002, the United Nations Conference on Environment and Development held in Rio in 1992, the World Summit on Sustainable Development held in Johannesburg in 2002, and the World Conference on Disaster Reduction held in Kobe in 2005,

*Taking note with appreciation* of the initiatives of the International Action against Hunger and Poverty, particularly in the field of innovative financial mechanisms,

*Recalling* that at the World Conference on Human Rights States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

*Reaffirming* that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development,

*Taking into account* that article 2 of the International Covenant on Economic, Social and Cultural Rights states that each State party to the Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures,

*Persuaded* that sustainable development can be promoted by peaceful coexistence, friendly relations and cooperation among States with different social, economic or political systems,

*Reaffirming* that the widening gap between the economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

*Expressing concern* at the fact that the immense benefits resulting from the process of globalization and economic interdependence have not reached all countries, communities and individuals, and at the increasing marginalization from their benefits of several countries, particularly the least developed and the African countries,

*Expressing its deep concern* at the number and scale of natural disasters, diseases and agricultural pests and their increasing impact in recent years, which have resulted in a massive loss of life and long-term negative social, economic and environmental consequences for vulnerable societies throughout the world, in particular in developing countries,

*Reaffirming* the crucial importance of increasing the resources allocated for official development assistance, and recalling the pledge of the industrialized countries to allocate 0.7 per cent of their gross national product for official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

*Determined* to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

*Asserting* the necessity for establishing new, equitable and global links of partnership and intra-generational solidarity, and for promoting intergenerational solidarity for the perpetuation of humankind,

*Recognizing* that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries towards the realization of the right to development of their peoples and the promotion of the full enjoyment of economic, social and cultural rights by everyone has been insufficient,

*Resolved* to strive to ensure that the present generations are fully aware of their responsibilities towards future generations, and that a better world is possible for the present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the United Nations of the fundamental value of solidarity to international relations in the twenty-first century, in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice, and that those who suffer, or who benefit least, deserve help from those who benefit most;

2. *Expresses its determination* to contribute towards the solution of current world problems through increased international cooperation, to create such conditions as will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand on a better world to future generations;

3. *Urges* the international community to consider urgently concrete measures to promote and consolidate international assistance to developing countries in their endeavours for development and for the promotion of conditions that make possible the full realization of all human rights;

4. *Recognizes* that the so-called “third-generation rights” closely interrelated to the fundamental value of solidarity need further progressive development within the United Nations human rights machinery in order to be able to respond to the increasing challenges of international cooperation in this field;

5. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity in their activities;

6. *Decides*, taking into account the urgent need to further develop guidelines, standards, norms and principles with a view to promoting and protecting the right of peoples and individuals to international solidarity, to request the independent expert on human rights and international solidarity to continue discharging his mandate, subject to the review of this mandate that will be accomplished by the Council in the near future;

7. *Requests* the independent expert to continue his work in the preparation of a draft declaration on the right of peoples and individuals to international solidarity and to submit a report on the implementation of the present resolution at its ninth session (to be held in September 2008), unless otherwise decided by the Council;

8. *Also requests* the independent expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields and to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his/her mandate;

9. *Decides* to continue its examination of this issue at its ninth session under the same agenda item.

*20th meeting  
27 September 2007*

[Resolution adopted by a recorded vote of 34 to 12, with 1 abstention. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

*Against:* Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Switzerland.]

#### **6/4. Arbitrary detention**

*The Human Rights Council,*

*Reaffirming* articles 3, 9, 10 and 29, as well as other relevant provisions of the Universal Declaration of Human Rights,

*Recalling* articles 9, 10, 11, and 14 to 22 of the International Covenant on Civil and Political Rights,

*Recalling also* Commission on Human Rights resolutions 1991/42 of 5 March 1991 and 1997/50 of 15 April 1997, as well as resolution 2005/28 of 19 April 2005,

*Recalling further* General Assembly resolution 60/251 of 15 March 2006 entitled “Human Rights Council”,

*Recalling* the resolutions 5/1 “Institution-building of the United Nations Human Rights Council” and 5/2 “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council” of 18 June 2007 and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and their annexes,

1. *Decides* to extend the mandate of the Working Group on Arbitrary Detention for a further period of three years, in accordance with resolutions 1991/42 and 1997/50 of the Commission on Human Rights:

(a) To investigate cases of deprivation of liberty imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned;

(b) To seek and receive information from Governments and intergovernmental and non-governmental organizations, and receive information from the individuals concerned, their families or their representatives;

(c) To act on information submitted to its attention regarding alleged cases of arbitrary detention by sending urgent appeals and communications to concerned Governments to clarify and to bring to their attention these cases;

(d) To conduct field missions upon the invitation of Government, in order to understand better the situations prevailing in countries, as well as the underlying reasons for instances of arbitrary deprivation of liberty;

(e) To formulate deliberations on issues of a general nature in order to assist States to prevent and guard against the practice of arbitrary deprivation of liberty and to facilitate consideration of future cases;

(f) To present an annual report to the Human Rights Council presenting its activities, findings, conclusions and recommendations;

2. *Encourages* the Working Group, in fulfilling its mandate:

(a) To work in cooperation and dialogue with all those concerned by the cases submitted to it, and in particular with States that provide information which should be given due consideration;

(b) To work in coordination with other mechanisms of the Human Rights Council, with other competent United Nations bodies and with treaty bodies, bearing in mind the role of the Office of the United Nations High Commissioner for Human Rights in such coordination, and to take all necessary measures to avoid duplication with those mechanisms, in particular regarding the treatment of the communications it receives and field missions;

(c) To carry out its task with discretion, objectivity and independence;

3. *Takes note* of the latest reports of the Working Group (E/CN.4/2006/7 and A/HRC/4/40), including the recommendations contained therein;

4. *Requests* the States concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

5. *Encourages* all States:

(a) To give due consideration of the recommendations of the Working Group;

(b) To take appropriate measures in order to ensure that their legislation, regulations and practices remain in conformity with the relevant international standards and the applicable international legal instruments;

(c) To respect and promote the right of anyone who is arrested or detained on a criminal charge to be brought promptly before a judge or other officer authorized by law to exercise judicial power and to be entitled to trial within a reasonable time or to release;

(d) To respect and promote the right of anyone who is deprived of his/her liberty by arrest or detention to be entitled to bring proceedings before a court, in order that the court may decide without delay on the lawfulness of his/her detention and order his/her release if the detention is not lawful, in accordance with their international obligations;

(e) To ensure that the right deferred to in subparagraph (d) above is equally respected in cases of administrative detention, including administrative detentions in relation to public security legislation;

(f) To ensure that the conditions of pretrial detention do not undermine the fairness of the trial;

6. *Also encourages* all States concerned to ensure that any measures taken to combat terrorism comply with their obligations that ensure protection against arbitrary detention, bearing in mind relevant recommendations of the Working Group;

7. *Further encourages* all States to cooperate with the Working Group, and to give serious consideration to its requests for visits, so that it may carry out its mandate even more effectively;

8. *Notes with concern* that a persistent proportion of urgent appeals of the Working Group has been left unanswered and urges the States concerned to give the necessary attention to the urgent appeals addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its possible final conclusions;

9. *Expresses its profound thanks* to the States that have extended their cooperation to the Working Group and responded to its requests for information, and invites all States concerned to demonstrate the same spirit of cooperation;

10. *Takes note with satisfaction* of the fact that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases that have not yet been resolved;



11. *Requests* the Secretary-General to provide all necessary assistance to the Working Group, particularly with regard to the staffing and resources needed for the effective fulfilment of its mandate, especially in respect of field missions;

12. *Decides* to continue consideration of the question in conformity with its programme of work.

*21st meeting  
28 September 2007*

[Resolution adopted without a vote.]

### **6/5. Advisory services and technical assistance for Burundi**

*The Human Rights Council,*

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

*Recalling* General Assembly resolution 60/251 of 15 March 2006,

*Recalling also* the resolutions 5/1 “Institution-building of the United Nations Human Rights Council” and 5/2 “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council” of 18 June 2007 and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and their annexes,

*Bearing in mind* Commission on Human Rights resolution 2004/82 of 21 April 2004,

*Recognizing* the efforts by the United Nations, the African Union, the European Union and the countries of the Regional Peace Initiative to help provide Burundi with backing to fully re-establish peace and security in its national territory,

*Welcoming* the efforts of the Burundi Government and the international community to encourage the *Parti pour la libération du peuple hutu-Forces nationales de libération* (Palipehutu-FNL) and its leader Agathon Rwaso to accede to the Joint Verification and Monitoring Mechanism envisaged in article 3.1 of the Global Ceasefire Agreement of 7 September 2006 and to resume negotiations,

*Considering* the expectations of the Burundi population following the elections of 2005 that led to the establishment of democratic institutions in Burundi,

*Conscious* of the commitment of the Government of Burundi to dialogue with its political partners,

1. *Requests* the United Nations High Commissioner for Human Rights to increase the allocation for technical assistance for Burundi through her office in Bujumbura;

2. *Exhorts* the international community to provide the Burundi Government with appropriate funding to enable it better to consolidate human rights, peace and security in its national territory;
3. *Encourages* the Burundi Government to continue to give priority to dialogue, wherever necessary;
4. *Also encourages* the Burundi Government to pursue its efforts to engage in dialogue with Palipehutu-FNL and its leader Agathon Rwasa;
5. *Decides* to extend by one year the mandate of the independent expert on the situation of human rights in Burundi;
6. *Asks* the independent expert to submit a final report to the Council at its ninth session on the effectiveness and efficiency of the measures applied in practice.

*21st meeting  
28 September 2007*

[Resolution adopted without a vote.]

#### **6/6. Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity**

*The Human Rights Council,*

*Recalling* the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, as well as other pertinent human rights instruments,

*Recalling also* resolutions 2002/26 of 22 April 2002, 2003/26 of 22 April 2003, 2004/20 of 16 April 2004 and 2005/20 of 14 April 2005 of the former Commission on Human Rights,

*Noting* that numerous declarations within the United Nations system promote respect for cultural diversity, as well as for international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the United Nations Educational, Scientific and Cultural Organization Universal Declaration on Cultural Diversity, adopted by its General Conference in 1966 and 2001 respectively,

*Recalling* its resolutions 5/1 and 5/2 of 18 June 2007,

*Taking note* of the Tehran Declaration and Programme of Action on Human Rights and Cultural Diversity adopted at the Ministerial Meeting of the Non-Aligned Movement on Human Rights and Cultural Diversity, held in Tehran, Islamic Republic of Iran, on 3 and 4 September 2007,

*Welcoming* the entry into force on 18 March 2007 of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005,

*Stressing* the importance of the promotion of the cultural rights of everyone and of respect for cultural diversity,

*Convinced* that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country and on the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;
2. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities (E/CN.4/2006/40);
3. *Expresses its appreciation* to States and intergovernmental and non-governmental organizations that responded to or participated in the consultations held pursuant to Commission on Human Rights resolutions 2002/26 of 22 April 2002, 2003/26 of 22 April 2003, 2004/20 of 16 April 2004 and 2005/20 of 14 April 2005;
4. *Reaffirms* that the establishment of a thematic procedure in the field of cultural rights should not develop a new monitoring mechanism, and that the appointment of an independent expert in the field of cultural rights could assist the implementation of the present resolution, taking into account the work already done in this field by other bodies, organs and organizations of the United Nations system;
5. *Acknowledges* that the process of review, rationalization and improvement of mandates represents momentum towards the establishment of an independent expert in the field of cultural rights, and to this end requests the United Nations High Commissioner for Human Rights to consult States, intergovernmental and non-governmental organizations on the content and scope of the mandate of the independent expert in the field of cultural rights, the basis of which would be the comprehensive implementation of the present resolution, and to report on the results of those consultations to the Council in accordance with its annual programme of work;
6. *Underlines* that it is important to avoid overlapping with the activities of the United Nations Educational, Scientific and Cultural Organization and other bodies and organizations of the United Nations system when establishing the mandate of the independent expert and to bear in mind the significance of encouraging synergy between all actors dealing with cultural rights and the issue of cultural diversity;
7. *Decides* to continue its consideration of this matter in accordance with the annual programme of work under the same agenda item.

*21st meeting  
28 September 2007*

[Resolution adopted without a vote.]

## **6/7. Human rights and unilateral coercive measures**

*The Human Rights Council,*

*Recalling* the purposes and the principles of the Charter of the United Nations,

*Recalling also* its decision 4/103 of 30 March 2007 and taking note of General Assembly resolution 61/170 of 19 December 2006, as well as of the report of the Secretary-General on this issue (A/HRC/6/2),

*Stressing* that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States,

*Recognizing* the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as a universal and inalienable right and an integral part of all human rights,

*Expressing its concern* about the negative impact of unilateral coercive measures in the field of human rights, development, international relations, trade, investment and cooperation,

*Recalling* the Final Document of the Fourteenth Conference of Heads of State or Government of the Non-Aligned Movement, held in September 2006 in Havana, in which they agreed to oppose and condemn these measures or laws and their continued application, persevere with efforts to effectively reverse them and urge other States to do likewise as called for by the General Assembly and other United Nations organs, and to request States applying these measures or laws to revoke them fully and immediately,

*Recalling also* that the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights, and also severely threatens the freedom of trade,

*Deeply concerned* that, despite the resolutions adopted on this issue by the General Assembly, the former Commission on Human Rights and United Nations conferences held in the 1990s and their five-year reviews, and contrary to norms of international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated, implemented and enforced, inter alia through resorting to war and militarism, with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

*Reaffirming* that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,

*Recalling* article 1, paragraph 2, common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which provides, inter alia, that in no case may a people be deprived of its own means of subsistence,

1. *Urges* all States to stop adopting or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States and, in this context, calls upon all Member States neither to recognize these measures nor apply them, as well as to take effective administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;

3. *Condemns* the continued unilateral application and enforcement by certain Powers of such measures as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing these countries from exercising their right to decide, of their own free will, their own political, economic and social systems;

4. *Reiterates its call* upon Member States that have initiated such measures to abide by the principles of international law, the Charter of the United Nations, the declarations of the United Nations and world conferences and relevant resolutions and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by putting an immediate end to such measures;

5. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

6. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970, and according to the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32, no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

7. *Reaffirms* that essential goods such as food and medicines should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

8. *Underlines* that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial

application of domestic laws which run counter to the principles of free trade and hamper the development of developing countries, as recognized by the Intergovernmental Group of Experts on the Right to Development in its report on its second session (E/CN.4/1998/29);

9. *Rejects* all attempts to introduce unilateral coercive measures, as well as the increasing trend in this direction, including through the enactment of laws with extraterritorial application which are not in conformity with international law;

10. *Recognizes* that the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva in December 2003, strongly urged States to avoid and refrain from any unilateral measure in building the Information Society;

11. *Invites* all special rapporteurs and existing thematic mechanisms of the Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

12. *Decides* to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

13. *Requests:*

(a) The United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion and protection of human rights, to pay due attention and give urgent consideration to the present resolution;

(b) The Secretary-General to bring the present resolution to the attention of all Member States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Council as appropriate, in accordance with its annual programme of work;

14. *Decides* to examine this question, on a priority basis, as appropriate, in accordance with its annual programme of work under the same agenda item.

*21st meeting  
28 September 2007*

[Resolution adopted by a recorded vote of 34 to 11, with 2 abstentions. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

*Against:* Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Romania, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Republic of Korea, Ukraine.]

**6/8. Human rights and equitable access to safe drinking water and sanitation**

*The Human Rights Council,*

*Recalling* its decision 2/104 of 27 November 2006,

*Taking note* of the report of the United Nations High Commissioner for Human Rights on the scope and content of relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments (A/HRC/6/3),

*Mindful* that the report requires thorough consideration by States and other relevant stakeholders,

1. *Calls upon* all States to give due attention to the report of the High Commissioner;
2. *Decides* to consider the issue at its seventh session.

*21st meeting  
28 September 2007*

[Resolution adopted without a vote.]

**6/9. Development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights**

*The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights, and that activities to improve public information and awareness in the field of human rights are essential to the fulfilment of the purposes and principles of the United Nations as set out in Article 1, paragraph 3, of the Charter of the United Nations,

*Taking note* of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights (A/HRC/4/106),

*Recalling* relevant General Assembly resolutions, including resolution 43/128 of 8 December 1988, by which the Assembly launched the World Public Information Campaign on Human Rights, resolution 59/113 of 10 December 2004, by which the Assembly proclaimed the World Programme for Human Rights Education, and resolution 60/251 of 15 March 2006, by which the Assembly decided that the Council should promote human rights education and learning as well as advisory services, technical assistance and capacity-building,

*Recalling also* the relevant Commission on Human Rights resolutions, particularly its last resolution on this subject, resolution 2005/58 of 20 April 2005,

1. *Encourages* the Department of Public Information of the Secretariat and the Office of the United Nations High Commissioner for Human Rights to continue to support, within their respective responsibilities and in consultation with States, the development of national capacities for human rights education and public information, inter alia by involving national human rights institutions and non-governmental organizations, and to launch, within the framework of the Universal Declaration of Human Rights sixtieth anniversary activities, specific initiatives for widening public information in the field of human rights;

2. *Encourages* all States to develop specific public information activities within the framework of the Universal Declaration of Human Rights sixtieth anniversary activities, and to enhance their education and training efforts, also in the context of the World Programme for Human Rights Education, including targeted training programmes for professional audiences in the field of human rights in close contact with the Office of the United Nations High Commissioner for Human Rights;

3. *Calls on* the High Commissioner for Human Rights to mainstream human rights education and public information activities, within the framework of the Universal Declaration of Human Rights sixtieth anniversary activities, in the existing initiatives and in those to be undertaken to this end, at the international, regional, and national levels;

4. *Requests* the Secretary-General, within the regular budget of the United Nations, to mobilize, as appropriate, the United Nations Country Teams in order to promote, within the framework of the Universal Declaration of Human Rights sixtieth anniversary activities, education, training and public information activities in the field of human rights;

5. *Also requests* the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to submit to the Council, prior to its seventh session, a joint progress report, from within the regular budget of the United Nations, on public information activities in the field of human rights, including activities being undertaken throughout the sixtieth anniversary of the Universal Declaration of Human Rights, by the United Nations system, internationally and at the national level, and, particularly, by the field presences of the Office of the High Commissioner for Human Rights.

*21st meeting  
28 September 2007*

[Resolution adopted without a vote.]

## **6/10. United Nations declaration on human rights education and training**

*The Human Rights Council,*

*Recalling* that the Universal Declaration of Human Rights proclaims that every individual and every organ of society, keeping the Declaration constantly in mind, shall strive by teaching and education to promote respect for the rights and freedoms contained in it,



*Recalling* the high importance attached to human rights education by the Vienna Declaration and Programme of Action, adopted in June 1993 by the World Conference on Human Rights, and the great value of the World Programme for Human Rights Education,

*Reaffirming* that the Human Rights Council shall, inter alia, promote human rights education and learning,

*Believing* that enhanced efforts to promote human rights education would represent a major contribution of the Human Rights Council,

*Reaffirming* the importance of the World Programme for Human Rights Education,

*Mindful and appreciative* of the efforts made in this regard by the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund, the United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights as well as by other relevant stakeholders, including educators and non-governmental organizations,

1. *Requests* the "Human Rights Council Advisory Committee" to prepare a draft declaration on human rights education and training, to be presented to the Human Rights Council for consideration; to this end:

(a) *Requests* the "Human Rights Council Advisory Committee" to seek the views and inputs of Member States, relevant international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, national human rights institutions as well as civil society organizations, including non-governmental organizations, on the possible elements of the content of the declaration and to take into account existing relevant instruments;

(b) *Requests* also the "Human Rights Council Advisory Committee" to present a progress report to the Human Rights Council, at its 2009 main session, containing the elements of the draft declaration on human rights education and training;

2. *Decides* to consider the progress report at its 2009 main session.

*21st meeting  
28 September 2007*

[Resolution adopted without a vote.]

#### **6/11. Protection of cultural heritage as an important component of the promotion and protection of cultural rights**

*The Human Rights Council,*

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

*Bearing in mind* pertinent universal and regional legal instruments for the promotion and protection of cultural rights and for the protection of cultural heritage, including the principles enshrined in conventions, recommendations, declarations and charters for the protection of cultural heritage adopted by the United Nations Educational, Scientific and Cultural Organization,

*Reaffirming* that all human rights are universal, indivisible, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis,

*Recalling* that States parties to the International Covenant on Economic, Social and Cultural Rights undertake to take steps, including those necessary for the conservation, development and diffusion of science and culture, in order to achieve full realization of the rights, as stipulated in article 15 of the Covenant,

*Reaffirming* the importance of cultural diversity for the full realization of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized instruments,

*Recalling* that cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels,

*Mindful* that cultural heritage is an important component of the cultural identity of communities, groups and individuals, and of social cohesion, so that its intentional destruction may have adverse consequences on human dignity and human rights,

*Affirming* that intentional destruction of cultural heritage may violate the principles of international law,

*Reaffirming* the importance of the protection of cultural heritage and the commitment to fight against its intentional destruction in any form so that such cultural heritage may be transmitted to the succeeding generations,

*Recognizing* the valuable contributions of all religions to modern civilization and the contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

1. *Recognizes* that the promotion and protection of cultural rights and the respect for different cultural identities are vital elements to advance freedom and progress everywhere, as well as to encourage tolerance, respect, dialogue and cooperation among different cultures, civilizations and peoples;

2. *Reiterates* that each culture has a dignity and value which must be respected and preserved, and that respect for the diversity of belief, culture and language promotes a culture of peace and dialogue among all civilizations;

3. *Recognizes* that intentional destruction of cultural heritage may constitute advocacy and incitement to national, racial or religious hatred and thereby violates fundamental principles of international human rights law, inter alia, the provisions as stipulated in article 20 of the International Covenant on Civil and Political Rights;
4. *Expresses grave concern* about continuing acts of intentional destruction of cultural heritage that take place in various parts of the world;
5. *Underlines* that States bear responsibility for intentional destruction or failure to take appropriate measures to prohibit, prevent, stop and punish any such destruction of cultural heritage of great importance for humanity, to the extent provided for by international law;
6. *Encourages* all States, relevant intergovernmental and non-governmental organizations and the media to promote a culture of tolerance and respect for the diversity of cultures, civilizations and religions and for cultural and religious sites, which represent an important aspect of the collective heritage of humankind;
7. *Emphasizes* the importance of continued cooperation at international and regional levels in order to encourage dialogue among cultures with a view to ensuring wider and balanced cultural exchanges in the world in favour of intercultural respect and culture of peace;
8. *Requests* the United Nations High Commissioner for Human Rights to encourage all relevant human rights bodies and mechanisms to pay due attention to the issue of promotion of cultural diversity and protection of cultural heritage as an important component of the promotion and protection of all human rights, including the full realization of cultural rights;
9. *Encourages* the High Commissioner for Human Rights to enhance consultations with the Council and cooperation with relevant international and regional organizations and bodies concerned with the issue of protection of cultural heritage in order to address human rights-related aspects of this issue;
10. *Requests* the High Commissioner for Human Rights to bring the present resolution to the attention of all Governments, the competent United Nations organs, programmes and specialized agencies, as well as regional intergovernmental organizations;
11. *Decides* to remain seized of this issue and to consider further actions in order to implement the present resolution.

*21st meeting  
28 September 2007*

[Resolution adopted without a vote.]

**6/12. Human rights and indigenous peoples: mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people**

*The Human Rights Council,*

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* the resolutions 5/1 “Institution-building of the United Nations Human Rights Council” and 5/2 “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council” of 18 June 2007 and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and their annexes,

*Recalling also* resolutions 2001/57 of 24 April 2001, 2002/65 of 25 April 2002, 2003/56 of 24 April 2003, 2004/62 of 21 April 2004 and 2005/51 of 20 April 2005 of the Commission on Human Rights entitled “Human rights and indigenous issues”,

1. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people for a period of three years:

(a) To examine ways and means of overcoming existing obstacles to the full and effective protection of the human rights and fundamental freedoms of indigenous people, in conformity with his/her mandate, and to identify, exchange and promote best practices;

(b) To gather, request, receive and exchange information and communications from all relevant sources, including Governments, indigenous people and their communities and organizations, on alleged violations of their human rights and fundamental freedoms;

(c) To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations of the human rights and fundamental freedoms of indigenous people;

(d) To work in close cooperation, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies, the treaty bodies, and human rights regional organizations;

(e) To work in close cooperation with the Permanent Forum on Indigenous Issues and to participate in its annual session;

(f) To develop a regular cooperative dialogue with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies and programmes, as well as indigenous peoples, non-governmental organizations and other regional or subregional international institutions, including on possibilities for technical cooperation at the request of Governments;

(g) To promote the United Nations Declaration on the Rights of Indigenous Peoples and international instruments relevant to the advancement of the rights of indigenous peoples, where appropriate;

(h) To pay special attention to the human rights and fundamental freedoms of indigenous children and women, and to take into account a gender perspective in the performance of his/her mandate;

(i) To consider relevant recommendations of the world conferences, summits and other United Nations meetings, as well as the recommendations, observations and conclusions of the treaty bodies on matters regarding his/her mandate;

(j) To submit a report on the implementation of his/her mandate to the Council in accordance with its annual programme of work;

2. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested in his/her communications and to react promptly to his/her urgent appeals;

3. *Encourages* all Governments to give serious consideration to the possibility of inviting the Special Rapporteur to visit their countries so as to enable him/her to fulfil the mandate effectively;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfilment of his/her mandate;

5. *Decides* to continue consideration of this question in conformity with the Human Rights Council's programme of work.

*21st meeting  
28 September 2007*

[Resolution adopted without a vote.]

## **6/13. The Social Forum**

*The Human Rights Council,*

*Recalling* all previous resolutions and decisions adopted on this issue by the former Commission on Human Rights and its Sub-Commission on the Promotion and Protection of Human Rights, as well as by the Economic and Social Council,

*Recalling also* its resolution 5/1 of 18 June 2007,

*Bearing in mind* that the reduction of poverty and the elimination of extreme poverty remain an ethical and moral imperative of humankind, based on respect for human dignity, and noting the report of the Chairperson-Rapporteur of the fourth Social Forum, held on 3 and 4 August 2006, which focused on "The fight against poverty and the rights to participation: the role of women",

*Reaffirming* the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States, civil society,

including grass-roots organizations, and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Social Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Welcomes* the report of the fourth Social Forum held in Geneva on 3 and 4 August 2006 submitted by the Chairman-Rapporteur (A/HRC/Sub.1/58/15);

2. *Takes note with satisfaction* of the conclusions and recommendations of the 2006 Social Forum and of the innovative nature of many of them, and calls upon States, international organizations - in particular those with a mandate for poverty eradication - non-governmental organizations, civil society organizations, trade unions and other relevant actors to take them into account when designing and implementing poverty-eradication programmes and strategies;

3. *Decides* to preserve the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including grass-roots organizations, and underlines the importance of coordinated efforts at national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity as well as to address the social dimension and challenges of the ongoing globalization process;

4. *Decides also* that the Social Forum shall continue meeting every year, requests that the next meeting of the Social Forum be held during 2008, in Geneva, on dates suitable for the participation of representatives of United Nations Member States and of the broadest possible range of other stakeholders, especially from developing countries, and decides that at its next meeting the Social Forum should focus on:

(a) Questions relating to the eradication of poverty in the context of human rights;

(b) Capturing best practices in the fight against poverty in the light of grass-roots presentations to the Social Forum;

(c) Social dimension of the globalization process;

5. *Decides further* that the Social Forum will meet for three working days, in order that it may devote:

(a) One day to thematic discussions on poverty and human rights and the work of the international human rights mechanisms in the field of economic, social and cultural rights and the right to development in relation to poverty, in order to receive feedback from civil society to provide to different mechanisms;

(b) One day to discussion on the social dimension of the globalization process;

(c) One day to an interactive debate with relevant thematic procedures mandate-holders of the Human Rights Council on issues related to the topics of the Social Forum, and to formulating conclusions and recommendations to be presented to relevant bodies through the Human Rights Council;

6. *Requests* the President of the Human Rights Council to appoint, before the end of 2007, from candidates nominated by regional groups, the Chairperson-Rapporteur for the 2008 Social Forum and decides to respect the principle of regional rotation while appointing the chairpersons-rapporteurs of the Social Forum in the future;
7. *Invites* the appointed Chairperson-Rapporteur to announce, in a timely manner, the most appropriate dates for convening the 2008 Social Forum, after holding consultations with United Nations Member States and other stakeholders;
8. *Requests* the United Nations High Commissioner for Human Rights to consult all actors identified in the present resolution on the issues referred to in paragraph 4 above and to present a report as a background contribution for the dialogues and debates that will be held at the 2008 Social Forum;
9. *Requests also* the High Commissioner for Human Rights to facilitate the participation in the 2008 Social Forum, to assist the Chairperson-Rapporteur as resource persons, of up to four relevant Human Rights Council thematic procedures mandate-holders, in particular the independent expert on the question of human rights and extreme poverty and the independent expert on human rights and international solidarity;
10. *Decides* that the Social Forum will remain open for participation of representatives of United Nations Member States and all other interested stakeholders such as intergovernmental organizations, different components of the United Nations system, especially mandate-holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions, specialized agencies and organizations - in particular the United Nations Development Programme, the World Bank, the International Monetary Fund and the World Trade Organization, as well as representatives designated by human rights national institutions and non-governmental organizations in consultative status with the Economic and Social Council and other non-governmental organizations, in particular newly emerging actors such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, youth associations, community organizations, trade unions and associations of workers, as well as representatives of the private sector, regional banks, and other financial institutions and international development agencies, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of these entities;
11. *Requests* the Office of the United Nations High Commissioner for Human Rights to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, especially those from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;
12. *Requests* the Secretary-General to adopt the appropriate measures to disseminate information about the Social Forum, invite the relevant individuals and organizations to the Social Forum and take all practical measures required for the success of this initiative;
13. *Invites* the 2008 Social Forum to submit to the Human Rights Council a report including a proposal of possible themes for the 2009 Social Forum;

14. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and also requests the United Nations High Commissioner for Human Rights to provide all the necessary support to facilitate the convening and proceedings of the Social Forum;

15. *Decides* to continue consideration of this issue under the relevant agenda item when the report of the 2008 Social Forum is submitted to the Human Rights Council.

*21st meeting  
28 September 2007*

[Resolution adopted without a vote.]

#### **6/14. Special Rapporteur on contemporary forms of slavery**

*The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights, which states that no one shall be held in slavery or servitude and that slavery and the slave trade shall be prohibited in all their forms,

*Recognizing* the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and International Labour Organization Convention No. 29 on Forced Labour of 1930, as well as other relevant international instruments which prohibit all forms of slavery and call on Governments to eradicate such practices,

*Recalling* that the Durban Declaration and Programme of Action strongly condemned the fact that slavery and slavery-like practices still exist today in parts of the world and urged States to take immediate measures as a matter of priority to end such practices, which constitute flagrant violations of human rights,

*Acknowledging* that contemporary forms of slavery is a global issue which affects all continents and most countries of the world,

*Deeply concerned* that the minimum estimate of the number of people in slavery is over 12 million and that the problem appears to be increasing,

*Recognizing* that broad international cooperation among States, as well as between States and relevant intergovernmental and non-governmental organizations is essential for effectively countering contemporary forms of slavery,

*Taking note* with great appreciation of the work, reports and recommendations of the Working Group on Contemporary Forms of Slavery of the former Sub-Commission on the Promotion and Protection of Human Rights, since its establishment in 1975,

*Considering* the proposals to replace the Working Group on Contemporary Forms of Slavery with a Special Rapporteur as a mechanism for better addressing the issue of contemporary forms of slavery within the United Nations system which were made in May 1998



in a review of the implementation of the conventions on slavery for the twenty-fourth session of the Working Group on Contemporary Forms of Slavery; in the Office of the United Nations High Commissioner for Human Rights' report "Abolishing slavery and its contemporary forms, 2002" (HR/PUB/02/4); and in the recommendations of the Working Group on Contemporary Forms of Slavery itself at its thirty-first session in 2006,

*Recalling* Human Rights Council decision 5/1 "Institution-building of the United Nations Human Rights Council" of 18 June 2007 and its annex, which stated that the Council would decide at its sixth session on the most appropriate mechanisms to continue the work of the Working Groups on Indigenous Populations, on Contemporary Forms of Slavery, Minorities, as well as Human Rights Council resolution 5/2 "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council" of 18 June 2007 and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and their annexes,

*Bearing in mind* that 2007 marks the two hundredth anniversary of the beginning of the abolition of the transatlantic slave trade,

*Convinced* that the mandates of existing Special Rapporteurs do not adequately cover all slavery practices, and that the issue of contemporary forms of slavery needs to be given greater prominence and priority within the United Nations system if these practices are to be eradicated once and for all,

1. *Decides* to appoint, for a three-year period, a Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, to replace the Working Group on Contemporary Forms of Slavery;

2. *Decides* that the Special Rapporteur shall examine and report on all contemporary forms of slavery and slavery-like practices, but in particular those defined in the Slavery Convention of 1926, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, as well as all other issues covered by the Working Group on Contemporary Forms of Slavery including forced prostitution and its human rights dimensions; in the discharge of his/her mandate, the Special Rapporteur will:

(a) Focus principally on aspects of contemporary forms of slavery which are not covered by existing mandates of the Human Rights Council;

(b) Promote the effective application of relevant international norms and standards on slavery;

(c) Request, receive and exchange information on contemporary forms of slavery from Governments, treaty bodies, special procedures, specialized agencies, intergovernmental organizations, and non-governmental organizations and other relevant sources, including on slavery practices and, as appropriate, and in line with the current practice, respond effectively to reliable information on alleged human rights violations with a view to protecting the human rights of victims of slavery and preventing violations;

(d) Recommend actions and measures applicable at the national, regional and international levels to eliminate slavery practices wherever they occur, including remedies which address the causes and consequences of contemporary forms of slavery, such as poverty, discrimination and conflict as well as the existence of demand factors and relevant measures to strengthen international cooperation;

3. *Requests* the Special Rapporteur, in carrying out his/her mandate:

(a) To give careful consideration to specific issues within the scope of the mandate and to include examples of effective practices as well as relevant recommendations;

(b) To take account of the gender and age dimensions of contemporary forms of slavery;

4. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all necessary information requested by him/her and to give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries, so as to enable him/her to fulfil his/her mandate effectively;

5. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions, and non-governmental organizations to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his/her mandate;

6. *Requests* the Special Rapporteur to cooperate fully and effectively with other existing human rights mechanisms and treaty bodies, including, but not limited to, the Special Rapporteur on trafficking in persons, especially in women and children, the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on violence against women, its causes and consequences, the Special Representative of the Secretary-General on children in armed conflict, and the Special Rapporteur on the human rights of migrants as well as the Board of Trustees for the United Nations Voluntary Fund on Contemporary Forms of Slavery, taking full account of their contribution while avoiding duplication of their work;

7. *Also requests* the Special Rapporteur to submit annual reports on the activities of the mandate to the Human Rights Council together with recommendations on measures that should be taken to combat and eradicate contemporary forms of slavery and slavery-like practices and to protect the human rights of victims of such practices;

8. *Requests* the Secretary-General to give the Special Rapporteur all necessary human and financial assistance for the effective fulfilment of his/her mandate.

*21st meeting  
28 September 2007*

[Resolution adopted without a vote.]

## 6/15. Forum on Minority Issues

*The Human Rights Council,*

*Recalling* the International Covenant on Civil and Political Rights and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by consensus by the General Assembly by its resolution 47/135 of 18 December 1992,

*Taking into consideration* article 27 of the International Covenant on Civil and Political Rights as well as other relevant existing international standards and national legislation,

*Recalling* Commission on Human Rights resolution 1995/24 of 3 March 1995, Economic and Social Council resolution 1995/31 of 25 July 1995 and decision 1998/246 of 30 July 1998 on the mandate of the Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights,

*Recalling also* Human Rights Council resolution 5/1 of 18 June 2007, which calls upon the Council to decide at its sixth session on the most appropriate mechanisms to continue the work of the former working groups of the Sub-Commission,

*Taking note* of the final report of the Working Group on Minorities (A/HRC/Sub.1/58/19), in particular the recommendations on the future of the Working Group, which emphasizes the need for a mechanism to serve as a forum for dialogue and mutual understanding on minority rights issues,

*Taking note also* of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (A/HRC/4/109), in which he invites the Council to consider ways to maintain mechanisms offering opportunities for the meaningful participation of civil society,

*Commending* the important work undertaken by the independent expert on minority issues and recalling the complementarity of her mandate with that of the former Working Group on Minorities provided for in Commission on Human Rights resolution 2005/79 of 21 April 2005,

*Emphasizing* the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities,

*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, as well as full and effective participation in matters affecting them, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

*Underlining* the need to pay specific attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the situation of persons belonging to national or ethnic, religious and linguistic minorities, and drawing attention to the relevant provisions of the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the provisions on forms of multiple discrimination,

*Emphasizing* the importance of dialogue among all relevant stakeholders on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including the sharing of best practices such as for the promotion of mutual understanding of minority issues, managing diversity by recognizing plural identities, and promoting inclusive and stable societies as well as social cohesion therein,

*Emphasizing also* the importance of national processes aimed at promoting and strengthening dialogue between all relevant stakeholders on issues relating to the rights of persons belonging to national, or ethnic, religious and linguistic minorities with a view to ensuring the realization of their rights without discrimination and to help build stable societies,

1. *Decides* to establish a forum on minority issues to provide a platform for promoting dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities, which shall provide thematic contributions and expertise to the work of the independent expert on minority issues.<sup>1</sup> The Forum shall identify and analyse best practices, challenges, opportunities and initiatives for the further implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

2. *Also decides* that the Forum shall be open to the participation of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on minority issues and non-governmental organizations in consultative status with the Economic and Social Council; the Forum shall also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure in accordance with the Rules of Procedure of the Human Rights Council, which will provide for the timely information on participation and consultations with States concerned;

3. *Decides further* that the Forum shall meet annually for two working days allocated to thematic discussions;

4. *Requests* the President of the Human Rights Council to appoint for each session, on the basis of regional rotation, and in consultation with regional groups, a chairperson of the Forum among experts on minority issues, nominated by members and observers of the Council; the chairperson, serving in his/her personal capacity, shall be responsible for the preparation of a summary of the discussion of the Forum, to be made available to all participants of the Forum;

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<sup>1</sup> Subject to review of the mandate of the independent expert, as foreseen in resolution 5/1 of 18 June 2007.

5. *Decides* that the independent expert on minority issues shall guide the work of the Forum and prepare its annual meetings, and invites him/her to include in his/her report thematic recommendations of the Forum and recommendations for future thematic subjects, for consideration by the Human Rights Council;

6. *Expresses its expectation* that the Forum will contribute to the efforts of the United Nations High Commissioner for Human Rights to improve the cooperation among United Nations mechanisms, bodies and specialized agencies, funds and programmes on activities related to the promotion and protection of the rights of persons belonging to minorities, including at regional level;

7. *Requests* the High Commissioner for Human Rights to provide all the necessary support to facilitate, in a transparent manner, the convening of the Forum and the participation of relevant stakeholders from every region in its meetings, giving particular attention to ensuring broadest possible and equitable participation, including, in particular, the representation of women;

8. *Requests* the Secretary-General to provide the Forum, within existing resources of the United Nations, with all the services and facilities necessary to fulfil its mandate;

9. *Decides* to review the work of the Forum after four years.

*21st meeting  
28 September 2007*

[Resolution adopted without a vote.]

**6/16. Informal meeting to discuss the most appropriate mechanisms to continue the work of the Working Group on Indigenous Populations**

*The Human Rights Council,*

*Recalling* that the Human Rights Council institution-building text, annexed to resolution 5/1 of 18 June 2007, stated that the “Council will decide at its sixth session (first session of its second cycle) on the most appropriate mechanisms to continue the work of the Working Group on Indigenous Populations ...”,

*Decides* to request the Office of the United Nations High Commissioner for Human Rights to convene an informal meeting in Geneva, for a day and a half, open to the participation of States, indigenous peoples and other stakeholders preceding the resumed sixth session in December of the Council to exchange views on the most appropriate mechanisms to continue the work of the Working Group on Indigenous Populations.

*21st meeting  
28 September 2007*

[Resolution adopted without a vote.]

**6/17. Establishment of funds for the universal periodic review mechanism of the Human Rights Council**

*The Human Rights Council,*

*Bearing in mind* that the universal periodic review is a cooperative mechanism with the full involvement of the country concerned and with consideration given to its capacity-building needs in accordance with General Assembly resolution 60/251 of 15 March 2006,

*Underlining* the fact that the institution-building text adopted on 18 June 2007 states that a universal periodic review Voluntary Trust Fund should be established to facilitate the participation of developing countries, particularly least developed countries, in the universal periodic review,

*Recalling* that the institution-building text also requests the Council to decide on the question whether to resort to existing financing mechanisms or to create a new mechanism,

1. *Requests* the Secretary-General to establish a universal periodic review Voluntary Trust Fund to facilitate the participation of developing countries, particularly least developing countries, in the universal periodic review mechanism;

2. *Also requests* the Secretary-General to establish a new financial mechanism called the Voluntary Fund for Financial and Technical Assistance to be administered jointly with the universal periodic review Voluntary Trust Fund mentioned in paragraph 1, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the country concerned;

3. *Urges* all member States, observers and other stakeholders of the Council to support the operationalization of the above funds;

4. *Requests* the Office of the High Commissioner for Human Rights to take the necessary measures with a view to expeditiously operationalizing the mechanisms;

5. *Decides* to follow up on the matter under the same agenda item at its seventh session.

*21st meeting  
28 September 2007*

[Resolution adopted without a vote.]

**6/18. Human rights situation in the Occupied Palestinian Territory:  
follow-up to Human Rights Council resolutions S-1/1 and S-3/1**

*The Human Rights Council,*

*Recalling* its resolutions S-1/1 of 6 July 2006 and S-3/1 of 15 November 2006,

*Noting with regret* that Israel, the occupying Power, has not implemented to date these two resolutions and hindered the dispatching of the urgent fact-finding missions specified therein,

1. *Calls for* the implementation of its resolutions S-1/1 and S-3/1, including the dispatching of the urgent fact-finding missions;

2. *Requests* the President of the Human Rights Council and the United Nations High Commissioner for Human Rights to report to the Council at its next session on their efforts for the implementation of Council resolutions S-1/1 and S-3/1 and on the compliance of Israel, the occupying Power, with these two resolutions.

*21st meeting  
28 September 2007*

[Resolution adopted without a vote.]

**6/19. Religious and cultural rights in the Occupied Palestinian Territory, including East Jerusalem**

*The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights,

*Recalling also* article 2 of the Universal Declaration of Human Rights which stipulates that everyone is entitled to all the rights and freedoms set forth in that Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and that no distinction should be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty,

*Aware* of the responsibility of the international community to promote human rights and ensure respect for international law,

*Emphasizing* the particularity of Occupied East Jerusalem in its rich religious and cultural heritage,

*Recalling* relevant Security Council resolutions on Occupied East Jerusalem,

*Affirming* the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

*Deeply concerned* at the Israeli actions undermining the sanctity and inviolability of religious sites in the Occupied Palestinian Territory, including East Jerusalem,

*Deeply concerned also* at the Israeli policy of closures and the severe restrictions, including curfews and the permit regime, that continue to be imposed on the movement of Palestinians and their free access to their holy sites, including Al Aqsa Mosque,

1. *Stresses* that all policies and measures taken by Israel, the occupying Power, to limit access of Palestinians to their holy sites, particularly in Occupied East Jerusalem, on the basis of national origin, religion, birth, sex or any other status are in violation of the provisions of the above-mentioned instruments and resolutions and therefore must cease immediately;

2. *Calls upon* Israel, the occupying Power, to respect the religious and cultural rights enumerated in the Universal Declaration of Human Rights in the Occupied Palestinian Territory, including East Jerusalem, and to allow Palestinian worshippers unfettered access to their religious sites;

3. *Requests* the High Commissioner for Human Rights to report to the Council at its next session on the implementation of the present resolution.

*21st meeting  
28 September 2007*

[Resolution adopted by a recorded vote of 31 to 1, with 15 abstentions. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

*Against:* Canada.

*Abstaining:* Bosnia and Herzegovina, Cameroon, France, Germany, Guatemala, Italy, Japan, Madagascar, Netherlands, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

## **6/20. Regional arrangements for the promotion and protection of human rights**

*The Human Rights Council,*

*Recalling* General Assembly resolution 32/127 of 16 December 1977 and the subsequent resolutions of the General Assembly concerning regional arrangements for the promotion and protection of human rights, the latest being 61/167 of 19 December 2006,

*Recalling also* Commission on Human Rights resolution 1993/51 of 9 March 1993 and its subsequent resolutions in this regard,

*Bearing in mind* paragraph 5 (*h*) of General Assembly resolution 60/251 in which it was decided that the Council shall work in close cooperation with regional organizations,



*Bearing in mind also* the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, which reiterates, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

*Reaffirming* that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments,

1. *Welcomes* progress made by Governments in the establishment of regional and subregional arrangements for the promotion and protection of human rights as well as their achievements in all regions of the world;

2. *Requests* the United Nations High Commissioner for Human Rights to convene in 2008 a workshop for an exchange of views on good practices, added value and challenges for such regional arrangements, with the participation of representatives of the relevant regional and subregional arrangements from different regions, experts as well as all interested United Nations Member States, observers, national human rights institutions and representatives of non-governmental organizations, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights;

3. *Requests* the Office of the High Commissioner to present to the Council a summary of the discussions of the workshop, at a moment in conformity with the programme of work of the Council.

*22nd meeting  
28 September 2007*

[Resolution adopted without a vote.]

**6/21. Elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination**

*The Human Rights Council,*

*Recalling* the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12 and Corr.1),

*Recalling also* the International Convention on the Elimination of All Forms of Racial Discrimination, proclaimed by the General Assembly in resolution 2106 A (XX) of 4 January 1969,

*Recalling further* the International Covenant on Civil and Political Rights, proclaimed by the General Assembly in its resolution 2200 A (XXI) of 16 December 1966, in particular

article 20, paragraph 2, of the Covenant, which stipulates that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, shall be prohibited by law,

*Underlining* the importance of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, proclaimed by the General Assembly in its resolution 36/55 of 25 November 1981,

*Emphasizing* that general recommendation No. 15 (1993) of the Committee on the Elimination of Racial Discrimination on article 4 of the International Convention stipulates that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the freedom of opinion and expression,

*Underlining* that the Durban Declaration and Programme of Action urged States that had not yet done so to accede to the International Convention on the Elimination of All Forms of Racial Discrimination, as a matter of urgency, with a view to achieving its universal ratification by 2005, to consider making the declaration envisaged under article 14 thereof, and to withdraw reservations contrary to the object and purpose of the Convention, all of which have regrettably not been accomplished to date,

*Deeply alarmed* at the sharp increase in xenophobic tendencies and intolerance towards various racial and religious groups and cultures, where people belonging to minorities, migrants, refugees, asylum-seekers and illegal migrants are the worst affected victims of such tendencies and acts,

*Emphasizing* the imperative need to find the necessary political will to address comprehensively, by all available measures, the various forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, and to provide adequate remedies to the victims,

*Recalling* its decision 3/103 of 8 December 2006, by which, heeding the decision and instruction of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, it decided to establish the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards, with the mandate to elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the International Convention on the Elimination of All Forms of Racial Discrimination, filling the existing gaps in the Convention, and also providing new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred,

*Regretting* that the mandate of the Five Experts on Complementary Standards was not accomplished in accordance with the requirements set out in its decision 3/103,

*Decides:*

(a) To convene the inaugural session of the Ad Hoc Committee in the first quarter of 2008 to commence its mandate,

(b) To allocate no more than two days at the beginning of the inaugural session of the Ad Hoc Committee, to reflect on all contributions and studies presented by various stakeholders and the relevant mechanisms which are necessary for the realization of its mandate.

*22nd meeting  
28 September 2007*

[Resolution adopted by a recorded vote of 32 to 10, with 4 abstentions. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Zambia.

*Against:* Bosnia and Herzegovina, Canada, France, Germany, Italy, Netherlands, Romania, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Japan, Republic of Korea, Ukraine, Uruguay.]

**6/22. From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance**

*The Human Rights Council,*

*Recalling* its decision 3/103 of 8 December 2006,

*Recalling also* its resolution 3/2 of 8 December 2006,

*Welcoming* General Assembly resolution 61/149 of 19 December 2006 in which the Assembly decided to convene the Durban Review Conference in 2009,

*Deploring* the surge and sharp increases in xenophobic and racial tendencies in certain regions of the world, particularly towards those categories of victims already identified in the Durban Declaration and Programme of Action such as migrants, refugees, asylum-seekers, people of African descent, people of Asian descent and national and ethnic minorities,

*Regretting* the lack of political will to take decisive steps to combat racism in all its forms and manifestations and to concretely move away from denials about the persistence of racism, racial discrimination, xenophobia and related intolerance,

*Underlining*, in the above context, the imperative need to end posturing about racism and calling on all States to resolutely end impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and to face the everyday realities and challenges of these scourges,

*Absolutely convinced* that the failure by States to translate the Durban commitments into concrete action and tangible results is attributable to a lack of political will, in particular with respect to honouring the memory of the victims of historical injustices and past tragedies caused by slavery, the slave trade, the transatlantic slave trade, apartheid, colonialism and genocide, and

also underlining that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of these injustices and tragedies and continue to be victims of their consequences,

*Underlining* in the above context, the importance of closing these dark chapters in history through reconciliation and healing, and calling on all concerned States to assume their moral obligation to halt and reverse the lasting and cascading consequences of these practices prior to the convening of the 2009 Durban Review Conference,

*Noting* the efforts of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action since its inception in 2002, by upholding and promoting the spirit of Durban, and registering some progress in spite of the obvious challenges,

1. *Decides* to realign the work and name of the Anti-Discrimination Unit in the Office of the United Nations High Commissioner for Human Rights consistent with its mandate and that henceforth, this Unit shall be known as “The Anti-Racial Discrimination Unit”, and that its operational activities shall focus exclusively on racism, racial discrimination, xenophobia and related intolerance, as defined in paragraphs 1 and 2 of the Durban Declaration;

2. *Encourages* closer collaboration between the Intergovernmental Working Group and the Independent Eminent Experts on ways and means of achieving enhanced political will and commitment to combating all the contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance;

3. *Emphasizes* the importance of demonstrating goodwill to humanity and the primacy of reconciliation, by taking concrete steps towards the implementation of key issues of concern to the victims of racism, racial discrimination, xenophobia and related intolerance, which relate to the restoration of their dignity and equality as envisaged in paragraphs 98 to 106 of the Durban Declaration;

4. *Regrets* that the commitments made in paragraphs 157 and 158 of the Durban Programme of Action remain unfulfilled;

5. *Decides* to remain seized of this important issue.

*22nd meeting  
28 September 2007*

[Resolution adopted by a recorded vote of 28 to 13, with 5 abstentions. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Zambia.

*Against:* Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Brazil, Guatemala, Mexico, Peru, Uruguay.]

### **6/23. Preparations for the Durban Review Conference**

*The Human Rights Council,*

*Welcoming* General Assembly resolution 61/149 of 19 December 2006, by which the Assembly convened the Durban Review Conference in 2009,

*Recalling* its resolution 3/2 of 8 December 2006 by which the Council contextualized, clarified and elaborated on several preparatory processes for the Durban Review Conference, in accordance with the established practice of the General Assembly,

*Welcoming* the convening of the first session (organizational session) of the Preparatory Committee for the Durban Review Conference held in Geneva from 27 to 31 August 2007 and, in this regard, looking forward to the two substantive sessions of the Preparatory Committee tentatively scheduled to be held in Geneva from 21 April to 2 May 2008 and 6 to 17 October 2008, respectively,

*Noting* with deep regret, in the above context, the non-participation of all relevant non-governmental organizations, including the victims of racism, racial discrimination, xenophobia and related intolerance, and also regretting the fact that not all these entities were able to contribute to the Preparatory Committee's dialogue on the "Objectives of the Review Conference",

*Noting* that an effective preparatory process for the Durban Review Conference requires the full participation of all relevant non-governmental organizations, including the victims of racism, racial discrimination, xenophobia and related intolerance, in order for these entities to contribute to the Preparatory Committee's dialogue on the objectives of the Conference,

*Noting* all the decisions taken by the Preparatory Committee with regard to the facilitation of all the preparatory processes to the 2009 Durban Review Conference,

1. *Requests* the Chairperson of the Preparatory Committee for the Durban Review Conference to present her report to the General Assembly during its sixty-second session, covering the activities of the Preparatory Committee and progress made in preparation for the 2009 Durban Review Conference;

2. *Looks forward* to the General Assembly, in its capacity as the highest political entity of the United Nations system, providing political guidance and taking further decisions, as and when necessary, to ensure a smooth and successful Conference with a relevant substantive outcome complementary to the Durban Declaration and Programme of Action;

3. *Decides* to remain seized of this important item on its agenda.

*22nd meeting  
28 September 2007*

[Resolution adopted by a recorded vote of 33 to 10, with 3 abstentions. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

*Against:* Bosnia and Herzegovina, Canada, France, Germany, Italy, Netherlands, Romania, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Japan, Republic of Korea, Ukraine.]

## **6/24. World Programme for Human Rights Education**

*The Human Rights Council,*

*Recalling* General Assembly resolutions 59/113 A of 10 December 2004, 59/113 B of 14 July 2005 and 60/251 of 15 March 2006, as well as Commission on Human Rights resolution 2005/61 of 20 April 2005 and Sub-Commission for the Promotion and Protection of Human Rights resolution 2006/19 of 24 August 2006, concerning the World Programme for Human Rights Education and the Plan of Action for its first phase (2005-2007),

*Reaffirming* the need for continued actions at the international level to support national efforts to achieve the internationally agreed development goals, including those contained in the United Nations Millennium Declaration, in particular universal access to basic education for all, by 2015,

1. *Takes note* of the progress report of the United Nations High Commissioner for Human Rights on the first phase (2005-2007) of the World Programme for Human Rights Education (A/HRC/4/85);
2. *Takes note also* of the work done so far by the United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System, and of the future activities, in particular in the areas of technical assistance and information-sharing, identified by the Committee as requiring support by the United Nations system in the implementation of the Plan of Action at the national level;
3. *Decides* to extend for two more years (2008-2009) the first phase of the World Programme for Human Rights Education in order to allow all relevant actors to accomplish the implementation of the Plan of Action, focusing on the primary and secondary school systems;
4. *Encourages* all States to develop initiatives within the World Programme for Human Rights Education and, in particular, to implement, within their capabilities, the Plan of Action for the first phase of the World Programme as adopted by the General Assembly;
5. *Requests* all the members of the United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System and, in particular, the United Nations High Commissioner for Human Rights and United Nations Educational,

Scientific and Cultural Organization, to promote the national implementation of the Plan of Action, provide technical assistance when requested and coordinate related international efforts;

6. *Calls upon* all existing national human rights institutions to assist in the implementation of human rights education programmes consistent with the Plan of Action;

7. *Appeals* to relevant organs, bodies or agencies of the United Nations system, as well as all other international and regional intergovernmental and non-governmental organizations, within their respective mandates, to promote and technically assist, when requested, the national implementation of the Plan of Action;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights and United Nations Educational, Scientific and Cultural Organization to disseminate widely the Plan of Action among States and intergovernmental and non-governmental organizations by any means, including electronic means and formats of communication which are accessible to persons with disabilities;

9. *Also requests* the Office of the High Commissioner for Human Rights to report to the Council at its last 2008 session on progress made towards the implementation of the present resolution;

10. *Decides* to consider this issue at its last 2008 session under the same agenda item.

*22nd meeting  
28 September 2007*

[Resolution adopted without a vote.]

## **6/25. Regional cooperation for the promotion and protection of human rights in the Asia-Pacific Region**

*The Human Rights Council,*

*Recalling* resolution 1993/51 of 9 March 1993 of the Commission on Human Rights and its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

*Recalling also* its decision 3/102 of 5 December 2006,

*Reaffirming* that regional arrangements can play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in the international human rights instruments,

*Welcoming* the efforts of the Office of the United Nations High Commissioner for Human Rights in developing partnerships for the implementation of its activities under the Framework for Regional Technical Cooperation Programme in Asia and the Pacific (E/CN.4/1998/50/annex II) to enhance national capacities for the promotion and protection of human rights,

*Welcoming also* the convening of the Fourteenth Annual Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, held in Bali from 10 to 12 July 2007 and the adoption of the Bali Action Points,

1. *Requests* the High Commissioner for Human Rights to submit for the Council's consideration at its seventh session a report containing the conclusion of the Fourteenth Annual Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region and information on the progress achieved in the implementation of the present resolution;

2. *Decides* to convene the next session of the Annual Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region in 2008.

*22nd meeting  
28 September 2007*

[Resolution adopted without a vote.]

**6/26. Elaboration of human rights voluntary goals to be launched on the occasion of the celebration of the sixtieth anniversary of the Universal Declaration of Human Rights**

*The Human Rights Council,*

*Guided by* the purposes, principles and provisions of the Charter of the United Nations,

*Reaffirming* the Universal Declaration of Human Rights,

*Recognizing* the importance of the core international human rights instruments,

*Recognizing also* the relevance of optional protocols of the core international human rights instruments,

*Bearing in mind* that 2008 marks the sixtieth anniversary of the Universal Declaration of Human Rights,

*Taking note with appreciation* of the initiative of member and associate States of the Common Market of the South (MERCOSUR), to present a proposal to elaborate a set of human rights goals to be pursued, inspired by the Millennium Development Goals, to promote the implementation of the Universal Declaration of Human Rights, and also taking note with great appreciation of the process towards broadening cross-regional support for that initiative,

*Taking into account* that the above-mentioned initiative could bring more visibility and public awareness to the United Nations human rights system with a view to the promotion and protection of all human rights,



*Recalling* that all human rights are universal, indivisible, interdependent and mutually reinforcing,

1. *Decides* to initiate an open-ended intergovernmental process in order to elaborate, on a consensual basis, a set of human rights voluntary goals, to promote the realization and implementation of the Universal Declaration of Human Rights in accordance with States' international human rights obligations and commitments to be launched on 10 December 2008 during the celebration of the sixtieth anniversary of the Universal Declaration of Human Rights;

2. *Also decides* to the end described in paragraph 1 above to take the following steps:

(a) To invite States to refer to the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights and to human rights voluntary goals at the High-level Segment of the Human Rights Council at its session in March 2008, and to hold a panel with the aim of exchanging views on the issue of human rights voluntary goals at that session;

(b) To invite the Office of the United Nations High Commissioner for Human Rights to present to the Human Rights Council by its session in June 2008 information on the programmes and activities to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights;

(c) To hold thereafter open-ended intergovernmental informal consultations to elaborate a set of human rights voluntary goals to be presented to the Human Rights Council, on a consensual basis, through a draft resolution to be adopted by the Council at the end of its session in September 2008;

3. *Further decides* that the open-ended intergovernmental process will lead to the elaboration of human rights voluntary goals under the following issues:

(a) Universal ratification of the core international human rights instruments;

(b) Elaboration, in each country, where they do not exist, of national human rights programmes, and the creation of national institutions responsible for human rights issues, in accordance with the Vienna Declaration and Programme of Action of 1993 and the Paris Principles;

(c) Adoption of a legal, institutional and policy framework at the national level in order to ensure the promotion and protection of all human rights;

(d) Definition, within the framework of national human rights programmes, of targets and actions in the field of capacity-building as well as of a programme of human rights education and identification of needs and shortcomings related to international cooperation;

(e) Definition within the framework of national human rights programmes of targets and actions in compliance with the Universal Declaration of Human Rights, inter alia, to eliminate discrimination of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

4. *Emphasizes* that such human rights voluntary goals are to be regarded as reinforcing and by no means as replacing, either totally or partially, existing human rights obligations and commitments, including the implementation of the Universal Declaration of Human Rights;

5. *Welcomes* participation in the process of representatives of the United Nations and of regional human rights systems, as well as of all relevant stakeholders, according to the rules of procedure of the Human Rights Council;

6. *Decides* to consider the results of the open-ended intergovernmental process in elaborating a set of human rights voluntary goals to be submitted to the Human Rights Council, on a consensual basis, through a draft resolution, by its session in September 2008;

7. *Encourages* States and all relevant stakeholders to present to the Human Rights Council, during the commemoration process, the projects and activities undertaken at the national, regional and international levels on the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights.

*33rd meeting  
14 December 2007*

[Resolution adopted without a vote.]

#### **6/27. Adequate housing as a component of the right to an adequate standard of living**

*The Human Rights Council,*

*Reaffirming* all previous resolutions adopted by the Commission on Human Rights on the issue of adequate housing as a component of the right to an adequate standard of living, including resolution 2004/21 of 16 April 2004,

*Reaffirming also* all previous resolutions adopted by the Commission on Human Rights on the issue of women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing, including resolution 2005/25 of 15 April 2005,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

*Recalling also* the rights related to housing enshrined in the Universal Declaration of Human Rights and elaborated in other international human rights treaties and instruments,

*Recalling further* the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and by special sessions of the General Assembly and their follow up meetings, inter alia, the Istanbul Declaration on Human Settlements and the

Habitat Agenda (A/CONF.165/14), and the Declaration on Cities and Other Human Settlements in the New Millennium adopted at the twenty-fifth special session of the General Assembly, and annexed to its resolution S-25/2 of 9 June 2001,

*Recalling* resolution 42/1 of 13 March 1998 of the Commission on the Status of Women, in which, inter alia, the Commission urged States to design and revise laws to ensure that women were accorded full and equal rights to own land and other property, and the right to adequate housing, including through the right to inheritance, and to undertake administrative reforms and other necessary measures to give women the same right as men to credit, capital, appropriate technologies, access to markets and information,

*Recalling also* the resolve of the Heads of State and Government expressed in the United Nations Millennium Declaration to have achieved, by the year 2020, a significant improvement in the lives of at least 100 million slum-dwellers,

*Concerned* that any deterioration in the general housing situation disproportionately affects the poor, including women and children,

*Recognizing* that adequate housing is a key element for fostering family integration, contributing to social equity and strengthening the feeling of belonging, security and human solidarity, as stated in the outcome document of the twenty-seventh special session of the General Assembly, on children, entitled “A world fit for children”, annexed to its resolution S-27/2 of 10 May 2002, and welcoming the commitment stated in the document to attach high priority to overcoming the housing shortage and other infrastructure needs, particularly for children in marginalized peri-urban and remote rural areas,

*Noting* the work of the United Nations treaty bodies, in particular of the Committee on Economic, Social and Cultural Rights, in the promotion of the rights related to adequate housing, and in this regard noting the affirmation in its general comment No. 4 that the human right to adequate housing is of central importance for the enjoyment of all economic, social and cultural rights, as well as general comments Nos. 7 and 16,

1. *Acknowledges* the work undertaken by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, as well as the advancing of the conceptual understanding of the right to adequate housing;

2. *Also acknowledges* the work done by the Special Rapporteur in promoting a gender perspective to his work, and in highlighting women’s rights in relation to housing, land and property, as well as reporting on women and adequate housing;

3. *Expresses concern* at the prevalence of homelessness and inadequate housing, the growth of slums worldwide, forced evictions, the increase in challenges faced by migrants in relation to adequate housing, as well as of refugees in conflict and post-conflict situations, challenges to the full enjoyment of the right to adequate housing caused by the impact of climate change, natural disasters and pollution, insecurity of tenure, unequal rights of men and women to property and inheritance, as well as other violations of and impediments to the full realization of the right to adequate housing;

4. *Urges States:*

(a) To give full effect, without discrimination of any kind as to race, colour, sex, language, religion, disability, political or other opinion, national, or social origin, property, birth or other status, to the right to adequate housing, including through domestic legislation and policies and programmes based, as appropriate, on statistical data, benchmarks or housing indicators, giving particular attention to individuals, most often women and children, and members of communities living in extreme poverty, as well as to security of tenure;

(b) To ensure the observance of all their legally binding national standards in the area of housing, and to develop, where necessary, new national standards, in accordance with their obligations under international human rights law and to consider ratifying all relevant human rights treaties;

(c) To protect all persons from forced evictions that are not in accordance with the law and international human rights treaties, and to provide legal protection and redress for such forced evictions;

(d) To counter social exclusion and marginalization of people and communities who suffer from discrimination on single or multiple grounds, in particular by ensuring non-discriminatory access to adequate housing for indigenous people and persons belonging to minorities;

(e) To promote participation in decision-making processes and inclusion of relevant stakeholders in the planning stage of urban or rural development, in particular at the local level, when developing an adequate standard of living and housing;

(f) To promote residential social inclusion of all members of society at the planning stage of urban and rural development schemes and other human settlements, while renewing neglected areas of public housing, so as to counter social exclusion and marginalization;

(g) To pay due attention to the human rights and needs of persons with disabilities in the context of adequate housing, and in this regard to accessibility, including the removal of barriers and obstacles, and to promote equal access to public housing programmes, and to consider taking these issues into account in fulfilling their reporting obligations under international human rights instruments;

(h) To enable all persons to obtain shelter and access to affordable housing and access to land, *inter alia*, by taking appropriate measures aimed at removing discriminatory obstacles to access, with special emphasis on meeting the needs of women, especially those who are facing or who have faced violence and those living in poverty and female heads of household;

(i) To take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to achieving progressively the full realization of the right to adequate housing;

5. *Decides* to extend for a period of three years the mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, in order to, *inter alia*:

- (a) Promote the full realization of adequate housing as a component of the right to an adequate standard of living;
  - (b) Identify best practices as well as challenges and obstacles to the full realization of the right to adequate housing, and identify protection gaps in this regard;
  - (c) Give particular emphasis to practical solutions with regard to the implementation of the rights relevant to the mandate;
  - (d) Apply a gender perspective, including through the identification of gender-specific vulnerabilities in relation to the right to adequate housing and land;
  - (e) Facilitate the provision of technical assistance;
  - (f) Work in close cooperation, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies, the treaty bodies and regional human rights mechanisms;
  - (g) Submit a report on the implementation of the present resolution to the General Assembly at its sixty-third session and to the Council in 2008, in accordance with its annual programme of work;
6. *Takes note* of the work on the Basic principles and guidelines on development-based evictions and displacement and of the need to continue to work on them, including through consultations with States and other stakeholders;
  7. *Also takes note* of the work on the development of indicators on adequate housing;
  8. *Invites* the outgoing Special Rapporteur to submit to the Council at its seventh session a comprehensive final report on his findings, conclusions and recommendations;
  9. *Requests* the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur receives the necessary resources to enable him/her to discharge the mandate fully;
  10. *Calls upon* all Governments to cooperate with the Special Rapporteur, and to consider responding favourably to his/her requests to visit their countries and to provide him/her with all the necessary information related to the mandate to enable him/her to fulfil the mandate effectively;
  11. *Decides* to continue its consideration of this matter under the same agenda item.

*33rd meeting  
14 December 2007*

[Resolution adopted without a vote.]

**6/28. Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

*The Human Rights Council,*

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* Human Rights Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

*Recalling* Commission on Human Rights resolutions 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005 and General Assembly resolutions 59/191 of 20 December 2004, 60/158 of 16 December 2005 and 61/171 of 19 December 2006 and 62/159 of 12 December 2007 on the protection of human rights and fundamental freedoms while countering terrorism,

1. *Acknowledges with appreciation* the work and contributions of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;

2. *Decides* to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, for a period of three years and requests the Special Rapporteur:

(a) To make concrete recommendations on the promotion and protection of human rights and fundamental freedoms while countering terrorism, including, at the request of States, for the provision of advisory services or technical assistance on such matters;

(b) To gather, request, receive and exchange information and communications from and with all relevant sources, including Governments, the individuals concerned, their families, representatives and organizations, including through country visits, with the consent of the State concerned, on alleged violations of human rights and fundamental freedoms while countering terrorism, with special attention to areas not covered by existing mandate-holders;

(c) To integrate a gender perspective throughout the work of his/her mandate;

(d) To identify, exchange and promote best practices on measures to counter terrorism that respect human rights and fundamental freedoms;

(e) To work in close coordination with other relevant bodies and mechanisms of the United Nations, and in particular with other special procedures of the Human Rights Council, in order to strengthen the work for the promotion and protection of human rights and fundamental freedoms while avoiding unnecessary duplication of efforts;

(f) To develop a regular dialogue and discuss possible areas of cooperation with Governments and all relevant actors, including relevant United Nations bodies, specialized agencies and programmes, inter alia with the Counter-Terrorism Committee of the Security Council, including its Executive Directorate, the Counter-Terrorism Implementation Task Force, the Office of the United Nations High Commissioner for Human Rights, the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime and treaty bodies, as well as non-governmental organizations and other regional or subregional international institutions, while respecting the scope of his/her mandate and fully respecting the respective mandates of the above-mentioned bodies and with a view to avoiding duplication of effort;

(g) To report regularly to the Human Rights Council and to the General Assembly;

3. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the Special Rapporteur's urgent appeals and providing the information requested;

4. *Calls upon* all Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfilment of his/her mandate;

6. *Decides* to continue consideration of this question in conformity with the annual programme of work of the Human Rights Council.

*33rd meeting  
14 December 2007*

[Resolution adopted without a vote.]

## **6/29. Right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

*The Human Rights Council,*

*Aware* that, for millions of people throughout the world, the full enjoyment of the right to the highest attainable standard of physical and mental health still remains a distant goal and that, in many cases, especially for those living in poverty, this goal remains remote,

*Reaffirming* that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right as reflected, inter alia, in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12 of the International Covenant on Economic, Social and Cultural Rights and article 24 of the Convention on the Rights of the Child, as well as, with respect to non-discrimination, in article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination and in article 12, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, and that such a right derives from the inherent dignity of the human person,

*Taking note with interest* of general comment No. 14 (2000) on the right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-second session in May 2000; of general comment No. 3 (2003) on HIV/AIDS and the rights of the child, adopted by the Committee on the Rights of the Child at its thirty-second session; and of general recommendation No. 24 (1999) on women and health (article 12 of the Convention on the Elimination of All Forms of Discrimination against Women), adopted by the Committee on the Elimination of Discrimination against Women at its twentieth session,

*Recalling* all resolutions on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health adopted by the General Assembly and the Commission on Human Rights,

*Recalling also* the declarations and programmes of action adopted by the major United Nations conferences and summits and their follow-up meetings,

*Recognizing* the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health,

*Concerned* about the interrelations between poverty and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in particular that ill-health can be both a cause and a consequence of poverty,

*Recalling* the commitments made by the international community to fully implement the health-related Millennium Development Goals,

*Stressing* that gender equality and the empowerment of women and girls are fundamental elements in the reduction of their vulnerability to HIV/AIDS and that the advancement of women and girls is a key factor in reversing the pandemic, and noting the importance of increasing investments in and accelerating research on the development of effective HIV-prevention methods, including female-controlled methods and microbicides,

*Recalling* the creation, under the aegis of the International Action against Hunger and Poverty of the international drug purchase facility UNITAID, which facilitates access to drugs for the world's poorest people as part of the fight against the major pandemic diseases, such as HIV/AIDS, malaria and tuberculosis,

*Recognizing* the complementary and mutually reinforcing relationship between health and human rights, as well as the indispensable contribution of health professionals to the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,



*Recalling* its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health for a further period of three years as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12 of the International Covenant on Economic, Social and Cultural Rights, article 24 of the Convention on the Rights of the Child and article 12 of the Convention on the Elimination of All Forms of Discrimination against Women, as well as on the right to non-discrimination as reflected in article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination. Pursuant to resolutions 2002/31 and 2004/27 of the Commission on Human Rights, the mandate of the Special Rapporteur shall include the following tasks:

(a) To gather, request, receive and exchange information from all relevant sources, including Governments, intergovernmental and non-governmental organizations, on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as well as policies designed to achieve the health-related Millennium Development Goals;

(b) To develop a regular dialogue and discuss possible areas of cooperation with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies and programmes, in particular the World Health Organization and the Joint United Nations Programme on HIV/AIDS, as well as non-governmental organizations and international financial institutions;

(c) To report on the status, throughout the world, of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and on developments relating to this right, including on laws, policies and good practices most beneficial to its enjoyment and obstacles encountered domestically and internationally to its implementation;

(d) To make recommendations on appropriate measures to promote and protect the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with a view to supporting States' efforts to enhance public health;

(e) To submit an annual report to the Human Rights Council and an interim report to the General Assembly on its activities, findings, conclusions and recommendations;

2. *Encourages* the Special Rapporteur, in fulfilling her/his mandate:

(a) To continue to explore how efforts to realize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health can reinforce poverty reduction strategies;

(b) To continue the analysis of the human rights dimensions of the issues of neglected diseases and diseases particularly affecting developing countries, and also the national and international dimensions of those issues;

(c) To continue to pay particular attention to the identification of good practices for the effective operationalization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(d) To continue to apply a gender perspective in her/his work and to pay special attention to the needs of children and other vulnerable and marginalized groups in the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(e) To pay due attention to the rights of persons with disabilities in the context of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(f) To continue to pay attention to sexual and reproductive health as an integral element of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(g) To continue to avoid in her/his work any duplication or overlapping with the work, competence and mandate of other international bodies active in health issues;

(h) To submit proposals that could help the realization of the health-related Millennium Development Goals;

3. *Takes note* of the most recent reports of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including the recommendations contained therein;

4. *Calls upon* all States:

(a) To give due consideration to the recommendations of the Special Rapporteur;

(b) To guarantee that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health will be exercised without discrimination of any kind;

(c) To ensure that relevant legislation, regulations and national and international policies take due account of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(d) To take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(e) To consider ratifying the Framework Convention on Tobacco Control adopted by the fifty-sixth World Health Assembly;

(f) To pay special attention to the situation of the poor and other vulnerable and marginalized groups, including by the adoption of positive measures, in order to safeguard the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(g) To place a gender perspective at the centre of all policies and programmes affecting women's health;

(h) To protect and promote sexual and reproductive health as integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(i) To take into account the fact that access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria is a fundamental element for achieving progressively the full realization of the right to health;

(j) To pay due attention to the rights of persons with disabilities in the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including by ensuring equal access for persons with disabilities to the same range, quality and standard of free or affordable health care and programmes, as provided to other persons, and by providing health services specifically needed by persons with disabilities because of their disabilities;

(k) To cooperate fully with the Special Rapporteur in the implementation of her/his mandate, to provide all information requested and to respond promptly to her/his communications;

(l) To give serious consideration to the requests for visits of the Special Rapporteur, so that she/he may carry out her/his mandate even more effectively;

5. *Recognizes* the indispensable role that health professionals play in the promotion and protection of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

6. *Calls upon* the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through financial and technical support and training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

7. *Urges* all international organizations with mandates having a bearing on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to take into account their members' national and international obligations related to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

8. *Affirms* that access to a sufficient amount of safe and clean water for personal and domestic use and adequate nutrition is fundamental to the realization of the right of everyone to the enjoyment of the highest attainable standard of health;

9. *Requests* the United Nations High Commissioner for Human Rights to continue providing all the necessary resources for the effective fulfilment of the Special Rapporteur's mandate from within existing resources;

10. *Decides* to continue consideration of this matter under the same agenda item, according to its programme of work.

*33rd meeting  
14 December 2007*

[Resolution adopted without a vote.]

### **6/30. Integrating the human rights of women throughout the United Nations system**

*The Human Rights Council,*

*Reaffirming* the equal rights of women and men enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

*Reaffirming also* the need to implement fully human rights law and international humanitarian law in order to protect the human rights of women and girls,

*Reaffirming further* the Beijing Declaration and Platform for Action, the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century", and the declaration adopted at the forty-ninth session of the Commission on the Status of Women,

*Reaffirming* international commitments on gender equality and the human rights of women embodied in the outcome documents of the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; those made in their review processes, as well as those of the outcome document of the 2005 World Summit and the United Nations Millennium Declaration,

*Recalling* Security Council resolution 1325 (2000) on women, peace and security, and welcoming the report of the Secretary-General on women, peace and security (S/2007/567),

*Underscoring* that the principle of equality between women and men is essential for the enjoyment of each of the specific rights enumerated in the International Covenant on Civil and

Political Rights and the International Covenant on Economic, Social and Cultural Rights, as recognized by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights,

*Recalling* all previous resolutions, including those adopted by the Commission on Human Rights and those of the Economic and Social Council, regarding the integration of the human rights of women and of gender mainstreaming into all policies and programmes throughout the United Nations system,

*Acknowledging* the need for a comprehensive approach to the promotion and protection of the human rights of women and the need to integrate a gender perspective in a more systemic way into all aspects of the work of the United Nations system, including the treaty bodies, and the Human Rights Council and its mechanisms,

*Noting with appreciation* the Secretary-General's report on follow-up to the Fourth World Conference on Women and progress made in the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly (E/2006/65) and on mainstreaming a gender perspective into all policies and programmes of the United Nations system (E/2007/64),

*Recognizing* the important work of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women in promoting equality between women and men and in fighting discrimination against women,

*Recognizing also* the importance of the participation of women at all levels of decision-making throughout the United Nations system for the achievement of gender equality and the realization of the human rights of women,

*Welcoming* General Assembly resolution 61/143 of 19 December 2006 and its invitation to the Human Rights Council to discuss, by 2008, the question of violence against women in all its forms and manifestations, and to set priorities for addressing this issue in its future efforts and work programmes,

*Reaffirming* the important role that women's groups, human rights defenders and non-governmental organizations play in promoting and protecting the human rights of women,

## **Methodology**

1. *Recognizes* the importance of examining, from a gender perspective, the intersection of multiple forms of discrimination and conditions of disadvantage, their root causes and consequences, and their impact on the advancement of women and the enjoyment by women of all human rights, in order to develop and implement strategies, policies and programmes aimed at the elimination of all forms of discrimination against women and to increase the role that women play in the design, implementation and monitoring of gender-sensitive anti-discrimination policies;

2. *Encourages* Member States to promote gender balance by, inter alia taking all the necessary measures, including budgetary and institutional measures, to guarantee the full participation of women in medium- and high-level ranks, regularly nominating more women

candidates for election and appointment to the human rights treaty bodies and mechanisms, international courts and tribunals, the specialized agencies and other organs, including the Human Rights Council subsidiary bodies;

3. *Calls upon* all relevant actors to implement General Assembly resolution 59/164 of 20 December 2004 on improvement of the status of women in the United Nations system, in order to realize significant progress towards the goal of fifty/fifty gender distribution in the very near future and to guarantee the full participation of women in higher levels of decision-making in the Organization;

4. *Reiterates* the need for integrating a gender perspective through using gender-inclusive language in the formulation, interpretation and implementation of human rights instruments, as well as in reports, resolutions and/or decisions of the Human Rights Council and its various mechanisms and of other human rights mechanisms;

5. *Encourages* United Nations bodies, agencies and mechanisms to identify, collect and use, including through acceptable and standardized methodology, appropriate data disaggregated by sex, age and other relevant factors, and gender-specific information in their activities and to use the tools at their disposal for gender analysis in monitoring and reporting;

#### **United Nations system**

6. *Takes note* of the report of the Secretary-General on integrating the human rights of women throughout the United Nations system (A/HRC/4/104) and encourages organs, bodies, mechanisms and agencies of the United Nations system to work to actively integrate the human rights of all women and a gender perspective throughout its work, including through exchange of information, lessons learned and best practices in this regard;

7. *Stresses* the need for integrating a gender perspective and the human rights of women into all United Nations activities, including conferences, special sessions and summits, and their outcome documents and follow-up;

8. *Recognizes* the important role of women in the prevention and resolution of conflicts and in peace-building, the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security and the need to increase their role in decision-making with regard to conflict prevention and resolution, and urges the United Nations system and Governments to make further efforts to ensure and support the full participation of women at all levels of decision-making and implementation in development activities and peace processes, including conflict prevention and resolution, post-conflict reconstruction, peacemaking, peacekeeping and peace-building;

#### **Human rights treaty bodies, including the Committee on the Elimination of Discrimination against Women**

9. *Encourages* the efforts of all the treaty bodies to integrate the human rights of women and a gender perspective into their work, in particular, in their concluding observations, general comments and recommendations;

10. *Urges* all States to implement their treaty obligations addressing the human rights of all women and girls, to withdraw reservations to treaties which are incompatible with the object and purpose of the specific treaties, and further encourages States to consider ratifying or acceding to all human rights treaties, including, as a matter of priority, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto;

11. *Encourages* all entities of the United Nations system, as well as Governments and intergovernmental and non-governmental organizations, in particular women's organizations, as appropriate, to pay full and systematic attention to the recommendations of the Committee on the Elimination of Discrimination against Women and other treaty bodies, and encourages all relevant entities of the United Nations system to continue to assist States parties, upon the request of those States, in implementing their international human rights obligations;

12. *Welcomes* the submission of reports by United Nations specialized agencies, at the invitation of the Committee on the Elimination of Discrimination against Women, on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the contribution of non-governmental organizations to the work of the Committee;

#### **Cooperation between United Nations agencies**

13. *Welcomes* cooperation between the Commission on the Status of Women and the Human Rights Council, and the cooperation and coordination between the Division for the Advancement of Women, the Office of the United Nations High Commissioner for Human Rights and the Special Adviser on Gender Issues;

14. *Also welcomes* the work on the advancement of human rights of women and gender mainstreaming conducted by the recently established Women's Rights and Gender Unit within the Office of the High Commissioner for Human Rights and the continued commitment of the High Commissioner for Human Rights to integrating the issue of women's enjoyment of human rights throughout the United Nations system, and also encourages her ongoing commitment to raise awareness and promote the universal ratification and implementation of the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol and further welcomes cooperation in the implementation of this resolution;

#### **Human Rights Council**

15. *Reaffirms* its commitment to effectively integrate the human rights of women as well as a gender perspective, in its work and that of its mechanism in a systematic and transparent manner including in all phases of the universal periodic review, the Advisory Committee and the review of mandates;

#### **Universal periodic review**

16. *Urges* all stakeholders to take into full account both the rights of women and a gender perspective in the universal periodic review, including in the preparation of information submitted for the review, during the review dialogue, in the review outcome and in the review follow-up;

17. *Encourages* States to prepare the information described in paragraph 15 (a) of Human Rights Council resolution 5/1 through broad consultation at the national level with all relevant stakeholders, including non-governmental organizations active in addressing gender issues and the human rights of women and girls;

### **Special procedures and Advisory Committee**

18. *Requests* all special procedures and other human rights mechanisms of the Human Rights Council and the Human Rights Council Advisory Committee regularly and systematically to integrate a gender perspective into the implementation of their mandate including when examining the intersection of multiple forms of discrimination against women and to include in their reports information on and qualitative analysis of human rights of women and girls, and welcomes the efforts made by most special procedures and other human rights mechanisms in that regard;

19. *Encourages* the strengthening of cooperation and coordination between the special procedures and other human rights mechanisms for the integration of human rights of women and a gender perspective in their work;

### **Programme of work**

20. *Decides* to incorporate into its programme of work sufficient and adequate time, at minimum an annual full-day meeting, to discuss the human rights of women, including measures that can be adopted by States and other stakeholders, to address human rights violations experienced by women;

21. *Also decides* that the first such meeting should take place in the first half of 2008 and that it should include a discussion on violence against women, as mandated by the General Assembly in resolution 61/143 of 19 December 2006, inviting the Human Rights Council to discuss, by 2008, the question of violence against women in all its forms and manifestations, and to set priorities for addressing this issue in its future efforts and work programme;

22. *Welcomes* the panel discussion on the integration of a gender perspective in the work of the Human Rights Council, held on 20 and 21 September 2007, and decides to incorporate into its programme of work an annual discussion on the integration of a gender perspective throughout its work and that of its mechanisms, including the evaluation of progress made and challenges experienced;

### **Follow-up**

23. *Requests* the Office of the United Nations High Commissioner for Human Rights to report in 2008 on the obstacles and challenges to the implementation of this resolution by the Human Rights Council and to make concrete recommendations for action to address such obstacles and challenges;



24. *Encourages* States to cooperate with and support the United Nations system in its efforts to integrate the human rights of women and a gender perspective to take into full consideration the content of the present resolution;

25. *Decides* to continue its consideration of both the rights of women and the integration of a gender perspective in accordance with the programme of work of the Human Rights Council.

*33rd meeting  
14 December 2007*

[Resolution adopted without a vote.]

### **6/31. Advisory services and technical assistance for Liberia**

*The Human Rights Council,*

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights, and in accordance with their respective obligations under the International Covenants on Human Rights and other applicable human rights instruments,

*Recalling* General Assembly resolution 60/251 of 15 March 2006,

*Recalling also* its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

*Bearing in mind* Commission on Human Rights resolution 2005/117 of 22 April 2005,

*Recognizing* the efforts by the United Nations, the Economic Community of West African States, the African Union and the European Union to help provide Liberia with backing to fully re-establish peace and security in its national territory,

*Considering* the expectations of the people of Liberia following the elections of 2005 that led to the re-establishment of democratic institutions in Liberia,

*Welcoming* the steps taken by the Government of Liberia to improve the situation of human rights in Liberia, and recognizing that this is an ongoing process which needs the continued support of the international community,

1. *Encourages* the Government of Liberia to continue its work to improve the promotion and protection of human rights to enable the people of Liberia to have full enjoyment of their human rights;

2. *Urges* the international community to provide the Government of Liberia with appropriate funding and assistance to enable it better to consolidate human rights, peace and security in its national territory;
3. *Decides* to extend by one year the mandate of the independent expert on the situation of human rights in Liberia;
4. *Requests* that the independent expert ensures that her work complements that of the United Nations Mission in Liberia;
5. *Invites* the independent expert to assist the Government of Liberia to identify opportunities to maximize the flow of technical assistance;
6. *Also invites* the independent expert to submit a final report on the effectiveness and efficiency of the measures applied in practice to the Council at its ninth session.

*33rd meeting  
14 December 2007*

[Resolution adopted without a vote.]

**6/32. Mandate of the Representative of the Secretary-General  
on the human rights of internally displaced persons**

*The Human Rights Council,*

*Recalling* all previous resolutions on internally displaced persons adopted by the General Assembly and the Commission on Human Rights, including Commission on Human Rights resolution 2005/46 of 19 April 2005,

*Recalling also* General Assembly resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations and the Guiding Principles annexed thereto,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

*Recalling also* the provisions of its resolution 5/1 concerning the continuation of mandate-holders for a period of up to six years, without prejudice to the provisions contained in that resolution on the appointment procedure for special procedures,

*Noting* the report of the Secretary-General on the performance and effectiveness of the new mechanism on internal displacement submitted to the Commission on Human Rights at its sixty-second session (E/CN.4/2006/69),

1. *Commends* the Representative of the Secretary-General for the activities undertaken to date, for the catalytic role that he has played in raising the level of awareness of the plight of internally displaced persons and for his ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

2. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;

3. *Expresses concern* at the persistent problems of large numbers of internally displaced persons worldwide, in particular the risk of extreme poverty and socio-economic exclusion, their limited access to humanitarian assistance, vulnerability to human rights violations and difficulties resulting from their specific situation, such as lack of food, medication or shelter and issues pertinent during their reintegration, including, in appropriate cases, the need for the restitution of or compensation for property;

4. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, forced recruitment and abduction, and notes the need to continue to pay more systematic and in-depth attention to their special assistance, protection and development needs, as well as those of other groups with special needs among the internally displaced, such as older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and bearing in mind Security Council resolution 1325 (2000) of 31 October 2000;

5. *Recognizes* the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons, and encourages member States and humanitarian agencies to continue to work together in endeavours to provide a more predictable response to the needs of internally displaced persons, and in this regard calls for international support, upon request, to capacity building efforts of States;

6. *Decides* to extend the mandate of the Representative of the Secretary-General on the human rights of internally displaced persons for a period of three years, in order to:

(a) Address the complex problem of internal displacement, in particular by mainstreaming human rights of the internally displaced into all relevant parts of the United Nations system;

(b) Work towards strengthening the international response to the complex problem of situations of internal displacement and engage in coordinated international advocacy and action for improving protection and respect of the human rights of the internally displaced, while continuing and enhancing dialogue with Governments, non-governmental organizations and other relevant actors;

7. *Requests* the Representative of the Secretary-General on the human rights of internally displaced persons, in carrying out his/her mandate:

(a) To continue, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, the analysis of the reasons

for internal displacement, the needs and human rights of those displaced, the development of benchmarks for assessing when displacement ends, measures of prevention and ways to strengthen protection, assistance and durable solutions for internally displaced persons, taking into account specific situations and relevant information, including in particular national data and statistics, and to include information thereon in his/her reports to the Human Rights Council;

(b) To continue, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, his/her efforts to promote comprehensive strategies and support that focus on prevention of displacement, better protection and assistance and durable solutions for those displaced, taking into account the primary responsibility of States within their jurisdiction in this regard;

(c) To continue to use the Guiding Principles on Internal Displacement in his/her dialogue with Governments, intergovernmental and non-governmental organizations and other relevant actors, and to continue his/her efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

(d) To integrate a gender perspective throughout the work of the mandate and to give special consideration to the human rights of internally displaced women and children as well as other groups with special needs among the internally displaced, such as severely traumatized individuals, older persons and persons with disabilities, and their particular assistance, protection and development needs;

(e) To continue his/her efforts to promote, where appropriate, the consideration of the human rights and the specific protection and assistance needs of internally displaced persons in peace processes, peace agreements and reintegration and rehabilitation processes;

(f) To continue to pay attention to the role of the international community in assisting affected States, upon request, in meeting the protection and assistance needs of internally displaced persons, including in implementing national strategies and to incorporate in his/her advocacy activities an emphasis on the mobilization of adequate resources in response to the needs of affected countries;

(g) To continue, through continuous dialogue with Governments and the intergovernmental and non-governmental organizations concerned, his/her efforts to promote the protection of human rights of internally displaced persons in the context of natural disasters;

(h) To strengthen the cooperation established between the Representative of the Secretary-General and the United Nations, including in the framework of the Peacebuilding Commission, as well as other international and regional organizations, in particular his/her participation in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

8. *Encourages* all Governments, in particular Governments of countries with situations of internal displacement, to facilitate United Nations activities addressing the protection, assistance and development needs of internally displaced persons and to respond favourably to

requests by the Representative for visits and information, and urges Governments and the relevant bodies of the United Nations system, also at the country level, to follow up effectively, where appropriate, on recommendations of the mandate-holder and to make available information on measures taken in this regard;

9. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate-holders, interested institutions and independent experts, and non-governmental organizations to develop regular dialogue and cooperation with the Representative of the Secretary-General in the fulfilment of his/her mandate;

10. *Requests* the Secretary-General to provide the Representative with all necessary assistance and adequate staffing to carry out his/her mandate effectively and to ensure that the mechanism works with the support of the Office of the United Nations High Commissioner for Human Rights and in close cooperation with the Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs and the United Nations High Commissioner for Refugees;

11. *Invites* the Representative of the Secretary-General to submit annual reports on the implementation of his/her mandate to the Human Rights Council and to the General Assembly, making suggestions and recommendations regarding the human rights of internally displaced persons, including on the impact of measures taken at the inter-agency level;

12. *Decides* to continue its consideration of the question of the human rights of internally displaced persons in conformity with the annual programme of work of the Human Rights Council.

*34th meeting  
14 December 2007*

[Resolution adopted without a vote.]

### **6/33. Follow-up to the report of the Special Rapporteur on the situation of human rights in Myanmar**

*The Human Rights Council,*

*Guided* by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

*Reaffirming* its resolution S-5/1 of 2 October 2007,

*Deeply concerned* at the situation of human rights in Myanmar,

1. *Welcomes* the recent visit to Myanmar by the Special Rapporteur on the situation of human rights in Myanmar, as requested by the Human Rights Council in its resolution S-5/1 and takes note with appreciation of the cooperation extended to him by the Government of Myanmar;

2. *Welcomes* the report of the Special Rapporteur (A/HRC/6/14) and expresses deep concern regarding its findings;
3. *Strongly urges* the Government of Myanmar to follow up and implement the recommendations contained in the report;
4. *Reiterates its call* to the Government of Myanmar to ensure full respect for human rights and fundamental freedoms and to investigate and bring to justice perpetrators of human rights violations, including for the recent violations of the rights of peaceful protesters;
5. *Notes with appreciation* the recent release of a large number of detainees, while observing that very few were political detainees;
6. *Reiterates its call* to the Government of Myanmar to release without delay those arrested and detained as a result of the repression of recent peaceful protests, to release all political detainees in Myanmar, including Daw Aung San Suu Kyi, and to ensure that conditions of detention meet international standards and include the possibility of visiting any detainee;
7. *Also reiterates its call* to the Government of Myanmar to lift all restraints on the peaceful political activity of all persons by, inter alia, guaranteeing freedom of peaceful assembly and association, and of freedom of opinion and expression, including for free and independent media, and to ensure unhindered access to media information for the people of Myanmar;
8. *Recalls its appeal* to the Government of Myanmar to engage urgently in a reinvigorated national dialogue with all parties with a view to achieving genuine national reconciliation, democratization and the establishment of the rule of law;
9. *Urges* the Government of Myanmar to cooperate fully with humanitarian organizations, including by ensuring full, safe and unhindered access of humanitarian assistance to all persons in need throughout the country;
10. *Requests* the Special Rapporteur on the situation of human rights in Myanmar to monitor the implementation of this resolution and to conduct, in this regard, a follow-up mission to Myanmar at his earliest convenience;
11. *Encourages* the Government of Myanmar and the Office of the High Commissioner for Human rights to continue to engage in a dialogue with a view to ensuring full respect for all human rights and fundamental freedoms;
12. *Invites* the Special Rapporteur to continue to discharge his mandate in a coordinated manner with the Special Adviser of the Secretary General for Myanmar;
13. *Urges* the Government of Myanmar to cooperate fully with the Special Rapporteur and, upon request, other special procedures pertaining to the protection of vulnerable groups or the protection and promotion of civil and political or economic, social and cultural rights;

14. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur on the situation of human rights in Myanmar with adequate support, including expert human resources, to facilitate the fulfilment of the mandate entrusted to him by the present resolution;

15. *Requests* the Special Rapporteur on the situation of human rights in Myanmar to report to the Council at its seventh session;

16. *Decides* to remain seized of this matter.

*34th meeting  
14 December 2007*

[Resolution adopted without a vote.]

### **6/34. Mandate of the Special Rapporteur on the situation of human rights in the Sudan**

*The Human Rights Council,*

*Guided* by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

*Reaffirming also* Commission on Human Rights resolution 2005/82 of 21 April 2005,

*Recalling* General Assembly resolution 60/251 of 15 March 2006,

*Recalling also* resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-Holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and their annexes,

*Bearing in mind* the report of the Special Rapporteur on the situation of human rights in all regions of the Sudan (A/62/354) and urging the implementation of the recommendations contained therein,

*Having reviewed* the mandate of the Special Rapporteur on the situation of human rights in the Sudan,

1. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in the Sudan, in accordance with Commission on Human Rights resolution 2005/82;

2. *Urges* the Government of the Sudan to continue cooperating fully with the Special Rapporteur and to respond favourably to her requests to visit the Sudan and to provide her with all necessary information so as to enable her to fulfil her mandate even more effectively;

3. *Requests* the Special Rapporteur to assess the needs of the Sudan in the context of her mandate and to mobilize the necessary international technical and financial support for the Sudan in the field of human rights, and invites relevant United Nations bodies and agencies, including the Office of the High Commissioner for Human Rights, to continue providing support and technical assistance to the Sudan in the field of human rights and calls upon donors to also continue providing financial and technical assistance and required equipment for the improvement of the human rights situation in the Sudan;

4. *Also requests* the Special Rapporteur to submit her outstanding annual report to the Council at its seventh session in March 2008 and her following report to the Council at its ninth session in September 2008;

5. *Further requests* the Special Rapporteur to ensure effective follow-up and to foster the implementation of the remaining short-term and the medium-term recommendations identified in the first report of the Group of Experts (A/HRC/5/6) through an open and constructive dialogue with the Government of the Sudan, taking into account the final report of the Group of Experts (A/HRC/6/19) and the replies of the Government thereon, and to include information in this regard in her report to the Council at its ninth session;

6. *Calls upon* the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable her to discharge her mandate fully, including by enabling any required consultations in this regard.

*34th meeting  
14 December 2007*

[Resolution adopted without a vote.]

**6/35. Human Rights Council Group of Experts on  
the situation of human rights in Darfur**

*The Human Rights Council,*

*Recalling* its resolution 4/8 of 30 March 2007,

*Recalling also* its resolution OM/1/3 of 20 June 2007,

1. *Welcomes* the report submitted by the Human Rights Council Group of Experts on the situation of human rights in Darfur (A/HRC/6/19) and the replies of the Government of the Sudan thereto;

2. *Acknowledges* the cooperation of the Government of the Sudan and welcomes the open and constructive dialogue between the Government and the Group of Experts;



3. *Acknowledges also* the efforts made by the Government of the Sudan to implement the recommendations identified by the Group of Experts, but expresses its concern that, for various reasons, the implementation of many recommendations has not been fully completed so as to lead to the desired level of improvement in the situation of human rights in Darfur;

4. *Expresses particular concern* at the fact that perpetrators of past and ongoing serious violations of human rights and international humanitarian law in Darfur have not yet been held accountable for their crimes and urges the Government of the Sudan to address urgently this question, by thoroughly investigating all allegations of human rights and international humanitarian law violations, promptly bringing to justice the perpetrators of those violations;

5. *Urges* the Government of the Sudan to continue and to intensify its efforts to implement the recommendations identified by the Group of Experts in accordance with the specified time frames and indicators;

6. *Invites* relevant United Nations bodies and agencies, including the Office of the United Nations High Commissioner for Human Rights, to continue providing support and technical assistance to the Sudan for the implementation of the recommendations of the Group of Experts and calls upon donors to continue providing financial and technical assistance and required equipment in this regard;

7. *Reiterates its call upon* all parties to put an end to all acts of violence against civilians, with special focus on vulnerable groups, including women, children and internally displaced persons, as well as human rights defenders and humanitarian workers;

8. *Calls upon* the signatories of the Darfur Peace Agreement to comply with their obligations under the Agreement, acknowledges the measures already taken towards its implementation and calls upon non-signatory parties to participate and to commit themselves to the Agreement, in compliance with relevant resolutions of the United Nations, including paragraph 5 of Council resolution 4/8.

*34th meeting  
14 December 2007*

[Resolution adopted without a vote.]

### **6/36. Expert mechanism on the rights of indigenous peoples**

*The Human Rights Council,*

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006, and paragraph 84 of the annex to Human Rights Council resolution 5/1 of 18 June 2007,

*Recalling* that, at its sixty-first session, the General Assembly adopted in its resolution 61/295 of 13 September 2007 the United Nations Declaration on the Rights of Indigenous Peoples,

*Bearing in mind* Council resolution 6/16 of 28 September 2007,

*Recalling* that the Council should be cognizant of the work being undertaken on indigenous issues by other bodies in the United Nations system,

1. *Decides*, in order to assist the Council in the implementation of its mandate, to establish a subsidiary expert mechanism to provide the Council with thematic expertise on the rights of indigenous peoples in the manner and form requested by the Council:

(a) The thematic expertise will focus mainly on studies and research-based advice;

(b) The mechanism may suggest proposals to the Council for its consideration and approval, within the scope of its work as set out by the Council;

2. *Also decides* that this mechanism shall report annually to the Council on its work;

3. *Further decides* that the expert mechanism shall consist of five independent experts, the selection of which shall be carried out in accordance with the procedure established in paragraphs 39 to 53 of the annex to Council resolution 5/1 of 18 June 2007;

4. *Strongly recommends* that, in the selection and appointment process, the Council give due regard to experts of indigenous origin;

5. *Decides*, in order for the expert mechanism to enhance cooperation and avoid duplicating the work of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Permanent Forum, that it shall invite the Special Rapporteur and a member of the Permanent Forum to attend and contribute to its annual meeting;

6. *Also decides* that the members of the expert mechanism shall serve for a three-year period and may be re-elected for one additional period;

7. *Further decides* that, within its mandate, the expert mechanism on the rights of indigenous peoples should determine its own methods of work, although the expert mechanism shall not adopt resolutions or decisions;

8. *Decides* that the expert mechanism shall meet once annually three days in its first year and thereafter for up to five days, and that the sessions may be a combination of open and private meetings;

9. *Also decides* that the annual meeting of the expert mechanism shall be open to the participation, as observers, of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on indigenous issues, non-governmental organizations in consultative status with the Economic and Social Council; the meeting shall also be open to indigenous peoples' organizations and non-governmental organizations, whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human

Rights, through an open and transparent accreditation procedure in accordance with the rules of procedure of the Human Rights Council, which will provide for the timely information on participation and consultation with States concerned;

10. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the expert mechanism for the effective fulfilment of its mandate.

*34th meeting  
14 December 2007*

[Resolution adopted without a vote.]

### **6/37. Elimination of all forms of intolerance and of discrimination based on religion or belief**

*The Human Rights Council,*

*Recalling* General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and all resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief adopted by the General Assembly and by the former Commission on Human Rights,

*Recalling also* article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

*Reaffirming* the recognition by the 1993 Vienna World Conference on Human Rights that all human rights are universal, indivisible, interdependent and interrelated, and its appeal to all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

*Recalling* the 2005 World Summit Outcome in which the Heads of State and Government reaffirmed the Declaration and Programme of Action on a Culture of Peace as well as the Global Agenda for Dialogue Among Civilizations and its Programme of Action adopted by the General Assembly and the value of different initiatives on dialogue among cultures and civilizations, including the dialogue on interfaith cooperation and the Alliance of Civilizations, and committed themselves to taking action to promote a culture of peace and dialogue at the local, national, regional and international levels,

*Recognizing* the importance of promoting dialogue in order to enhance mutual understanding and knowledge among different social groups, cultures and civilizations in various areas, including culture, religion, education, information, science and technology, and in order to contribute to the promotion and protection of human rights and fundamental freedoms,

*Underlining* the importance of education in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expressions, and underlining also the fact that education should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

*Recognizing* the important work carried out by the Human Rights Committee with respect to the scope of the freedom of religion or belief,

*Seriously concerned* at all attacks upon religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, including any deliberate destruction of relics and monuments,

*Seriously concerned also* at the misuse of registration procedures and at the resort to discriminatory registration procedures as a means to limit the right to freedom of religion or belief of members of certain religious communities, at the limitations placed on religious publications and at the obstacles placed in the way of construction of places of worship inconsistent with the exercise of the right to freedom of religion or belief,

*Convinced* of the need to address the rise in all parts of the world of religious extremism affecting the rights of individuals and groups based on religion or belief, the situations of violence and discrimination that affect many women as well as individuals from other vulnerable groups in the name of religion or belief or due to cultural and traditional practices, and the abuse of religion or belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations,

*Noting* that a formal or legal distinction at the national level between different kinds of religions or faith-based communities may, in some cases, constitute discrimination and may impinge on the enjoyment of the freedom of religion or belief,

*Emphasizing* that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect and freedom of religion or belief,

*Recognizing* the importance of interreligious and intra-religious dialogue and the role of religious and other non-governmental organizations in promoting tolerance in matters relating to religion or belief, and welcoming different initiatives in this regard, including the Alliance of Civilizations, the programmes led by the United Nations Educational, Scientific and Cultural Organization and the High-level Dialogue on Interreligious and Intercultural Understanding and Cooperation for Peace, held at Headquarters on 4 and 5 October 2007,

*Seriously concerned* at the slow progress in the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

*Believing* that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

*Having conducted* an assessment of the mandate of the Special Rapporteur on freedom of religion or belief in the form of an interactive dialogue during its present session, in accordance with its resolution 5/1 of 18 June 2007,

*Recalling* its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council of 18 June 2007 and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and their annexes,

1. *Condemns* all forms of intolerance and of discrimination based on religion or belief as well as violations of the freedom of thought, conscience, religion or belief;
2. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;
3. *Expresses concern* over the persistence of institutionalized or social intolerance and discrimination practiced against many in the name of or due to their religion or belief;
4. *Recalls* that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one's religion or belief;
5. *Emphasizes* that such procedures as described in paragraph 4 above, at the national or local levels, as and when legally required, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief either individually or in community with others and in public or private;
6. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual and electronic media or any other means;
7. *Encourages* the United Nations High Commissioner for Human Rights to continue to make efforts to coordinate in the field of human rights the activities of relevant United Nations organs, bodies and mechanisms dealing with all forms of intolerance and discrimination based on religion or belief;
8. *Emphasizes* that promoting tolerance and acceptance by the public of and its respect for diversity and combating all forms of intolerance and of discrimination based on religion and belief are substantial elements in creating an environment conducive to the full enjoyment by all of the right to freedom of thought, conscience and religion, as enshrined in article 18 of the International Covenant on Civil and Political Rights;
9. *Urges* States:
  - (a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practice freely one's religion, including the right to change one's religion or belief, is violated;

(b) To design and implement policies whereby education systems promote principles of tolerance and respect for others and cultural diversity and the freedom of religion or belief;

(c) To ensure that appropriate measures are taken in order to adequately and effectively guarantee the freedom of religion or belief of women as well as individuals from other vulnerable groups, including persons deprived of their liberty, refugees, children, persons belonging to minorities and migrants;

(d) To ensure that any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited by law;

(e) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;

(f) To review, whenever relevant, existing registration practices in order to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or in private;

(g) To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

(h) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(i) To ensure that, on account of religion or belief or the expression or manifestation of religion or belief, no one within their jurisdiction is deprived of the right to life, liberty or security of person, subjected to torture or arbitrary arrest or detention, or denied the rights to work, education or adequate housing, as well as the right to seek asylum, and to bring to justice all perpetrators of violations of these rights;

(j) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate on the grounds of religion or belief, and that all necessary and appropriate education or training is provided;

(k) To step up efforts in implementing the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief;

(l) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to religious minorities, and devoting particular attention to practices that violate the human rights of women and discriminate against women, including in the exercise of their right to freedom of thought, conscience, religion or belief;

(m) To promote and encourage, through education and other means, including regional or international cultural exchanges, understanding, tolerance and respect in all matters relating to freedom of religion or belief;

10. *Stresses* the need to strengthen dialogue, inter alia through the Global Agenda for Dialogue among Civilizations and the Alliance of Civilizations, including through the recently appointed High Representative of the Secretary-General for the Alliance of Civilizations and the focal unit created by the General Assembly in its resolution 61/221 within the Secretariat to interact with various entities in the United Nations system and coordinate their contribution to dialogue;

11. *Invites* all actors to address in the context of that dialogue, inter alia, the following issues within the framework of international human rights:

(a) The rise of religious extremism affecting religions in all parts of the world;

(b) The situations of violence and discrimination that affect many women as well as individuals from other vulnerable groups in the name of religion or belief or due to cultural and traditional practices;

(c) The abuse of religion or belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations;

12. *Emphasizes* the importance of a continued and strengthened dialogue among and within religions or beliefs, at all levels and with a broader participation including of women, to promote greater tolerance, respect and mutual understanding;

13. *Also emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned;

14. *Further emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

15. *Recommends* that the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration, in as many different languages as possible, and promote its implementation;

16. *Welcomes* the work of the Special Rapporteur on freedom of religion or belief;

17. *Concludes* that there is a need for the continued contribution of the Special Rapporteur to the protection, promotion and universal implementation of the right to freedom of religion or belief;

18. *Decides* therefore to extend the mandate of the Special Rapporteur on freedom of religion or belief for a further period of three years and, in this context, invites the Special Rapporteur:

(a) To promote the adoption of measures at the national, regional and international levels to ensure the promotion and protection of the right to freedom of religion or belief;

(b) To identify existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief and present recommendations on ways and means to overcome such obstacles;

(c) To continue her/his efforts to examine incidents and governmental actions that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures as appropriate;

(d) To continue to apply a gender perspective, *inter alia*, through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

19. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable her/him to discharge her/his mandate fully;

20. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to her/his requests to visit their countries and to provide her/him with all necessary information so as to enable her/him to fulfil her/his mandate even more effectively;

21. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-third session;

22. *Also requests* the Special Rapporteur to submit the outstanding reports to the Council in accordance with its annual programme of work and the next annual report in 2009;

23. *Decides* to remain seized of this question under the same agenda item and to continue consideration of measures to implement the Declaration.

*34th meeting  
14 December 2007*

[Resolution adopted by a recorded vote of 29 to none, with 18 abstentions. The voting was as follows:

*In favour:* Angola, Bolivia, Bosnia and Herzegovina, Brazil, Canada, Cuba, France, Germany, Ghana, Guatemala, India, Italy, Japan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Peru, Philippines, Republic of Korea, Romania, Russian Federation, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

*Against:* None.

*Abstaining:* Azerbaijan, Bangladesh, Cameroon, China, Djibouti, Egypt, Gabon, Indonesia, Jordan, Malaysia, Mali, Nigeria, Pakistan, Qatar, Saudi Arabia, Senegal, South Africa, Sri Lanka.]



## **B. DECISIONS**

### **6/101. Working Group on Communications**

At its 20th meeting, on 27 September 2007, the Human Rights Council decided, without a vote, as a transitional measure, to request the members of the former Working Group on Communications to act as members of the Working Group on Communications of the new Complaint Procedure operating within the parameters of the new procedure until such time as the new Working Group is established.

### **6/102. Follow-up to Human Rights Council resolution 5/1**

At its 20th meeting, on 27 September 2007, the Human Rights Council decided to adopt, without a vote:

#### **“I. GENERAL GUIDELINES FOR THE PREPARATION OF INFORMATION UNDER THE UNIVERSAL PERIODIC REVIEW**

“Reaffirming the relevant provisions, related to the universal periodic review, of General Assembly resolution 60/251 of 15 March 2006 and of Human Rights Council resolution 5/1 of 18 June 2007 containing the institution-building package, the Council adopts the following General Guidelines:

- A. Description of the methodology and the broad consultation process followed for the preparation of information provided under the universal periodic review;
- B. Background of the country under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the ‘basis of review’ in resolution 5/1, annex, section IA;
- C. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the ‘basis of review’ in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms ...;
- D. Identification of achievements, best practices, challenges and constraints;
- E. Key national priorities, initiatives and commitments that the State concerned intends to undertake to overcome those challenges and constraints and improve human rights situations on the ground;
- F. Expectations of the State concerned in terms of capacity-building and requests, if any, for technical assistance;
- G. Presentation by the State concerned of the follow-up to the previous review.

## **II. TECHNICAL AND OBJECTIVE REQUIREMENTS FOR ELIGIBLE CANDIDATES FOR MANDATE-HOLDERS**

### **A. Background**

According to resolution 5/1, 'the following general criteria will be of paramount importance while nominating, selecting and appointing mandate-holders: (a) expertise; (b) experience in the field of the mandate; (c) independency; (d) impartiality; (e) personal integrity; (f) objectivity'. Due consideration should be given to gender balance as well as to appropriate representation of different legal systems. 'Eligible candidates are highly qualified individuals who possess established competence, relevant expertise and extensive professional experience in the field of human rights' (paras. 39-41).

### **B. General aspects**

1. The Office of the United Nations High Commissioner for Human Rights has the responsibility to 'immediately prepare, maintain and periodically update a public list of eligible candidates in a standardized format'. The list shall include 'personal data, areas of expertise and professional experience' (resolution 5/1, para. 43).
2. The Secretariat may provide a standardized form, on the basis of the technical and objective requirements stipulated below, for candidates to fill in, and shall allow for highlighting any expertise they possess in specific areas, so as to facilitate the selection of relevant candidacies from the roster as soon as appointments for particular mandates are necessary.
3. The data and information provided by the candidates shall be substantiated by appropriate written credentials to be annexed to the curricula vitae.
4. 'A consultative group would be established to propose to the President, at least one month before the beginning of the session in which the Council would consider the selection of mandate-holders, a list of candidates who possess the highest qualifications for the mandates in question and meet the general criteria and practical requirements' (resolution 5/1, para. 47).

### **C. Technical and objective requirements**

The following should be considered:

1. Qualifications: relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills in one of the official languages of the United Nations.
2. Relevant expertise: knowledge of international human rights instruments, norms and principles; as well as knowledge of institutional mandates related to the United Nations or other international or regional organizations' work in the area of human rights; proven work experience in the field of human rights.
3. Established competence: nationally, regionally or internationally recognized competence related to human rights.
4. Flexibility/readiness and availability of time to perform effectively the functions of the mandate and to respond to its requirements, including attending Human Rights Council sessions.

### **III. ADVISORY COMMITTEE OF THE HUMAN RIGHTS COUNCIL**

#### **Technical and objective requirements for the submission of candidatures**

**Mandate:** In conformity with resolution 5/1, the technical and objective requirements for the submission of candidatures will be established and approved by the Human Rights Council at its sixth session (first session of the second cycle). These should include:

- Recognized competence and experience in the field of human rights;
- High moral standing;
- Independence and impartiality.

When selecting their candidates, States should consult their national human rights institutions and civil society organizations and apply the following guidelines on technical and objective requirements for the submission of their candidates:

#### **A. Competence and experience**

- Academic studies in the field of human rights or related areas and/or experience and exposure to leadership roles in the human rights field at the national, regional, or international level;
- Substantial experience (at least five years) and personal contributions in the field of human rights;
- Knowledge of the United Nations system and of institutional mandates and policies related to the work in the area of human rights, as well as knowledge of international human rights instruments, norms, disciplines, and familiarity with different legal systems and civilizations will be preferable;
- Proficiency in at least one of the United Nations official languages;
- Availability of time to fulfil the work of the Advisory Committee in an effective manner, both to attend its sessions and to carry out mandated activities between sessions.

#### **B. High moral standing**

#### **C. Independence and impartiality**

Individuals holding decision-making positions in Government or any other organization or entity which might give rise to a conflict of interest with responsibilities inherent to the mandate shall be excluded. Elected members of the Advisory Committee will act in their personal capacity.

#### **D. Other considerations**

The principle of non-accumulation of human rights functions at the same time shall be respected.

In electing members of the Advisory Committee, the Council should give due consideration to gender balance and appropriate representation of different civilizations and legal systems.”

### **6/103. Mandate of the Special Rapporteur on the situation of human rights in the Sudan**

At its 21st meeting, on 28 September 2007, the Human Rights Council decided, without a vote, to defer the decision pertaining to the review of the mandate of the Special Rapporteur on the situation of human rights in the Sudan to the second part of its sixth session, to be held in December 2007.

### **6/104. Prevention of genocide**

At its 21st meeting, on 28 September 2007, the Human Rights Council decided, without a vote, to adopt the following:

*“The Human Rights Council,*

*Recalling* Commission on Human Rights resolution 2005/62 of 20 April 2005, as well as Council decision 2/102 of 6 October 2006,

*Taking note* of the report of the Secretary-General on the implementation of the Five-Point Action Plan and the activities of the Special Adviser on the Prevention of Genocide (E/CN.4/2006/84), as well of new developments since the submission of the report,

*Requests* the Secretary-General to make available to the Council at its seventh session an updated report, and invites the Special Adviser to address the Council at the same session on the progress made in discharging his duties.”

### **6/105. Report of the Preparatory Committee on the Durban Review Conference**

At its 22nd meeting, on 28 September 2007, the Human Rights Council decided, without a vote, to adopt the following:

“Recalling its resolution 3/2 of 8 December 2006, the Human Rights Council invites the Preparatory Committee on the Durban Review Conference to submit its reports to the General Assembly.”

### **6/106. Alliance of Civilizations**

*The Human Rights Council,*

*Welcoming* the appointment of a High Representative for the Alliance of Civilizations by the Secretary-General in April 2007,

*Recognizing* the valuable efforts within the framework of the Alliance of Civilizations initiative towards the promotion of dialogue across cultures and civilizations,

*Invites* the High Representative for the Alliance of Civilizations, Jorge Sampaio, to address the Council at the High-level Segment of its seventh session on the ongoing activities within the framework of the Alliance and particularly on the outcome of its first annual forum and the level of progress achieved regarding the implementation plan for the period 2007-2009.

## **C. PRESIDENT'S STATEMENTS**

### **PRST/6/1. Situation of human rights in Haiti**

At the 21st meeting, on 28 September 2007, the President of the Council made a statement reading as follows:

1. The Human Rights Council welcomes the return to the rule of constitutional law in the Republic of Haiti, as evidenced by the election of the President of the Republic, the restoration of an elected Parliament, the appointment, endorsed by Parliament, of a Prime Minister, and the holding of municipal elections.
2. The Council commends the Haitian authorities on their commitment and efforts to improve living conditions for Haitians through measures such as greater regard for human rights and cooperation between the Haitian National Police and the United Nations Stabilization Mission in Haiti (MINUSTAH) in curbing violence.
3. The Council is nonetheless aware of the many challenges that Haiti is facing. It encourages the international community to continue supporting the efforts of the elected authorities, and encourages those authorities to make use of the resources and expertise placed at their disposal.
4. The Council takes note of the difficulties encountered and the efforts made by the Haitian authorities.
5. While still concerned at the persistent criminal activity in some parts of the country, the Council notes with satisfaction the steps taken to counter corruption and drug-trafficking. It welcomes current efforts to correct irregularities in the police and justice systems, and encourages the Haitian authorities to continue them, bringing to fruition their plans for stronger inspection units within the police and justice systems, regulations to govern the judiciary, the establishment of a High Council of the Judiciary and the reopening of the Judicial Training College, an end to prolonged detention and improved conditions in detention, the introduction of a legal aid scheme and better staffed forensic science and forensic medical services. It notes with satisfaction the proposal for a steady improvement in relations between the Office of Citizen Protection and the MINUSTAH Human Rights Section.
6. The Council also welcomes the Haitian authorities' plans to pass a series of laws on the status of women and reforms of the civil registry and land registry systems.
7. The Council encourages the international community to step up its activities in all these areas and in human rights training and education for the security forces.
8. The Council thanks the independent expert appointed by the Secretary-General to consider the human rights situation in Haiti for his report (A/HRC/4/3). It encourages the expert to continue his mission and report thereon to the Council at its eighth session. It encourages the Haitian authorities to continue to cooperate with the independent expert and put his recommendations into effect.

**PRST/6/2. The twentieth anniversary of the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

At the 21st meeting, on 28 September 2007, the President of the Council made a statement reading as follows:

1. The Human Rights Council notes with deep appreciation that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has been in force since 26 June 1987 as a central instrument in global efforts to eradicate torture.
2. The Human Rights Council warmly welcomes the work of the Committee against Torture for its impressive contribution to combat torture worldwide.
3. The Human Rights Council urges all States parties to the Convention to comply strictly with their obligations under the Convention.
4. The Human Rights Council urges all States that have not yet done so to become parties to the Convention and to give early consideration to signing and ratifying its Optional Protocol.
5. The Human Rights Council invites all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 concerning inter-State and individual communications.
6. The Human Rights Council invites all States parties to the Convention that have not yet done so to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 as soon as possible in order to enhance the efficiency of the Committee against Torture.
7. The Human Rights Council requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and other cruel, inhuman or degrading treatment or punishment, and assisting victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture.

## II. Seventh Session

### A. RESOLUTIONS

#### **7/1. Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip**

*The Human Rights Council,*

*Guided* by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

*Guided also* by the rights of all peoples to self-determination and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter of the United Nations,

*Affirming* the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

*Affirming also* the applicability of international human rights law to the Occupied Palestinian Territory, including East Jerusalem,

*Recognizing* that the Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, constitute violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts, including the Annapolis Conference and the Paris International Donors' Conference for the Palestinian State, aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

*Recognizing also* that the recent Israeli attacks and incursions in the occupied Gaza Strip have led to a considerable loss of life and injuries among Palestinian civilians, including women, children and infants,

1. *Condemns* the persistent Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, which resulted in the loss of more than 125 lives and hundreds of injuries among Palestinian civilians, including women, children and infants;

2. *Expresses* its shock at the Israeli bombardment of Palestinian homes and the killing of civilians therein and at the Israeli policy of inflicting collective punishment against the civilian population, which is contrary to international humanitarian law, and calls for bringing the perpetrators to justice;

3. *Calls for* the immediate cessation of all Israeli military attacks throughout the Occupied Palestinian Territory and the firing of crude rockets, which resulted in the loss of two civilian lives and some injuries in southern Israel;

4. *Also calls for* urgent international action to put an immediate end to the grave violations committed by the occupying Power, Israel, in the Occupied Palestinian Territory, including the series of incessant and repeated Israeli military attacks and incursions therein and the siege of the occupied Gaza Strip;

5. *Reiterates* its calls for immediate protection of the Palestinian people in the Occupied Palestinian Territory in compliance with international human rights law and international humanitarian law;

6. *Urges* all parties concerned to respect the rules of international human rights law and international humanitarian law and to refrain from violence against civilian populations;

7. *Requests* the United Nations High Commissioner for Human Rights to report to the Council, at its next session, on the progress made in the implementation of the present resolution.

*10th meeting  
6 March 2008*

[Adopted by a recorded vote of 33 to 1, with 13 abstentions. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Switzerland, Uruguay, Zambia.

*Against:* Canada.

*Abstaining:* Bosnia and Herzegovina, Cameroon, France, Germany, Guatemala, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

## **7/2. Composition of the staff of the Office of the United Nations High Commissioner for Human Rights**

*The Human Rights Council,*

*Recalling* paragraph 5 (g) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Council should assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the Assembly in its resolution 48/141 of 20 December 1993,

*Taking note* of all relevant resolutions on this issue adopted by the General Assembly, the Commission on Human Rights and the Council,

*Taking note also* of the report of the United Nations High Commissioner for Human Rights on the composition of the staff of the Office of the United Nations High Commissioner for Human Rights (A/HRC/7/57),



*Taking note further* of the reports of the Joint Inspection Unit on the follow-up to the management review of the Office of the United Nations High Commissioner for Human Rights (A/59/65-E/2004/48 and Add.1) and on the funding and staffing of the Office of the United Nations High Commissioner for Human Rights (JIU/REP/2007/8),

*Bearing in mind* that an imbalance in the composition of the staff could diminish the effectiveness of the work of the Office of the High Commissioner if it is perceived to be culturally biased and unrepresentative of the United Nations as a whole,

*Reaffirming* the importance of continuing the ongoing efforts to address the imbalance regarding the regional representation of the staff of the Office of the High Commissioner,

*Underlining* that the paramount consideration for employing staff at every level is the need for the highest standards of efficiency, competence and integrity, and taking into account Article 101, paragraph 3, of the Charter of the United Nations, expressing its conviction that this objective is compatible with the principle of equitable geographical distribution,

*Reaffirming* that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

1. *Takes note with interest* of the statement made by the High Commissioner in her report that achieving geographical balance in the staff of the Office of the United Nations High Commissioner for Human Rights will remain one of her priorities, and requests the High Commissioner and her successors to undertake all measures needed to redress the current imbalance in geographical distribution of the staff of the Office of the High Commissioner;
2. *Takes note* of the various measures proposed and already taken to address the imbalance in geographical distribution of the staff, while stressing that the imbalance in geographical distribution is still prominent;
3. *Also takes note* of the commitment of the High Commissioner to develop additional measures to improve the geographical balance of the Office of the High Commissioner, as stated in the conclusion of her report;
4. *Requests* future High Commissioners to continue enhancing the ongoing efforts in the fulfilment of the goal of a geographical balance in the composition of the staff of the Office;
5. *Underlines* the importance of continuing promoting geographical diversity in the recruitment of high-level and Professional posts, including senior managers, as a principle of the staffing policies of the Office of the High Commissioner;
6. *Affirms* the vital importance of geographical balance in the composition of the staff of the Office of the United Nations High Commissioner for Human Rights, taking into account the significance of national and regional specificities and various historic, cultural and religious backgrounds, as well as of different political, economic and legal systems, to the promotion and protection of the universality of human rights;

7. *Recalls* the provisions contained in section X, paragraph 3, of General Assembly resolution 55/258 of 14 June 2001 on human resources management, in which the Assembly reiterated its request to the Secretary-General to increase further his efforts to improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in all departments;

8. *Encourages* the General Assembly to consider further measures for promoting desirable ranges of geographical balance in the staff of the Office of the High Commissioner representing national and regional specificities, various historic, cultural and religious backgrounds, as well as the diversity of political, economic and legal systems;

9. *Welcomes* the significant increase in the human and financial resources allocated to the activities of the Office of the High Commissioner;

10. *Recognizes* the importance of the follow-up to and implementation of General Assembly resolution 61/159 of 19 December 2006 and underlines the priority importance that the Assembly continue providing support and guidance to the High Commissioner in the ongoing process of improvement of the geographical balance in the composition of the staff of the Office of the High Commissioner;

11. *Requests* the High Commissioner to submit a comprehensive and updated report to the Council in 2009 in accordance with its annual programme of work, following the structure and scope of her report and with a special focus on further measures taken to correct the imbalance in geographical composition of the staff of the Office.

*39th meeting  
27 March 2008*

[Adopted by a recorded vote of 34 to 10, with 3 abstentions. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

*Against:* Bosnia and Herzegovina, Canada, France, Germany, Italy, Netherlands, Romania, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Japan, Republic of Korea, Switzerland.]

### **7/3. Enhancement of international cooperation in the field of human rights**

*The Human Rights Council,*

*Reaffirming* its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

*Recalling* the adoption by the General Assembly of the United Nations Millennium Declaration on 8 September 2000 and Assembly resolution 62/160 of 18 December 2007, and bearing in mind Council decision 4/104 of 30 March 2007,

*Recalling also* the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, and its role in the enhancement of international cooperation in the field of human rights,

*Recognizing* that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

*Recognizing also* that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

*Reaffirming* that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

*Emphasizing* the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

*Underlining* the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Takes note* of the report of the United Nations High Commissioner for human rights on the enhancement of international cooperation in the field of human rights (A/HRC/7/31);

9. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

10. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

11. *Requests* the United Nations High Commissioner for Human Rights to consult States and intergovernmental and non-governmental organizations on ways and means to enhance international cooperation and dialogue in the United Nations human rights machinery, including the Human Rights Council, as recognized by the General Assembly in the preamble of its resolution 60/251 of 15 March 2006, and to present a report on his findings to the Council at the relevant session in 2009;

12. *Decides* to continue its consideration of the question in 2009 in accordance with its annual programme of work.

*39th meeting  
27 March 2008*

[Adopted without a vote.]

**7/4. Mandate of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights**

*The Human Rights Council,*

*Reaffirming* all previous resolutions and decisions adopted by the Commission on Human Rights in connection with the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, including resolutions 1998/24 of 17 April 1998, 1999/22 of 23 April 1999, 2000/82 of 26 April 2000, 2004/18 of 16 April 2004 and 2005/19 of 14 April 2005, as well as Human Rights Council decision 2/109 of 27 November 2006,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* its resolutions 5/1 entitled “Institution-building of the United Nations Human Rights Council”, and 5/2, entitled “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council”, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and their annexes,

*Taking into account* the report (A/HRC/7/9) presented by the outgoing holder of the mandate of the independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights,

1. *Acknowledges with appreciation* the work and contributions made by Bernard Andrew Nyamwaya Mudho during his tenure as independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, and takes note with appreciation of his latest report to the Council;

2. *Decides* to redefine the mandate of the special thematic procedure and rename it “independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights”, so as to allow the mandate-holder to pay particular attention to:

(a) The effects of foreign debt and the policies adopted to address them on the full enjoyment of all human rights, in particular, economic, social and cultural rights in developing countries;

(b) The impact of foreign debt and other related international financial obligations on the capacity of States to design and implement their policies and programmes, including national budgets that respond to vital requirements for the promotion of the realization of social rights;

(c) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

(d) New developments, actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to economic reform policies and human rights;

(e) Quantification of minimum standards to support the realization of the Millennium Development Goals;

(f) Enhancement of consultations with all relevant stakeholders in the fulfilment of this mandate;

3. *Also decides* that the mandate of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, will be extended for a period of three years;

4. *Requests* the independent expert to explore further, in his/her analytical annual report to the Human Rights Council, the interlinkages with trade and other issues, including HIV/AIDS, when examining the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development, with a view to bringing to its attention the broad scope of his/her mandate;

5. *Also requests* the independent expert to seek the views and suggestions of States, international organizations, United Nations agencies, funds and programmes, regional economic commissions, international and regional financial institutions and non-governmental organizations on the draft general guidelines with a view to improve it, as appropriate, and to present updated draft general guidelines to the Council in 2010;

6. *Further requests* the independent expert to cooperate, in accordance with his/her mandate, with the Committee on Economic, Social and Cultural Rights, as well as with the Advisory Committee, special procedures, mechanisms and relevant working groups of the Council related to economic, social and cultural rights and the right to development, in his/her work towards the improvement of the above-mentioned draft general guidelines;

7. *Requests* the Secretary-General to provide the independent expert with all necessary assistance, in particular the staff and resources required to carry out his/her functions, as well as to facilitate his/her participation in and contribution to the follow-up process of the International Conference on Financing for Development;

8. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his/her mandate;

9. *Requests* the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights to submit an analytical report on the implementation of the present resolution to the Council in 2009 in accordance with its annual programme of work, and to submit a progress report on this issue to the General Assembly at its sixty-third session;

10. *Decides* to continue its consideration of this matter under the same agenda item.

*39th meeting  
27 March 2008*

[Adopted by a recorded vote of 34 to 13. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

*Against:* Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, and United Kingdom of Great Britain, Northern Ireland.]

**7/5. Mandate of the independent expert on human rights and international solidarity**

*The Human Rights Council,*

*Reaffirming* all previous resolutions adopted by the Commission on Human Rights and the Human Rights Council on the issue of the human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* its resolutions 5/1 entitled “Institution-building of the United Nations Human Rights Council” and 5/2 entitled “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council”, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and their annexes,

*Recalling also* the importance, in view of the promotion and protection of international solidarity, of the declarations and programmes of action of international conferences such as the World Conference on Human Rights, held in Vienna in 1993, the International Conference on Financing for Development, held in Monterrey, Mexico, in 2002, the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, in 1992, the World Summit on Sustainable Development, held in Johannesburg, South Africa, in 2002, and the World Conference on Disaster Reduction, held in Kobe, Japan, in 2005,

*Reaffirming* that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum effort possible to close this gap,

*Recognizing* that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries towards the realization of the right to development of their peoples and the promotion of the full enjoyment of economic, social and cultural rights by everyone has been insufficient,

1. *Decides* to extend the mandate of the independent expert on human rights and international solidarity for a period of three years:

(a) To promote the realization of the right of peoples and individuals to international solidarity, inter alia, through the further development of guidelines, standards, norms and principles enhancing the enjoyment of this fundamental right and the adoption of measures at the regional and international levels, to promote and consolidate international assistance to developing countries in their endeavours in development and the promotion of conditions that make the full realization of all human rights possible;

(b) To seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his/her mandate, taking into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields;

(c) To examine ways and means of overcoming existing and emerging obstacles to the realization of the right of peoples and individuals to international solidarity;

(d) To make recommendations on possible steps with a view to attaining progressively the full realization of the right of peoples and individuals to international solidarity, and suggestions to address the increasing challenges of international cooperation;

(e) To work in close cooperation with all States and intergovernmental and non-governmental organizations, as well as with other relevant actors representing the broadest possible range of interests and experiences, within their respective mandates, to mainstream fully the effective realization of the right of peoples and individuals to international solidarity in the activities of the United Nations;

(f) To continue participating in and contributing to relevant international conferences and events with the aim of promoting the realization of the right of peoples and individuals to international solidarity;

2. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity in their activities, and to cooperate with the independent expert in his/her mandate, to supply all necessary information requested by him/her and to give serious consideration to responding favourably to the requests of the independent expert to visit their countries, and to enable him/her to fulfil his/her mandate effectively;

3. *Requests* the United Nations High Commissioner for Human Rights to provide all necessary human and financial resources for the effective fulfilment of the mandate of the independent expert;

4. *Requests* the independent expert to continue work on the preparation of a draft declaration on the right of peoples and individuals to international solidarity and to submit a report on the implementation of the present resolution to the Council, in accordance with its annual programme of work;

5. *Decides* to continue its consideration of this matter under the same agenda item.

*39th meeting  
27 March 2008*

[Adopted by a recorded vote of 34 to 13. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

*Against:* Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]



## **7/6. Mandate of the independent expert on minority issues**

*The Human Rights Council,*

*Recalling* the International Covenant on Civil and Political Rights and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

*Recalling also* all previous resolutions on the rights of persons belonging to national or ethnic, religious and linguistic minorities adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, including Commission resolution 2005/79 of 21 April 2005 and Council resolution 6/15 of 28 September 2007,

*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, as well as full and effective participation in matters affecting them, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

*Expressing concern* at the frequency and severity of disputes and conflicts involving minorities in many countries and their often tragic consequences, and that persons belonging to minorities often suffer disproportionately the effects of conflict, resulting in the violation of their human rights, and are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

*Taking note* of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities submitted to the Council at its fourth session (A/HRC/4/109), in which he recommended that the Council should maintain and improve existing mechanisms, including a special procedure,

1. *Commends* the independent expert on minority issues for the work that she has undertaken so far, for the important role that she has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and for her ongoing efforts to promote and protect their rights in order to ensure equitable development and peaceful and stable societies, including through close cooperation with Governments, relevant United Nations bodies and mechanisms and non-governmental organizations;

2. *Expresses its appreciation* to Governments and intergovernmental and non-governmental organizations that have given special attention to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and have supported the work of the independent expert;

3. *Decides* to extend the mandate of the independent expert on minority issues for a period of three years and requests the independent expert:

(a) To promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultations with Governments, taking into account existing international standards and national legislation concerning minorities;

(b) To identify best practices and possibilities for technical cooperation with the Office of the United Nations High Commissioner for Human Rights, at the request of Governments;

(c) To apply a gender perspective in his/her work;

(d) To cooperate closely, while avoiding duplication, with existing relevant United Nations bodies, mandates and mechanisms and with regional organizations;

(e) To take into account the views of non-governmental organizations on matters pertaining to his/her mandate;

(f) To guide the work of the Forum on Minority Issues, as decided by the Council in its resolution 6/15;

(g) To submit annual reports on his/her activities to the Council, including recommendations for effective strategies for the better implementation of the rights of persons belonging to minorities;

4. *Calls upon* all States to cooperate with the independent expert in the performance of the tasks and duties mandated to him/her, and encourages specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop regular dialogue and cooperation with the mandate-holder;

5. *Requests* the Secretary-General and the High Commissioner for Human Rights to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the independent expert;

6. *Decides* to continue its consideration of this issue in accordance with the annual programme of work of the Council.

*39th meeting  
27 March 2008*

[Adopted without a vote.]

## **7/7. Protection of human rights and fundamental freedoms while countering terrorism**

*The Human Rights Council,*

*Recalling* its decision 2/112 and its resolution 6/28, and also recalling Commission on Human Rights resolutions 2003/68, 2004/87 and 2005/80, as well as General Assembly resolutions 57/219, 58/187, 59/191, 60/158, 61/171 and 62/159,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;
2. *Deeply deplores* the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them, and stresses the importance of providing them with proper assistance;
3. *Reaffirms* its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism, and in that regard calls upon States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy, which, inter alia, reaffirms respect for human rights for all and the rule of law to be the fundamental basis of the fight against terrorism;
4. *Also reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights, to respect that certain rights are non-derogable in any circumstances, and recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations;<sup>2</sup>
5. *Calls upon* States to raise awareness of the importance of these obligations among national authorities involved in combating terrorism;
6. *Reaffirms* that counter-terrorism measures should be implemented in full consideration of the human rights of persons belonging to minorities and must not be discriminatory on grounds such as race, colour, sex, language, religion or social origin;
7. *Calls upon* States not to resort to profiling based on stereotypes founded on grounds of discrimination prohibited by international law, including on racial, ethnic and/or religious grounds;

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<sup>2</sup> See, for example, general comment No. 29 (2001), on article 4 of the Covenant (derogations during a state of emergency) adopted by the Human Rights Committee.

8. *Urges* States, while countering terrorism, to fully comply with their obligations in respect of torture and other cruel, inhuman or degrading treatment or punishment, in particular the absolute prohibition of torture;

9. *Also urges* States to fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

10. *Calls upon* States to refrain from returning persons, including in cases related to terrorism, to their countries of origin or to a third State whenever such transfer would be contrary to their obligations under international law, in particular human rights law, international humanitarian law and international refugee law, including in cases where there are substantial grounds for believing that they would be in danger of subjection to torture, or where their life or freedom would be threatened in violation of international refugee law on account of their race, religion, nationality, membership of a particular social group or political opinion, bearing in mind obligations that States may have to prosecute individuals not returned;

11. *Also calls upon* States to ensure that guidelines and practices in all border control operations and other pre-entry mechanisms are clear and fully respect their obligations under international law, particularly refugee law and human rights law, towards persons seeking international protection;

12. *Urges* States, while countering terrorism, to ensure due process guarantees, consistent with all relevant provisions of the Universal Declaration of Human Rights, and their obligations under the International Covenant on Civil and Political Rights and of the Geneva Conventions and their additional Protocols, and the 1951 Convention relating to the status of refugees and the 1969 Protocol relating to the status of refugees, in their respective fields of applicability;

13. *Also urges* all States to take all necessary steps to ensure that persons deprived of liberty, regardless of the place of arrest or of detention, benefit from the guarantees to which they are entitled under international law, including the review of their detention and, if subjected to trial, fundamental judicial guarantees;

14. *Opposes* any form of deprivation of liberty that amounts to placing a detained person outside of the protection of the law, and urges States to respect the safeguards concerning the liberty, security and dignity of the person and to treat all prisoners in all places of detention in accordance with international law, including human rights law and international humanitarian law;

15. *Acknowledges* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 of 20 December 2006 and recognizes that its entry into force will be a significant event;

16. *Calls upon* States to ensure that their laws criminalizing terrorist conduct and/or activities are accessible, formulated with precision, non-discriminatory, non-retroactive and in accordance with international law, including human rights law;
17. *Urges* States while ensuring full compliance with their international obligations, to include adequate human rights guarantees in their national procedures for the listing of individuals and entities with a view to combat terrorism;
18. *Reaffirms* that it is imperative that all States work to uphold and protect the dignity of individuals and their fundamental freedoms, as well as democratic practices and the rule of law, while countering terrorism;
19. *Acknowledges with appreciation* the reports of the Special Rapporteur on the promotion and protection of human rights while countering terrorism submitted to the Council (A/HRC/6/17 and Corr.1, A/HRC/4/26 and E/CN.4/2006/98);
20. *Also acknowledges with appreciation* the reports of the High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism submitted to the Council (E/CN.4/2006/94 and A/HRC/4/88) as well as the work to implement the mandate given to her by the Commission on Human Rights in its resolution 2005/80 and the General Assembly in its resolution 60/158, and requests the High Commissioner to continue her efforts in this regard;
21. *Calls upon* international, regional and subregional organizations to strengthen coordination and cooperation in promoting the protection of human rights and fundamental freedoms while countering terrorism;
22. *Encourages* States to make available to relevant national authorities the “Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism” and to take into account its content;
23. *Acknowledges with appreciation* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the relevant human rights bodies including the High Commissioner for Human Rights and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to develop and improve cooperation and dialogue with the Security Council and its Counter-Terrorism Committee, including its Executive Directorate;
24. *Also acknowledges with appreciation* the cooperation between the Special Rapporteur and all relevant procedures and mechanisms of the Council, United Nations human rights treaty bodies and the Office of the United Nations High Commissioner for Human Rights, and urges them to continue their cooperation, in accordance with their mandates, and to coordinate their efforts, where appropriate, in order to promote a consistent approach on this subject;

25. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to give due consideration to the recommendations of the special procedures and mechanisms of the Council and the relevant comments and views of human rights treaty bodies;

26. *Notes with appreciation* the issuance by the Counter-Terrorism Committee of the Security Council of its policy guidance number 2 regarding human rights and the Committee;

27. *Takes note* of the requests by the General Assembly addressed to the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, including by raising awareness about the necessity to respect human rights while countering terrorism;

28. *Requests* the High Commissioner to report regularly on the implementation of the present resolution to the Council, in accordance with its annual programme of work, and to the General Assembly;

29. *Decides* to continue consideration of this issue in the 2008-2009 cycle of the Council, in accordance with its annual programme of work.

*39th meeting  
27 March 2008*

[Adopted without a vote.]

### **7/8. Mandate of the Special Rapporteur on the situation of human rights defenders**

*The Human Rights Council,*

*Recalling* General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

*Recalling also* the continued validity and application of all the provisions of the above-mentioned Declaration,

*Recalling further* all previous resolutions on this subject, in particular Commission on Human Rights resolution 2005/67 of 20 April 2005 and General Assembly resolution 62/152 of 18 December 2007,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

*Emphasizing* the important role that individuals and civil society institutions, including non-governmental organizations, groups and national human rights institutions, play in the promotion and protection of all human rights and fundamental freedoms for all,

1. *Takes note with appreciation* of the work conducted by the Special Representative of the Secretary-General on the situation of human rights defenders;

2. *Decides* to extend the special procedure on the situation of human rights defenders as a Special Rapporteur for a period of three years, and requests the Special Rapporteur:

(a) To promote the effective and comprehensive implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms through cooperation and constructive dialogue and engagement with Governments, relevant stakeholders and other interested actors;

(b) To study, in a comprehensive manner, trends, developments and challenges in relation to the exercise of the right of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(c) To recommend concrete and effective strategies to better protect human rights defenders through the adoption of a universal approach, and to follow up on these recommendations;

(d) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(e) To integrate a gender perspective throughout the work of his/her mandate, paying particular attention to the situation of women human rights defenders;

(f) To work in close coordination with other relevant United Nations bodies, offices, departments and specialized agencies, both at Headquarters and at the country level, and in particular with other special procedures of the Council;

(g) To report regularly to the Council and the General Assembly;

3. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of his/her tasks, to provide all information and to respond to communications transmitted to them by the Special Rapporteur without undue delay;

4. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a

constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his/her recommendations so as to enable him/her to fulfil his/her mandate even more effectively;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the assistance to the Special Rapporteur necessary for the effective fulfilment of his/her mandate;

6. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

*40th meeting  
27 March 2008*

[Adopted without a vote.]

## **7/9. Human rights of persons with disabilities**

*The Human Rights Council,*

*Recalling* the relevant resolutions of the General Assembly, the most recent of which are resolution 62/170 of 18 December 2007 on the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, and resolution 62/127 of 18 December 2007 on the implementation of the World Programme of Action concerning Disabled Persons,

*Recalling also* the relevant resolutions of the Commission on Human Rights, the most recent of which is resolution 2005/65 of 25 April 2005, as well as those of the Commission for Social Development of the Economic and Social Council,

*Reaffirming* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

*Recognizing* that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others,

*Recognizing also* the importance of accessibility to the physical, social, economic and cultural environment, to health, education, information and communication, in enabling persons with disabilities to enjoy all human rights and fundamental freedoms fully,

*Recognizing further* the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,

*Recognizing* that women and girls with disabilities are often subject to multiple discrimination, and emphasizing the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,



1. *Reaffirms* the need to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity, and in this regard, calls upon Governments to take active measures:

(a) To prevent and prohibit all forms of discrimination against persons with disabilities;

(b) To ensure, for persons with disabilities, full and effective participation and inclusion, respect for their individual autonomy, including the freedom to make one's own choices; independence; and equality of opportunity;

2. *Welcomes* the adoption by the General Assembly on 13 December 2006 of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and expresses the hope that they will enter into force at an early date;

3. *Also welcomes* the fact that, since the opening for signature of the Convention and Optional Protocol on 30 March 2007, 126 States have signed and 17 have ratified the Convention, and that 71 States have signed and 11 have ratified the Optional Protocol, and calls upon those States and regional integration organizations that have not yet done so to consider signing and ratifying the Convention and the Optional Protocol as a matter of priority;

4. *Further welcomes* the attention that several special rapporteurs have paid to the rights of persons with disabilities in carrying out their mandates, and requests special procedures, in carrying out their mandates, to take into account the full and equal enjoyment of all human rights by persons with disabilities;

5. *Encourages* the Human Rights Council Advisory Committee, and other mechanisms of the Council, to integrate the perspective of persons with disabilities, as appropriate, in carrying out their work and in their recommendations so as to facilitate the inclusion of persons with disabilities in the work of the Council;

6. *Urges* all stakeholders to give consideration to the rights of persons with disabilities at all stages of the universal periodic review, including during the consultations carried out by States at the national level for the preparation of information to be submitted for the review, so as to include national human rights institutions and non-governmental organizations representing persons with disabilities in such consultations;

7. *Welcomes* the attention paid to the rights of persons with disabilities in the work of several human rights treaty monitoring bodies and encourages all such bodies to further integrate the perspective of persons with disabilities in their work, including in their monitoring activities and through the issuing of general comments;

8. *Urges* Governments to address fully, in consultation with, inter alia, national human rights institutions and organizations of persons with disabilities, the rights of persons with disabilities when fulfilling their reporting obligations under the relevant United Nations human rights instruments, and welcomes the efforts of those Governments that have begun to do so;

9. *Welcomes* the report of the High Commissioner for Human Rights on progress in the implementation of the recommendations contained in the study on the human rights of persons with disabilities (A/HRC/7/61) and invites the High Commissioner to continue to provide

adequate support for the integration of the perspective of persons with disabilities in the work of the Council and to continue the activities of her Office that contribute to raising awareness and understanding of the Convention on the Rights of Persons with Disabilities, including in cooperation with the Department for Economic and Social Affairs of the Secretariat;

10. *Encourages* States to raise awareness regarding the rights of persons with disabilities, including through public awareness campaigns and training programmes, to combat stereotypes, prejudices, harmful practices and attitudinal barriers relating to persons with disabilities and to promote positive perceptions and greater social awareness of persons with disabilities;

11. *Encourages* the High Commissioner for Human Rights to take fully into account the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines the need for the Council, including its Internet resources, to be fully accessible to persons with disabilities;

12. *Encourages* States to take appropriate measures to identify and eliminate obstacles and barriers to accessibility for persons with disabilities, in particular to ensure that persons with disabilities have access, on an equal basis with others, to the physical environment, transportation, information and communications, and to other facilities open or provided to the public, both in urban and rural areas;

13. *Welcomes* the important role played by national human rights institutions and civil society organizations, including organizations of persons with disabilities, in the negotiation of the Convention on the Rights of Persons with Disabilities, and encourages relevant institutions and organizations to continue their efforts to promote understanding of the Convention and, where appropriate, its implementation;

14. *Encourages* the Office of the United Nations High Commissioner to continue to strengthen its partnerships with and its outreach activities towards civil society organizations, with a particular emphasis on organizations representing persons with disabilities, so as to raise awareness among them about the work of the human rights system;

15. *Decides* to hold an annual interactive debate in one of its regular sessions on the rights of persons with disabilities and that the first such debate should be held at its tenth session, focusing on key legal measures for ratification and effective implementation of the Convention, including with regard to equality and non-discrimination;

16. *Requests* the Office of the High Commissioner to prepare a thematic study to enhance awareness and understanding of the Convention on the Rights of Persons with Disabilities, focusing on legal measures key for the ratification and effective implementation of the Convention, such as those relating to equality and non-discrimination, in consultation with States, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, and requests that the study be available on the website of the Office of the High Commissioner, in an accessible format, prior to the tenth session of the Council;

17. *Notes* that the General Assembly requested the Secretary-General to submit to the Assembly at its next session a report on the status of the Convention and the Optional Protocol and on the implementation of resolution 62/170, and that it also requested the Secretary-General to submit that report to the Council as a contribution to its discussion of the rights of persons with disabilities;

18. *Invites* the Special Rapporteur on disability of the Commission for Social Development to continue cooperating with the Council and to address it on activities undertaken pursuant to his/her mandate, in accordance with its programme of work.

*40th meeting  
27 March 2008*

[Adopted without a vote.]

### **7/10. Human rights and arbitrary deprivation of nationality**

*The Human Rights Council,*

*Guided* by the purposes, principles and provisions of the Charter of the United Nations,

*Guided also* by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality,

*Reaffirming* its decision 2/111 of 27 November 2006, as well as all previous resolutions adopted by the Commission on Human Rights on the issue of human rights and arbitrary deprivation of nationality, in particular resolution 2005/45 of 19 April 2005,

*Recognizing* the right of States to establish laws governing the acquisition, renunciation or loss of nationality, in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession,

*Noting* the relevant provisions of international human rights instruments and instruments on statelessness and nationality, inter alia, article 5, paragraph (d) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination; article 24, paragraph 3, of the International Covenant on Civil and Political Rights; articles 7 and 8 of the Convention on the Rights of the Child; articles 1 to 3 of the Convention on the Nationality of Married Women; article 9 of the Convention on the Elimination of All Forms of Discrimination against Women; and the Convention on the Reduction of Statelessness,

*Recalling* that persons arbitrarily deprived of nationality are protected by international human rights and refugee law as well as instruments on statelessness, including, with respect to States parties, the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees and the Protocol thereto,

*Stressing* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, as reaffirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993, the 2005 World Summit Outcome and General Assembly resolution 60/251 of 15 March 2006, by which the Assembly established the Human Rights Council,

*Recalling* General Assembly resolution 61/137 of 25 January 2007, in which, inter alia, the Assembly urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons,

*Noting* the important work of the Office of the United Nations High Commissioner for Refugees in seeking to address and prevent the problem of statelessness, including the adoption by its Executive Committee of the conclusion on identification, prevention and reduction of statelessness and protection of stateless persons No. 106 (LVII) - 2006,

*Mindful* of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their populations because of nationality, ethnicity, race, religion or language,

*Recalling* General Assembly resolutions 55/153 of 12 December 2000 and 59/34 of 2 December 2004 on the nationality of natural persons in relation to the succession of States,

*Recalling also* the resolutions of the Sub-Commission on the Promotion and Protection of Human Rights on the rights of non-citizens, in particular of paragraph 7 of its resolution 2003/21 of 13 August 2003, and also of the final report of the Special Rapporteur of the Sub-Commission on the rights of non-citizens (E/CN.4/Sub.2/2003/23 and Add.1-4),

*Expressing its deep concern* at the arbitrary deprivation of persons or groups of persons of their nationality, especially on racial, national, ethnic, religious, gender or political grounds,

*Recalling* that arbitrarily depriving a person of his or her nationality may lead to statelessness, and in this regard expressing concern at various forms of discrimination against stateless persons that violate the obligations of States under international human rights law,

*Emphasizing* that the human rights and fundamental freedoms of persons whose nationality may be affected by State succession must be fully respected,

1. *Reaffirms* that the right to a nationality of every human person is a fundamental human right;

2. *Recognizes* that arbitrary deprivation of nationality on racial, national, ethnic, religious, political or gender grounds is a violation of human rights and fundamental freedoms;

3. *Calls upon* all States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, colour, gender, religion, political opinion or national or ethnic origin, especially if such measures and legislation render a person stateless;

4. *Urges* all States to adopt and implement nationality legislation with a view to avoiding statelessness, consistent with fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality and statelessness as a result of State succession;

5. *Calls upon* States that have not already done so to consider accession to the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons;

6. *Notes* that the full enjoyment of all human rights and fundamental freedoms of an individual might be impeded as a result of arbitrary deprivation of nationality, thereby hampering his or her social integration;

7. *Calls upon* States to ensure that an effective remedy is available to persons who have been arbitrarily deprived of their nationality;

8. *Urges* the appropriate mechanisms of the Council and the appropriate United Nations treaty bodies and encourages the Office of the United Nations High Commissioner for Refugees to continue to collect information on the issue of human rights and arbitrary deprivation of nationality from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates;

9. *Requests* the Secretary-General to collect information on this question from all relevant sources and to make it available to the Council at its tenth session;

10. *Decides* to continue its consideration of this matter at its tenth session under the same agenda item.

*40th meeting  
27 March 2008*

[Adopted without a vote.]

### **7/11. The role of good governance in the promotion and protection of human rights**

*The Human Rights Council,*

*Guided* by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations applying to every individual and every organ of society, and also the Vienna Declaration and Programme of Action, which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

*Recalling* Commission on Human Rights resolution 2005/68 of 20 April 2005 and all previous relevant resolutions on the role of the good governance in the promotion of human rights, as well as the United Nations Millennium Declaration,

*Recognizing* the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of human rights and fundamental freedoms and of the mutually reinforcing relationship between good governance and human rights,

*Recognizing also* that transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, including women and members of vulnerable and marginalized groups, is the foundation on which good governance rests and that such a foundation is an indispensable condition for the full realization of human rights, including the right to development,

*Emphasizing* that democracies have embedded institutional advantages incontestably favourable to sustainable development, and that when based on the respect for human rights, they provide political incentives to Governments to respond to the needs and demands of the people, allow for more informed and extensive policy dialogue, are more adaptable, and create necessary checks and balances on Government power,

*Reaffirming* the leading role played by the United Nations in developing and promoting democracy and human rights, and recognizing the role of other processes, including the International Conference of New or Restored Democracies and the Community of Democracies,

*Reaffirming also* the importance of international and regional cooperation, when required by the States in need, in order to facilitate the implementation of good governance and anti-corruption practices at all levels,

*Stressing* that good governance at the national and international levels is essential for sustained economic growth, sustainable development and the eradication of poverty and hunger, as reflected in the 2005 World Summit Outcome,

*Noting with satisfaction* the outcomes of the respective conferences of the Community of Democracies, held in Warsaw in 2000, in Seoul in 2002, in Santiago in 2005 and in Bamako in 2007, at which the States committed themselves to build on shared principles and goals to promote democracy in all regions of the world, to support the integrity of democratic processes in societies on the democratic path and to coordinate policies to enhance the effectiveness of democratic governance,

*Realizing* that the fight against corruption at all levels plays an important role in the promotion and protection of human rights and in the process of creating an environment conducive to their full enjoyment,

*Recognizing* the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights, through both the weakening of institutions and the erosion of public trust in government, as well as through the impairment of the ability of Governments to fulfil their human rights obligations, particularly the economic and social rights of the most vulnerable and marginalized,

*Recognizing also* that effective anti-corruption measures and the protection of human rights are mutually reinforcing and that the promotion and protection of human rights is essential to the fulfilment of all aspects of an anti-corruption strategy,

*Noting with attention* the outcome of the first and second sessions of the Conference of the States parties to the United Nations Convention against Corruption, held in Dead Sea, Jordan, in 2006, and in Bali, Indonesia, in 2008,

1. *Welcomes* the note by the United Nations High Commissioner for Human Rights transmitting the report on the United Nations Conference on anti-corruption, good governance and human rights, held in Warsaw, on 8 and 9 November 2006, by the Office of the High Commissioner for Human Rights, and noting the main themes discussed during the seminar:

- (a) The impact of corruption on human rights;
- (b) Human rights and good governance in the fight against corruption;
- (c) The role of civil society, the private sector and the media;
- (d) Fighting corruption while safeguarding human rights;

2. *Invites* States to consider ratifying or acceding to the United Nations Convention against Corruption and to promote transparency, accountability, prevention and enforcement as key principles of anti-corruption efforts;

3. *Welcomes* the publication of the Office of the United Nations High Commissioner for Human Rights entitled “Good Governance Practices for the Protection of Human Rights”, pursuant to Commission on Human Rights resolution 2005/68, and requests the Office of the High Commissioner to prepare a publication on anti-corruption, good governance and human rights, drawing on the results of the Warsaw conference;

4. *Decides* to continue its consideration of the question of the role of good governance, including the issue of the fight against corruption in the promotion and protection of human rights, at a future session.

*40th meeting  
27 March 2008*

[Adopted by a recorded vote of 41 to none, with 6 abstentions. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Brazil, Cameroon, Canada, Djibouti, Egypt, France, Gabon, Germany, Ghana, Guatemala, India, Indonesia, Italy, Japan, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Philippines, Qatar, Republic of Korea, Romania, Saudi Arabia, Senegal, Slovenia, South Africa, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

*Abstaining:* Bolivia, China, Cuba, Nicaragua, Russian Federation, Sri Lanka.]

## **7/12. Enforced or involuntary disappearances**

*The Human Rights Council,*

*Reaffirming* the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which protect the right of life, the right of liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law,

*Recalling* resolution 20 (XXXVI) of 29 February 1980 of the Commission on Human Rights establishing a Working Group consisting of five members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances,

*Recalling also* General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearances as a body of principles for all States,

*Acknowledging* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 of 20 December 2006, and recognizing that its entry into force as soon as possible through its ratification by 20 States will be a significant event,

*Deeply concerned* in particular by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

*Acknowledging* the fact that acts of enforced disappearance are crimes against humanity, as defined in the Rome Statute of the International Criminal Court,

*Recalling* resolutions 2004/40 of 19 April 2004 and 2005/27 of 19 April 2005 of the Commission on Human Rights,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* its resolutions 5/1, entitled “Institution-building of the United Nations Human Rights Council”, and 5/2, entitled “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council”, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Takes note* of the report submitted by the Working Group on Enforced or Involuntary Disappearances (A/HRC/7/2) and of the recommendations contained therein;

2. *Decides* to extend the mandate of the Working Group for a further period of three years, and encourages it, in fulfilling its mandate:

(a) To promote communication between families of disappeared persons and the Governments concerned, particularly when ordinary channels have failed, with a view to



ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

(b) To observe, in its humanitarian task, United Nations standards and practices regarding the handling of communications and the consideration of Government replies;

(c) To consider the question of impunity in the light of the relevant provisions of the Declaration on the Protection of All Persons from Enforced Disappearances, and having in mind the set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II, and E/CN.4/2005/102/Add.1);

(d) To pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned in searching for and identifying these children;

(e) To pay particular attention to cases transmitted to it that are most urgent from a humanitarian perspective and that refer to ill-treatment, serious threatening or intimidation of witnesses of enforced or involuntary disappearances or relatives of disappeared persons;

(f) To pay particular attention to cases of disappearance of persons working for the promotion and protection of human rights and fundamental freedoms, wherever they occur, and to make appropriate recommendations for preventing such disappearances and improving the protection of such persons;

(g) To apply a gender perspective in its reporting process, including in information collection and the formulation of recommendations;

(h) To provide appropriate assistance in the implementation by States of the Declaration and of the existing international rules;

(i) To continue its deliberations on its working methods and to include these aspects in its reporting process to the Council;

(j) To submit a regular report on the implementation of its mandate to the Council in accordance with its annual programme of work;

3. *Calls on* Governments that have not provided for a long period of time substantive replies concerning claims of enforced disappearances in their countries to do so and to give due consideration to relevant recommendations concerning this issue made by the Working Group in their reports;

4. *Urges* States:

(a) To promote and give full effect to the Declaration on the Protection of All Persons from Enforced Disappearances;

(b) To cooperate with the Working Group and help it to carry out its mandate effectively and, in that framework, give serious consideration to requests for visits to their countries;

(c) To prevent the occurrence of enforced disappearances, including by guaranteeing that any person deprived of liberty is held solely in officially recognized and supervised places of detention, guaranteeing access to all places of detention by authorities and institutions whose competence in this regard has been recognized by the concerned State, maintaining official, accessible, up-to-date registers and/or records of detainees, and ensuring that detainees are brought before a judicial authority promptly after detention;

(d) To work to eradicate the culture of impunity for the perpetrators of enforced disappearances and to elucidate cases of enforced disappearances as crucial steps in effective prevention;

(e) To prevent and investigate with special attention cases of enforced disappearance of persons belonging to vulnerable groups, especially children, and to bring the perpetrators of these enforced disappearances to justice;

(f) To take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

5. *Urges* the Governments concerned:

(a) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(b) To continue their efforts to elucidate the fate of disappeared persons and to ensure that competent authorities in charge of investigation and prosecution are provided with adequate means and resources to resolve cases and bring perpetrators to justice;

(c) To make provisions in their legal systems for victims of enforced or involuntary disappearances or their families to seek fair, prompt and adequate reparation and, in addition, where appropriate, to consider symbolic measures recognizing the suffering of victims and restoring their dignity and reputation;

(d) To address the specific needs of the families of disappeared persons;

6. *Reminds* States that:

(a) As proclaimed in article 2 of the Declaration on the Protection of All Persons from Enforced Disappearances, no State shall practise, permit or tolerate enforced disappearances;

(b) All acts of enforced or involuntary disappearance are crimes punishable by appropriate penalties, which should take due account of their extreme seriousness under criminal law;

(c) They should ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

(d) If there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction, all the perpetrators of that disappearance must be brought to justice;

(e) Impunity is simultaneously one of the underlying causes of enforced disappearances and a major obstacle to the elucidation of such cases;

(f) As proclaimed in article 11 of the Declaration, all persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability fully to exercise their rights are assured;

7. *Expresses:*

(a) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information and to the Governments that have accepted visits of the Working Group to their countries, requesting them to give all necessary attention to the Working Group's recommendations and inviting them to inform the Working Group of any action they take on those recommendations;

(b) Its appreciation to the Governments that are investigating, cooperating at the international and bilateral levels, and have developed or are developing appropriate mechanisms to investigate any claims of enforced disappearance that are brought to their attention, and encourages all Governments concerned to expand their efforts in this area;

8. *Invites* States to take legislative, administrative, legal and other steps, including when a state of emergency has been declared, at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance, and to provide the Working Group with concrete information on the measures taken and the obstacles encountered in preventing enforced and involuntary disappearances and in giving effect to the principles set forth in the Declaration;

9. *Takes note* of the assistance provided to the Working Group by non-governmental organizations and their activities in support of the implementation of the Declaration, and invites those organizations to continue their cooperation;

10. *Requests* the Secretary-General to continue:

(a) To ensure that the Working Group receives all the assistance and resources it requires to perform its functions, including supporting the principles of the Declaration, carrying out and following up on missions and holding sessions in countries that are prepared to receive it;

(b) To provide the resources needed to update the database on cases of enforced disappearance;

(c) To keep the Working Group and the Council regularly informed of the steps taken for the wide dissemination and promotion of the Declaration;

11. *Decides* to continue consideration of the matter in accordance with its programme of work.

*40th meeting  
27 March 2008*

[Adopted without a vote.]

### **7/13. Mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography**

*The Human Rights Council,*

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

*Recalling also* all previous resolutions on the mandate on sale of children, child prostitution and child pornography, especially Commission on Human Rights resolution 1990/68 of 7 March 1990 and decision 2004/285 of the Economic and Social Council of 22 July 2004,

*Bearing in mind* the Convention on the Rights of the Child and its Optional Protocols and other instruments relating to this mandate,

*Deeply concerned* about the persistence of the practices of sale of children, child prostitution and child pornography in many parts of the world,

1. *Welcomes* the work and contributions of the Special Rapporteur on the sale of children, child prostitution and child pornography;

2. *Decides* to extend the mandate of the Special Rapporteur for a period of three years:

(a) To consider matters relating to the sale of children, child prostitution and child pornography;

(b) To continue, through continuous and constructive dialogue with Governments, intergovernmental organizations and civil society, including non-governmental organizations concerned, the analysis of the root causes of sale of children, child prostitution and child pornography, addressing all the contributing factors, especially the demand factor;

(c) To identify and make concrete recommendations on preventing and combating new patterns of sale of children, child prostitution and child pornography;

(d) To identify, exchange and promote best practices on measures to combat the sale of children, child prostitution and child pornography;

(e) To continue, in consultation with Governments, intergovernmental organizations and civil society, including non-governmental organizations concerned, his/her efforts to promote comprehensive strategies and measures on the prevention of sale of children, child prostitution and child pornography;

(f) To make recommendations on the promotion and protection of human rights of children actual or potential victims of sale, prostitution and pornography, as well as on the aspects related to the rehabilitation of child victims of sexual exploitation;

(g) To integrate a gender perspective throughout the work of his/her mandate;

(h) To work in close coordination with other relevant bodies and mechanisms of the United Nations, the Committee on the Rights of the Child and, in particular, with other special procedures of the Council, such as the Special Rapporteur on trafficking in persons, especially in women and children, the Special Rapporteur on violence against women, the Special Rapporteur on contemporary forms of slavery and the Special Representative of the Secretary-General on violence against children, bearing in mind their complementarity, in order to strengthen the work for the promotion and protection of human rights and fundamental freedoms while avoiding unnecessary duplication of efforts;

(i) To submit a report on the implementation of his/her mandate to the Council in accordance with its annual programme of work;

3. *Requests* all Governments to cooperate with the Special Rapporteur in the performance of the task and duties mandated, to furnish necessary information requested in his/her communications and to react promptly to the Special Rapporteur's urgent appeals;

4. *Encourages* all Governments to respond favourably to the requests of the Special Rapporteur to visit their countries so as to enable him/her to fulfil the mandate effectively;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human, technical and financial assistance to the Special Rapporteur necessary for the effective fulfilment of his/her mandate;

6. *Decides* to continue the consideration of this question in accordance with its programme of work.

*40th meeting  
27 March 2008*

[Adopted without a vote.]

## **7/14. The right to food**

*The Human Rights Council,*

*Recalling* all previous resolutions on the issue of the right to food, in particular General Assembly resolution 62/164 of 18 December 2007 and Council resolution 6/2 of 27 September 2007, as well as all resolutions of the Commission on Human Rights in this regard,

*Recalling also* the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration,

*Recalling further* the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the fundamental right of every person to be free from hunger is recognized,

*Bearing in mind* the Rome Declaration on World Food Security and the World Food Summit Plan of Action and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,

*Reaffirming* the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,

*Bearing in mind* paragraph 6 of its resolution 60/251 of 15 March 2006,

*Reaffirming* that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

*Reaffirming also* that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

*Reiterating*, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

*Convinced* that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

*Recognizing* that the problems of hunger and food insecurity have global dimensions and that there has been virtually no progress made on reducing hunger and that it could increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

*Noting* that environmental degradation, desertification and global climate change are exacerbating destitution and desperation, causing a negative impact on the realization of the right to food, in particular in developing countries,

*Expressing its deep concern* at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

*Stressing* the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

*Welcoming* the theme "The right to food", chosen by the Food and Agriculture Organization of the United Nations to mark World Food Day on 16 October 2007,

*Taking note* of the Final Declaration adopted at the International Conference on Agrarian Reform and Rural Development of the Food and Agriculture Organization of the United Nations in Pôrto Alegre, Brazil, on 10 March 2006,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;
2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;
3. *Considers it intolerable* that more than 6 million children still die every year from hunger-related illness before their fifth birthday and that there are about 854 million undernourished people in the world and that, while the prevalence of hunger has diminished, the absolute number of undernourished people has been increasing in recent years when, according to the Food and Agriculture Organization of the United Nations, the planet could produce enough food to feed 12 billion people, twice the world's present population;
4. *Expresses its concern* that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;
5. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls,

including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water, to enable them to feed themselves and their families;

6. *Encourages* the Special Rapporteur on the right to food to continue mainstreaming a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms addressing the right to food and food insecurity to integrate a gender perspective into their relevant policies, programmes and activities;

7. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive and accessible to persons with disabilities;

8. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger, and recognizes in this regard the great efforts and positive developments with respect to the right to food in some developing countries and regions, including those highlighted in the report of the Special Rapporteur (See A/62/289);

9. *Stresses* that improving access to productive resources and public investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate, small-scale irrigation and water management technologies in order to reduce vulnerability to droughts;

10. *Recognizes* that 80 per cent of hungry people live in rural areas, and 50 per cent are small-scale farm-holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of inputs, and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; and that support by States for small farmers, fishing communities and local enterprises is an element key to food security and provision of the right to food;

11. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and, in this regard, calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa;

12. *Also stresses* its commitments to promote and protect, without discrimination, the economic, social and cultural rights of indigenous peoples, in accordance with international human rights obligations and taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples, and acknowledges that many indigenous organizations and representatives of indigenous communities have expressed in different forums their deep concerns over the obstacles and challenges they face for the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;



13. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

14. *Recognizes* the need to strengthen national commitment as well as international assistance, upon request and in cooperation with affected countries, towards a better realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger or natural or man-made disasters affecting the enjoyment of the right to food;

15. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

16. *Recognizes* the need for a successful conclusion of the Doha Development Round negotiations of the World Trade Organization as a contribution to creating international conditions that permit the realization of the right to food;

17. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

18. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

19. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, and invites once again all international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

20. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

21. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

22. *Stresses* the importance of international development cooperation and assistance, in particular in activities related to disaster risk reduction and in emergency situations such as natural and man-made disasters, diseases and pests, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

23. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including Southern Africa;

24. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

25. *Encourages* the Special Rapporteur on the right to food and the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises to cooperate on the subject of the contribution of the private sector to the realization of the right to food, including the importance of ensuring sustainable water resources for human consumption and agriculture;

26. *Recognizes* the negative impact of massive rises in prices of food on the realization of the right to food, particularly on people in developing countries with a high level of dependence on food imports for the fulfilment of nutritional national requirements;

27. *Takes note* of the report of the Special Rapporteur on the right to food (A/HRC/7/5), and of his valuable work in the promotion of the right to food in all parts of the world and expresses its appreciation for the work and commitment of the first mandate-holder to achieving the realization of the right to food;

28. *Encourages* the new mandate-holder on the right to food to discharge his/her activities taking into account the important achievements in the fulfilment of the mandate in recent years;

29. *Supports* the realization of the mandate of the Special Rapporteur as extended for a period of three years by the Council in its resolution 6/2 of 27 September 2007;

30. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

31. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

32. *Recalls* general comment No. 15 (2002) of the Committee on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in the realization of the right to adequate food;

33. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004, represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

34. *Requests* the Advisory Committee to consider potential recommendations for approval by the Council on possible further measures to enhance the realization of the right to food, bearing in mind the priority importance of promoting the implementation of existing standards;

35. *Welcomes* the continued cooperation of the High Commissioner, the Committee and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

36. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his/her task, to supply all necessary information requested by him/her and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him/her to fulfil his/her mandate more effectively;

37. *Decides* to convene a panel discussion on the realization of the right to food in the period of its main session of 2009;

38. *Recalls* the requests made by the General Assembly, in its resolution 62/164, that the Special Rapporteur submit to it an interim report at its sixty-third session on the implementation of that resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate, and by the Council that the Special Rapporteur submit to it a comprehensive report on the fulfilment of his/her mandate in 2009, in accordance with its annual programme of work;

39. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his/her mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

40. *Decides* to continue the consideration of this matter under the same agenda item in 2009 in accordance with its annual programme of work.

*40th meeting  
27 March 2008*

[Adopted without a vote.]

## **7/15. Situation of human rights in the Democratic People's Republic of Korea**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the sixtieth anniversary of which we celebrate this year, the International Covenants on Human Rights and other human rights instruments,

*Recalling* all previous resolutions adopted by the Commission on Human Rights and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Commission resolutions 2004/13 and 2005/11 and Assembly resolution 62/167, and urging the implementation of those resolutions,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* Council resolutions 5/1 on institution-building of the United Nations Human Rights Council, and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

*Bearing in mind* the reports on the situation of human rights in the Democratic People's Republic of Korea submitted by the Special Rapporteur, including reports A/62/264 and A/HRC/7/20 and urging the implementation of the recommendations therein,

*Having reviewed* the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,

*Deeply concerned* at the continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea and at the unresolved questions of international concern relating to the abduction of foreigners, and urging the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms,

*Deploring* the grave human rights situation in the Democratic People's Republic of Korea,

*Deeply regretting* the refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur or to extend full cooperation to him,

*Alarmed* by the precarious humanitarian situation in the country,

*Reaffirming* that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,

1. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken so far and his continued efforts in the conduct of the mandate despite the limited access to information;

2. *Decides* to extend the mandate of the Special Rapporteur, in accordance with Commission on Human Rights resolutions 2004/13 and 2005/11, for a period of one year;

3. *Urges* the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and to respond favourably to his requests to visit the country and to provide him with all necessary information to enable him to fulfil his mandate;

4. *Also urges* the Government of the Democratic People's Republic of Korea to ensure safe and unhindered access of humanitarian assistance that is delivered impartially on the basis of need, in accordance with humanitarian principles;

5. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate-holders, interested institutions and independent experts and non-governmental organizations to develop regular dialogue and cooperation with the Special Rapporteur in the fulfilment of his mandate;

6. *Requests* the Secretary-General to provide the Special Rapporteur with all assistance and adequate staffing necessary to carry out his mandate effectively and to ensure that this mechanism works with the support of the Office of the United Nations High Commissioner for Human Rights;

7. *Invites* the Special Rapporteur to submit regular reports on the implementation of his mandate to the Council and the General Assembly.

*40th meeting  
27 March 2008*

[Adopted by a recorded vote of 22 to 7, with 18 abstentions. The voting was as follows:<sup>3</sup>

*In favour:* Bolivia, Bosnia and Herzegovina, Brazil, Canada, France, Germany, Ghana, Italy, Japan, Jordan, Madagascar, Mexico, Netherlands, Peru, Republic of Korea, Romania, Saudi Arabia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

*Against:* China, Cuba, Egypt, Indonesia, Malaysia, Nicaragua, Russian Federation.

*Abstaining:* Angola, Azerbaijan, Bangladesh, Cameroon, Djibouti, Gabon, Guatemala, India, Mali, Mauritius, Nigeria, Pakistan, Philippines, Qatar, Senegal, South Africa, Sri Lanka, Zambia.]

## **7/16. Situation of human rights in the Sudan**

*The Human Rights Council,*

*Guided* by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Right and the International Covenants on Human Rights,

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<sup>3</sup> The representative of Bangladesh subsequently stated that his delegation had intended to vote in favour of the draft resolution.

*Reaffirming* that all Members States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable international human rights instruments,

*Reaffirming also* Commission on Human Rights resolution 2005/82 of 21 April 2005 and Council resolutions 6/34 and 6/35 of 14 December 2007,

*Bearing in mind* the report by the Special Rapporteur on the situation of human rights in the Sudan (A/62/354) and urging the implementation of the recommendations contained therein,

1. *Takes note* of the report of the Special Rapporteur (A/HRC/7/22);
2. *Welcomes* the collaboration of the Government of the Sudan with the Special Rapporteur, including at ministerial level, and takes note with interest of its engagement with the international community on human rights issues;
3. *Urges* the Government of the Sudan to continue cooperating fully with the Special Rapporteur and to respond favourably to her requests to visit all parts of the Sudan and to provide her with all necessary information so as to enable her to fulfil her mandate even more effectively;
4. *Calls on* the Government of the Sudan to continue and intensify its efforts for the promotion and protection of human rights, by taking all possible concrete steps to improve the human rights situation;
5. *Acknowledges* the measures taken by the Government of the Sudan to address the human rights situation in the Sudan, but expresses its concern that, for various reasons, their implementation has not yet led to the desired positive impact on the ground;
6. *Expresses its deep concern* at the seriousness of the ongoing violations of human rights and international humanitarian law in some parts of Darfur, and reiterates its call to all parties to put an end to all acts of violence against civilians, with special focus on vulnerable groups including women, children and internally displaced persons, as well as human rights defenders and humanitarian workers;
7. *Stresses* the primary responsibility of the Government of the Sudan to protect all its citizens, including all vulnerable groups;
8. *Calls upon* the signatories of the Darfur Peace Agreement to comply with their obligations under the Agreement, acknowledges the measures already taken towards its implementation and calls upon non-signatory parties to participate and to commit themselves to the Darfur political process led by the African Union and the United Nations, in compliance with relevant resolutions of the United Nations, including paragraph 5 of Council resolution 4/8;
9. *Urges* the Government of the Sudan to continue and intensify its efforts to implement the recommendations identified by the Group of Experts, in accordance with the specified time frames and indicators;

10. *Encourages* the Government of the Sudan to accelerate the progressive realization of economic, social and cultural rights in the Sudan;

11. *Invites* relevant United Nations bodies and agencies, including the Office of the United Nations High Commissioner for Human Rights, to continue providing support and technical assistance to the Sudan for the implementation of the recommendations of the Group of Experts, and calls upon donors to continue providing financial and technical assistance and required equipment for the improvement of human rights in the Sudan and to continue to provide support for the implementation of the Comprehensive Peace Agreement;

12. *Calls upon* the Government of the Sudan to accelerate the implementation of the Comprehensive Peace Agreement and to establish the remaining commissions, in particular the finalization of the establishment of the national human rights commission, in accordance with the Paris Principles;

13. *Expresses particular concern* at the fact that perpetrators of past and ongoing serious violations of human rights and international humanitarian law in Darfur have not yet been held accountable for their crimes and urges the Government of the Sudan to address urgently this question, by thoroughly investigating all allegations of human rights and international humanitarian law violations, promptly bringing to justice the perpetrators of those violations;

14. *Decides* to review the situation of human rights in the Sudan at its session in September 2008.

*40th meeting  
27 March 2008*

[Adopted without a vote.]

### **7/17. Right of the Palestinian people to self-determination**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

*Guided also* by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

*Guided further* by the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights (A/CONF.157/23), and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

*Recalling* General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

*Recalling also* Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

*Recalling further* the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

*Recalling* the resolutions adopted in this regard by the Commission on Human Rights, the last of which was resolution 2005/1 of 7 April 2005,

*Reaffirming* the right of the Palestinian people to self-determination in accordance with the provisions of the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and to establish their sovereign, independent, democratic and viable contiguous State;

2. *Also reaffirms* its support for the solution of two States living side by side in peace and security, Palestine and Israel;

3. *Stresses* the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination;

5. *Decides* to continue the consideration of this question at its session of March 2009.

*40th meeting  
27 March 2008*

[Adopted without a vote.]



**7/18. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan**

*The Human Rights Council,*

*Guided* by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

*Recalling* relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly, most recently General Assembly resolution 62/108 of 17 December 2007 in which the Assembly reaffirmed, inter alia, the illegality of the Israeli settlements in the occupied territories,

*Mindful* that Israel is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

*Considering* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I),

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and its conclusion that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,

*Recalling also* General Assembly resolution ES-10/15 of 20 July 2004,

*Affirming* that the Israeli settlement activities in the Occupied Palestinian Territory constitute very serious violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts, including the Annapolis Peace Conference and the Paris International Donors’ Conference for the Palestinian State, aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

*Recalling* its attachment to the implementation by both parties of their obligations under the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict (S/2003/529, annex), and noting specifically its call for a freeze on all settlement activity,

*Expressing its grave concern* at the continuation by Israel, the occupying Power, of settlement building and expansion in the Occupied Palestinian Territory, including plans to expand and connect Israeli settlements around Occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State, in violation of international humanitarian law and relevant United Nations resolutions,

*Expressing its concern* that continuing Israeli settlement activity undermines the realization of a two-State solution,

*Expressing grave concern* at the continuing construction, contrary to international law, by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudge future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

*Deeply concerned* that the route of the wall has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Expressing its concern* at the failure of the Government of Israel to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/HRC/7/17) and calls upon the Government of Israel to cooperate with the Special Rapporteur to allow him to discharge his mandate fully;

2. *Deplores* the recent Israeli announcements of the construction of new housing units for Israeli settlers in and around occupied East Jerusalem, as they undermine the peace process and the creation of a contiguous, sovereign and independent Palestinian State, and are in violation of international law and pledges made by Israel at the Annapolis Peace Conference of 27 November 2007;

3. *Expresses its grave concern* at:

(a) The continuing Israeli settlement and related activities, in violation of international law, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and in particular article 49 of that Convention; settlements are a major obstacle to the establishment of a just and comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State;

(b) The Israeli so-called E-1 plan aimed at expanding the Israeli settlement of Maale Adumim and building the wall around it, thereby further disconnecting occupied East Jerusalem from the northern and southern parts of the West Bank and isolating its Palestinian population;

(c) The implications for the final status negotiations of the announcement by Israel that it will retain the major settlement blocks in the Occupied Palestinian Territory, including settlements located in the Jordan Valley;

(d) The expansion of Israeli settlements and the construction of new ones on the Occupied Palestinian Territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent and would be tantamount to de facto annexation;

(e) The Israeli decision to establish and operate a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev, in violation of international law and relevant United Nations resolutions;

(f) The continued closures of and within the Occupied Palestinian Territory and the restriction of the freedom of movement of people and goods, including the repeated closure of the crossing points of the Gaza Strip, which have created an extremely precarious humanitarian situation for the civilian population and impaired the economic and social rights of the Palestinian people;

(g) The continued construction, contrary to international law, of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem;

4. *Urges* Israel, the occupying Power:

(a) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of the existing settlements, including “natural growth” and related activities;

(b) To prevent any new installation of settlers in the occupied territories;

5. *Urges* the full implementation of the Access and Movement Agreement of 15 November 2005, particularly the urgent reopening of the Rafah and Karni crossings, which are crucial to the passage of foodstuffs and essential supplies, as well as the access of United Nations agencies to and within the Occupied Palestinian Territory;

6. *Demands* that Israel implement the recommendations regarding the settlements made by the United Nations High Commissioner for Human Rights in her report to the Commission on Human Rights at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114);

7. *Calls upon* Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

8. *Demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

9. *Urges* the parties to give renewed impetus to the peace process in line with the Annapolis Peace Conference and the Paris International Donors' Conference for the Palestinian State and to implement fully the road map endorsed by the Security Council in its resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

10. *Decides* to continue the consideration of this question at its session of March 2009.

*40th meeting  
27 March 2008*

[Adopted by a recorded vote of 46 to 1. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, France, Gabon, Germany, Ghana, Guatemala, India, Indonesia, Italy, Japan, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Slovenia, South Africa, Sri Lanka, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

*Against:* Canada.]

### **7/19. Combating defamation of religions**

*The Human Rights Council,*

*Recalling* the 2005 World Summit Outcome adopted by the General Assembly in its resolution 60/1 of 24 October 2005, in which the Assembly emphasized the responsibilities of all States, in conformity with the Charter of the United Nations, to respect human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status, and acknowledged the importance of respect and understanding for religious and cultural diversity throughout the world,

*Recalling also* the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in September 2001 (A/CONF.189/12 and Corr.1, chap. I),

*Recalling further* the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the General Assembly in its resolution 36/55 of 25 November 1981,

*Recognizing* the valuable contribution of all religions to modern civilization and the contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

*Noting* the Declaration adopted by the Islamic Conference of Foreign Ministers at its thirty-fourth session in Islamabad, in May 2007, which condemned the growing trend of Islamophobia and systematic discrimination against the adherents of Islam and emphasized the need to take effective measures to combat defamation of religions,

*Noting also* the final communiqué adopted by the Organization of the Islamic Conference at its eleventh summit, in Dakar, in March 2008, in which the Organization expressed concern at the systematically negative stereotyping of Muslims and Islam and other divine religions, and denounced the overall rise in intolerance and discrimination against Muslim minorities, which constitute an affront to human dignity and run counter to the international human rights instruments,

*Recalling* the joint statement of the Organization of the Islamic Conference, the European Union and the Secretary-General of 7 February 2006, in which they recognized the need, in all societies, to show sensitivity and responsibility in treating issues of special significance for the adherents of any particular faith, even by those who do not share the belief in question,

*Reaffirming* the call made by the President of the General Assembly in his statement of 15 March 2006 that, in the wake of existing mistrust and tensions, there is a need for dialogue and understanding among civilizations, cultures and religions to commit to working together to prevent provocative or regrettable incidents and to develop better ways of promoting tolerance, respect for and freedom of religion and belief,

*Welcoming* all international and regional initiatives to promote cross-cultural and interfaith harmony, including the Alliance of Civilizations and the International Dialogue on Interfaith Cooperation and their valuable efforts towards the promotion of a culture of peace and dialogue at all levels,

*Welcoming also* the report by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the situation of Muslims and Arabs in various parts of the world (E/CN.4/2006/17),

*Welcoming further* the reports of the Special Rapporteur submitted to the Council at its fourth and sixth sessions (A/HRC/4/19 and A/HRC/6/6), in which he draws the attention of Member States to the serious nature of the defamation of all religions and to the promotion of the fight against these phenomena by strengthening the role of interreligious and intercultural dialogue and promoting reciprocal understanding and joint action to meet the fundamental challenges of development, peace and the protection and promotion of human rights, as well as the need to complement legal strategies,

*Reiterating* the call made by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to Member States to wage a systematic campaign against incitement to racial and religious hatred by maintaining a careful balance

between the defence of secularism and respect for freedom of religion and by acknowledging and respecting the complementarity of all the freedoms embodied in the International Covenant on Civil and Political Rights,

*Emphasizing* that States, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and freedom of religion and belief through education,

*Noting with concern* that defamation of religions is among the causes of social disharmony and instability, at the national and international levels, and leads to violations of human rights,

*Noting with deep concern* the increasing trend in recent years of statements attacking religions, including Islam and Muslims, in human rights forums,

1. *Expresses deep concern* at the negative stereotyping of all religions and manifestations of intolerance and discrimination in matters of religion or belief;
2. *Also expresses deep concern* at attempts to identify Islam with terrorism, violence and human rights violations and emphasizes that equating any religion with terrorism should be rejected and combated by all at all levels;
3. *Further expresses deep concern* at the intensification of the campaign of defamation of religions and the ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001;
4. *Expresses its grave concern* at the recent serious instances of deliberate stereotyping of religions, their adherents and sacred persons in the media and by political parties and groups in some societies, and at the associated provocation and political exploitation;
5. *Recognizes* that, in the context of the fight against terrorism, defamation of religions becomes an aggravating factor that contributes to the denial of fundamental rights and freedoms of target groups and their economic and social exclusion;
6. *Expresses concern* at laws or administrative measures that have been specifically designed to control and monitor Muslim minorities, thereby stigmatizing them and legitimizing the discrimination that they experience;
7. *Strongly deplores* physical attacks and assaults on businesses, cultural centres and places of worship of all religions and targeting of religious symbols;
8. *Urges* States to take actions to prohibit the dissemination, including through political institutions and organizations, of racist and xenophobic ideas and material aimed at any religion or its followers that constitute incitement to racial and religious hatred, hostility or violence;
9. *Also urges* States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from the defamation of any religion, to take all possible measures to promote tolerance and respect for all religions and their value systems and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance;

10. *Emphasizes* that respect of religions and their protection from contempt is an essential element conducive for the exercise by all of the right to freedom of thought, conscience and religion;

11. *Urges* all States to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties, respect all religions and beliefs and do not discriminate against persons on the grounds of their religion or belief, and that all necessary and appropriate education or training is provided;

12. *Emphasizes* that, as stipulated in international human rights law, everyone has the right to freedom of expression, and that the exercise of this right carries with it special duties and responsibilities, and may therefore be subject to certain restrictions, but only those provided by law and necessary for the respect of the rights or reputations of others, or for the protection of national security or of public order, or of public health or morals;

13. *Reaffirms* that general comment No. 15 of the Committee on the Elimination of Racial Discrimination, in which the Committee stipulates that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the freedom of opinion and expression, is equally applicable to the question of incitement to religious hatred;

14. *Deplores* the use of printed, audio-visual and electronic media, including the Internet, and of any other means to incite acts of violence, xenophobia or related intolerance and discrimination towards Islam or any religion;

15. *Invites* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to continue to report on all manifestations of defamation of religions, and in particular on the serious implications of Islamophobia, on the enjoyment of all rights to the Council at its ninth session;

16. *Requests* the High Commissioner for Human Rights to report on the implementation of the present resolution and to submit a study compiling relevant existing legislations and jurisprudence concerning defamation of and contempt for religions to the Council at its ninth session.

*40th meeting  
27 March 2008*

[Adopted by a recorded vote of 21 to 10, with 14 abstentions. The voting was as follows:

*In favour:* Azerbaijan, Bangladesh, Cameroon, China, Cuba, Djibouti, Egypt, Indonesia, Jordan, Malaysia, Mali, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka.

*Against:* Canada, France, Germany, Italy, Netherlands, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Bolivia, Brazil, Gabon, Ghana, Guatemala, India, Japan, Madagascar, Mauritius, Mexico, Peru, Republic of Korea, Uruguay, Zambia.]

**7/20. Technical cooperation and advisory services  
in the Democratic Republic of the Congo**

*The Human Rights Council,*

*Recalling* General Assembly resolution 60/251 of 15 March 2006,

*Recalling also* its resolution 5/1 of 18 June 2007, by which it renewed the mandate of the independent expert on the situation of human rights in the Democratic Republic of the Congo until such time as it would be considered by the Council according to its programme of work,

*Recalling further* that, in its resolution 5/1, the Council decided that decisions to create, review or discontinue country mandates should also take into account the principles of cooperation and genuine dialogue aimed at strengthening the capacity of Member States to comply with their human rights obligations, and that any decision to streamline, merge or eventually discontinue mandates should always be guided by the need for improvement of the enjoyment and the protection of human rights,

*Taking into account* the discussions held at the present session of the Council on the mandate of the independent expert on the situation of human rights in the Democratic Republic of the Congo, in the context of the review, rationalization and improvement of the mandates of the Council,

*Expressing its appreciation* for the role undertaken by the international community, in particular by the African Union and the European Union in the Democratic Republic of the Congo, which contributed to improving the situation on the ground, including the holding of presidential elections in 2006, and bearing in mind the challenges still faced by the country,

*Considering* that the pertinent work undertaken by the Office of the United Nations High Commissioner for Human Rights and the human rights section of the United Nations Organization Mission in the Democratic Republic of the Congo is mutually reinforcing with that of the thematic special procedures,

*Taking into consideration* that the presence of the Office of the High Commissioner for Human Rights in the Democratic Republic of the Congo and the human rights section of the United Nations Organization Mission in the Democratic Republic of the Congo have been merged with a view to achieving more efficiency in their work on the human rights situation in the country,

*Taking into consideration also* the implementation of the new mechanism of cooperation between the Government of the Democratic Republic of the Congo, the human rights section of the United Nations Organization Mission in the Democratic Republic of the Congo, the Office of the United Nations High Commissioner for Human Rights and civil society, called the “Entité de liaison des droits de l’homme”,

*Having reviewed* the mandate of the independent expert on the situation of human rights in the Democratic Republic of the Congo,



1. *Welcomes* the cooperation established by the Democratic Republic of the Congo with the independent expert during the period of his mandate;
2. *Also welcomes* the cooperation of the Democratic Republic of the Congo with the thematic special procedures of the Council and its invitation to a number of them, including the Special Rapporteur on violence against women, the Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the right to health, the Special Representative of the Secretary-General on the situation of human rights defenders, the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises and the Special Representative of the Secretary-General for children and armed conflict, to make recommendations, within their respective mandates, on how best to assist technically the Democratic Republic of the Congo in addressing the situation of human rights, with a view to obtaining tangible improvements on the ground, taking also into account the needs formulated by the Government of the Democratic Republic of the Congo;
3. *Invites* the Government of the Democratic Republic of the Congo to inform and update the Council, at its future sessions, on the human rights situation on the ground, identifying the challenges that it may still encounter as well as its needs in this regard;
4. *Requests* the Office of the United Nations High Commissioner for Human Rights, through its presence in the Democratic Republic of the Congo, to increase and enhance its technical assistance activities and programmes in consultation with the authorities of the country;
5. *Calls on* the international community to support the implementation of the local mechanism of cooperation between the Government of the Democratic Republic of the Congo, the Office of the United Nations High Commissioner for Human Rights and the human rights section of the United Nations Organization Mission in the Democratic Republic of the Congo, called “Entité de liaison des droits de l’homme”;
6. *Invites* the High Commissioner to report to the Council at its session in March 2009 on the human rights situation in the Democratic Republic of the Congo, and the activities the Office of the High Commissioner has undertaken in the country;
7. *Requests* the above-mentioned thematic special procedures (see paragraph 2 above) to report to the Council no later than its session in March 2009 under agenda item 10;
8. *Calls on* the international community to provide the Democratic Republic of the Congo with the various forms of assistance that the Democratic Republic of the Congo requests, with a view to improving the human rights situation;
9. *Decides* to pursue this matter under the same agenda item at its session in March 2009.

*40th meeting  
27 March 2008*

[Adopted without a vote.]

**7/21. Mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

*The Human Rights Council,*

*Recalling* all of the previous resolutions adopted by the General Assembly and the Commission on Human Rights on the subject, including Assembly resolution 62/145 of 18 December 2007 and Commission resolution 2005/2 of 7 April 2005,

*Bearing in mind* paragraph 6 of Assembly resolution 60/251 of 15 March 2006,

*Recalling* Council resolutions 5/1 entitled “Institution-building of the United Nations Human Rights Council” and 5/2 entitled “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council” of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Acknowledges with appreciation* the work and contributions made by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and takes note with appreciation of its latest report (A/HRC/7/7);

2. *Decides* to extend the mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination for a period of three years:

(a) To elaborate and present concrete proposals on possible complementary and new standards aimed at filling existing gaps, as well as general guidelines or basic principles encouraging the further protection of human rights, in particular the right of peoples to self-determination, while facing current and emergent threats posed by mercenaries or mercenary-related activities;

(b) To seek opinions and contributions from Governments and intergovernmental and non-governmental organizations on questions relating to its mandate;

(c) To monitor mercenaries and mercenary-related activities in all their forms and manifestations in different parts of the world;

(d) To study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination;

(e) To monitor and study the effects on the enjoyment of human rights, particularly the right of peoples to self-determination, of the activities of private companies offering military assistance, consultancy and security services on the international market and to prepare a draft of international basic principles that encourage respect for human rights by those companies in their activities;

3. *Also decides* to authorize the Working Group to hold three sessions per year of five working days each, two in Geneva and one in New York, in fulfilment of the mandate outlined in the present resolution;

4. *Requests* the Working Group to continue the work already done by the previous Special Rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report to the Commission on Human Rights at its sixtieth session (E/CN.4/2004/15, para. 47);

5. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

6. *Expresses its appreciation* to the Office of the High Commissioner for its support for convening in Panama the regional governmental consultation for Latin American and Caribbean States on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights;

7. *Requests* the Office of the High Commissioner to inform the Council, in a timely manner, of the dates and places for the convening of the other regional governmental consultations on this matter, in conformity with paragraph 15 of General Assembly resolution 62/145, bearing in mind that this process may lead to the holding of a high-level round table of States, under the auspices of the United Nations, to discuss the fundamental question of the role of the State as holder of the monopoly of the use of force, with the objective of facilitating a critical understanding of the responsibilities of the different actors, including private military and security companies, in the current context, and their respective obligations for the protection and promotion of human rights and in reaching a common understanding as to which additional regulations and controls are needed at the international level;

8. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

9. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the necessary assistance and support for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

10. *Requests* the Working Group to consult States, intergovernmental organizations, non-governmental organizations and other relevant actors of civil society in the implementation of the present resolution and to report its findings on the use of mercenaries as a means of

violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its sixty-third session and to the Council in 2009 in accordance with its annual programme of work;

11. *Decides* to continue its consideration of this matter under the same agenda item.

*41st meeting  
28 March 2008*

[Adopted by a recorded vote of 32 to 11, with 2 abstentions. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

*Against:* Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Switzerland, Ukraine.]

## **7/22. Human rights and access to safe drinking water and sanitation**

*The Human Rights Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations,

*Recalling* its resolution 6/8 of 28 September 2007 and decision 2/104 of 27 November 2006 on human rights and equitable access to safe drinking water and sanitation,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* its resolutions 5/1 on institution-building of the Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

*Recalling also* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

*Recalling further* relevant provisions of declarations and programmes with regard to access to safe drinking water and sanitation adopted at major United Nations conferences and summits and by the General Assembly at its special sessions and their follow-up meetings, inter alia the Mar del Plata Action Plan on Water Development and Administration, Agenda 21 adopted by the United Nations Conference on Environment and Development or the Habitat Agenda adopted by the Habitat II conference,

*Noting* general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights),

*Recalling* commitments made by the international community to fully implement the Millennium Development Goals and stressing, in that context, the resolve of the Heads of State and Government, as expressed in the United Nations Millennium Declaration, to halve by 2015 the proportion of people without sustainable access to safe drinking water and basic sanitation,

*Recalling also* General Assembly resolution 61/192 of 20 December 2006, in which the Assembly declared 2008 the International Year of Sanitation,

*Deeply concerned* that over one billion people lack access to safe drinking water and that 2.6 billion lack access to basic sanitation,

*Emphasizing* that international human rights law instruments, including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child entail obligations in relation to access to safe drinking water and sanitation,

*Mindful* that certain aspects of human rights obligations related to the access to safe drinking water and sanitation have yet to be further studied, as pointed out in the report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments (A/HRC/6/3),

*Affirming* the need to focus on local and national perspectives in considering the issue, leaving aside questions of international watercourse law and all transboundary water issues,

1. *Recalls* the report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments, submitted pursuant to Council decision 2/104 of 27 November 2006;

2. *Decides* to appoint, for a period of three years, an independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, whose tasks will be:

(a) To develop a dialogue with Governments, the relevant United Nations bodies, the private sector, local authorities, national human rights institutions, civil society organizations and academic institutions, to identify, promote and exchange views on best practices related to access to safe drinking water and sanitation, and, in that regard, to prepare a compendium of best practices;

(b) To advance the work by undertaking a study, in cooperation with and reflecting the views of Governments and relevant United Nations bodies, and in further cooperation with the private sector, local authorities, national human rights institutions, civil society organizations and

academic institutions, on the further clarification of the content of human rights obligations, including non-discrimination obligations, in relation to access to safe drinking water and sanitation;

(c) To make recommendations that could help the realization of the Millennium Development Goals, in particular of Goal 7;

(d) To apply a gender perspective, including through the identification of gender-specific vulnerabilities;

(e) To work in close coordination, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Council, relevant United Nations bodies and the treaty bodies, and taking into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;

(f) To submit a report, including conclusions and recommendations, to the Council at its tenth session;

3. *Requests* the United Nations High Commissioner for Human Rights to ensure that the independent expert receives the necessary resources to enable him/her to discharge the mandate fully;

4. *Calls upon* all Governments to cooperate with the independent expert and invites them to share best practices with the independent expert, and to provide him/her with all the necessary information related to the mandate to enable him/her to fulfil the mandate;

5. *Decides* to continue its consideration of this matter under the same agenda item at its tenth session.

*41st meeting  
28 March 2008*

[Adopted without a vote.]

### **7/23. Human rights and climate change**

*The Human Rights Council,*

*Concerned* that climate change poses an immediate and far-reaching threat to people and communities around the world and has implications for the full enjoyment of human rights,

*Recognizing* that climate change is a global problem and that it requires a global solution,

*Reaffirming* the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Vienna Declaration and Programme of Action,

*Noting* the findings of the fourth assessment report of the Intergovernmental Panel on Climate Change, including that the warming of the climate system is unequivocal and that most of the observed increase in global average temperatures since the mid-twentieth century is very likely human-induced,

*Recognizing* that the United Nations Framework Convention on Climate Change remains the comprehensive global framework to deal with climate change issues, reaffirming the principles of the Framework Convention as contained in article 3 thereof, and welcoming the decisions of the United Nations Climate Change Conference held in Bali, Indonesia, in December 2007, and in particular the adoption of the Bali Action Plan,

*Recalling* that the Vienna Declaration and Programme of Action reaffirmed the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and as an integral part of fundamental human rights,

*Recognizing* that human beings are at the centre of concerns for sustainable development and that the right to development must be fulfilled so as to equitably meet the development and environmental needs of present and future generations,

*Recognizing also* that the world's poor are especially vulnerable to the effects of climate change, in particular those concentrated in high-risk areas, and also tend to have more limited adaptation capacities,

*Recognizing further* that low-lying and other small island countries, countries with low-lying coastal, arid and semi-arid areas or areas liable to floods, drought and desertification, and developing countries with fragile mountainous ecosystems are particularly vulnerable to the adverse effects of climate change,

*Recalling* the relevant provisions of declarations, resolutions and programmes of action adopted by major United Nations conferences, summits and special sessions and their follow-up meetings, in particular Agenda 21 and the Rio Declaration on Environment and Development, and the Johannesburg Declaration on Sustainable Development and the Johannesburg Plan of Implementation,

*Recalling also* Commission on Human Rights resolution 2005/60 of 20 April 2005 on human rights and the environment as part of sustainable development,

*Recalling further* Council resolution 6/27 of 14 December 2007 on adequate housing as a component of the right to an adequate standard of living and in particular paragraph 3 thereof, and Council decision 2/104 of 27 November 2006 on human rights and access to water,

*Taking note* of the contribution provided by special procedures of the Council in examining and advancing the understanding of the link between the enjoyment of human rights and the protection of environment,

*Taking note also* of the conclusions and recommendations contained in the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to the General Assembly (A/62/214), which include a call for the Council to study the impact of climate change on human rights,

1. *Decides* to request the Office of the United Nations High Commissioner for Human Rights, in consultation with and taking into account the views of States, other relevant international organizations and intergovernmental bodies including the Intergovernmental Panel on Climate Change and the secretariat of the United Nations Framework Convention on Climate Change, and other stakeholders, to conduct, within existing resources, a detailed analytical study on the relationship between climate change and human rights, to be submitted to the Council prior to its tenth session;

2. *Encourages* States to contribute to the study conducted by the Office of the High Commissioner;

3. *Decides* to consider the issue at its tenth session under agenda item 3, and thereafter to make available the study, together with a summary of the debate held during its tenth session, to the Conference of Parties to the United Nations Framework Convention on Climate Change for its consideration.

*41st meeting  
28 March 2008*

[Adopted without a vote.]

## **7/24. Elimination of violence against women**

*The Human Rights Council,*

*Reaffirming* the obligation of all States to promote and protect all human rights and fundamental freedoms, and reaffirming also that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women and girls,

*Reaffirming also* the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the outcome of the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”, and the Declaration adopted at the forty-ninth session of the Commission on the Status of Women,

*Reaffirming further* the international commitments in the field of social development and to gender equality and the advancement of women made at the International Conference on Population and Development, the World Summit for Social Development and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as those made in the United Nations Millennium Declaration and at the 2005 World Summit,

*Reaffirming* Commission on Human Rights resolution 1994/45 of 4 March 1994, in which it decided to appoint a Special Rapporteur on violence against women, its causes and consequences,



*Reaffirming also* Council resolution 6/30 of 14 December 2007 on integrating the human rights of women throughout the United Nations system, all resolutions of the Commission on Human Rights on the elimination of violence against women, all General Assembly resolutions relevant to the elimination of all forms of violence against women, in particular resolution 61/143 of 19 December 2006, and Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

*Recalling* the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court,

*Deeply concerned* that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage can lead to the particular targeting or vulnerability to violence of girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows and women in situations of armed conflict, women who are otherwise discriminated against, including on the basis of HIV status, and victims of commercial sexual exploitation,

*Welcoming* the launch of the campaign of the Secretary-General in February 2008 to end violence against women,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Strongly condemns* all acts of violence against women and girls, whether these acts are perpetrated by the State, private persons or non-State actors, and calls for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, in accordance with the Declaration on the Elimination of Violence against Women, and stresses the need to treat all forms of violence against women and girls as a criminal offence, punishable by law, as well as the duty to provide access to just and effective remedies and specialized assistance to victims, including medical and psychological assistance, as well as effective counselling;

2. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences;

3. *Takes note* of the latest report of the Special Rapporteur (A/HRC/7/6), which includes efforts to formulate indicators on violence against women, as well as her previous reports on intersections between culture and violence against women (A/HRC/4/34) and on the due diligence standard as a tool for elimination of violence against women (E/CN.4/2006/61);

4. *Welcomes* the initiatives, increasing efforts and important contributions at the local, national, regional and international levels to eliminate all forms of violence against women and girls, and encourages, as a contribution to the effective implementation of the mandate of the

Special Rapporteur on violence against women, its causes and consequences, the continued efforts of States, all United Nations bodies, funds and programmes, regional organizations and non-governmental organizations, including women's organizations, to build upon and support, including through the allocation of adequate resources, these successful initiatives, and to support and participate in regional consultations in this area;

5. *Decides* to extend the mandate of the Special Rapporteur on violence against women, its causes and consequences, for a period of three years;

6. *Invites* the Special Rapporteur, in carrying out this mandate, within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Elimination of Violence against Women and the Beijing Declaration and Platform for Action:

(a) To seek and receive information on violence against women, its causes and its consequences, from Governments, treaty bodies, specialized agencies, other special rapporteurs responsible for various human rights questions, and intergovernmental and non-governmental organizations, including women's organizations, and to respond effectively to such information;

(b) To recommend measures, ways and means, at the local, national, regional and international levels, to eliminate all forms of violence against women and its causes, and to remedy its consequences;

(c) To work closely with all special procedures and other human rights mechanisms of the Council and with the treaty bodies, taking into account the request of the Council that they regularly and systematically integrate the human rights of women and a gender perspective into their work, and cooperate closely with the Commission on the Status of Women in the discharge of its functions;

(d) To continue to adopt a comprehensive and universal approach to the elimination of violence against women, its causes and consequences, including causes of violence against women related to the civil, cultural, economic, political and social spheres;

7. *Requests* the Special Rapporteur, to report to the Council in accordance with its annual programme of work;

8. *Encourages* the Special Rapporteur, with a view to promoting greater efficiency and effectiveness and to enhancing his/her access to the information necessary to fulfil his/her duties, to continue to cooperate with regional intergovernmental organizations and any of their mechanisms engaged in the promotion and protection of the human rights of women and girls;

9. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of his/her mandated tasks and duties, to supply all information requested, including with regard to implementation of the recommendations of the Special Rapporteur, and to give serious consideration to responding favourably to his/her requests for visits and communications;

10. *Requests* special procedures of the Council, United Nations organs and bodies, specialized agencies and intergovernmental organizations, and encourages the human rights treaty bodies, to continue to give consideration to violence against women and girls within their respective mandates, to cooperate with and assist the Special Rapporteur in the performance of his/her mandated tasks and duties and, in particular, to respond to his/her requests for information on violence against women, its causes and consequences;

11. *Requests* the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance for the effective fulfilment of his/her mandate, in particular staff and resources, including to carry out and follow up on missions;

12. *Also requests* the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women, the General Assembly and the Committee on the Elimination of Discrimination against Women, and requests the Special Rapporteur to present an oral report annually to the Commission and to the Assembly;

13. *Decides* to continue consideration of the issue of the elimination of all forms of violence against women, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

*41st meeting  
28 March 2008*

[Adopted without a vote.]

## **7/25. Prevention of genocide**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, as well as other relevant international instruments,

*Considering* that the sixtieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted on 9 December 1948 and succeeded by the adoption of the Universal Declaration of Human Rights on the next day, provides an important opportunity for the international community to draw the attention of all States to the significance of the Convention and to invite them to redouble their efforts for the prevention and punishment of the crime of genocide,

*Emphasizing* that the crime of genocide is recognized in the Convention as an odious scourge which has inflicted great losses on humanity and that further international cooperation is required to facilitate the timely prevention and punishment of the crime of genocide,

*Deeply concerned* about the occurrence in recent history of genocide, recognized as such by the international community, on the basis of and as defined in the 1948 Convention, and bearing in mind that massive, serious and systematic violations of human rights and international humanitarian law might result in genocide,

*Taking into consideration* that States parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968 have agreed that no statutory limitation shall apply to such crimes, including the crime of genocide, irrespective of the date of their commission,

*Affirming* that impunity for such crimes encourages their occurrence and is a fundamental obstacle to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such crimes is an important factor in their prevention,

*Acknowledging* the significant progress made by the international community in the past 60 years, including within the United Nations system, in developing relevant mechanisms and practices to prevent and punish the crime of genocide, thereby contributing to the effective implementation of the Convention,

*Recalling* General Assembly resolution 96 (I) of 11 December 1946, in which the Assembly declared genocide a crime under international law, and all subsequent resolutions within the United Nations system that have contributed to the establishment and development of the process of prevention and punishment of the crime of genocide, including Assembly resolution 60/1 of 16 September 2005,

*Acknowledging with appreciation* that genocide is defined among the most serious crimes of concern to the international community as a whole in the Rome Statute of the International Criminal Court, and anticipating that the functioning of the Court with a high number of ratifications of the Statute and the functioning of other relevant international criminal tribunals will help increase accountability for the crime of genocide,

*Recalling* that the Council is mandated by the General Assembly to address situations of violations of human rights, including gross and systematic violations, and to make recommendations thereon, and that it should also promote the effective coordination and mainstreaming of human rights within the United Nations system,

*Recognizing* the important contribution of the United Nations human rights system to efforts towards preventing situations in which the crime of genocide could be committed,

*Reaffirming* its full support for the mandate of the Special Adviser of the Secretary-General on the prevention of genocide, who acts, inter alia, as an early warning mechanism to prevent potential situations that could result in genocide,

*Taking note with appreciation* of the presentation of the reports of the Secretary-General submitted to the Council on the implementation of the Five-Point Action Plan and the activities of the Special Adviser (E/CN.4/2006/84 and A/HRC/7/37), as well as of the convening of two interactive dialogues with the Special Adviser at both the third and current sessions of the Council,

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the prevention and punishment of the crime of genocide;

2. *Expresses its appreciation* to all States that have ratified or acceded to the Convention, and in particular to the States that have done so in the years following the adoption of Commission on Human Rights resolution 2005/62 of 20 April 2005;

3. *Calls upon* States that have not yet ratified or acceded to the Convention to consider doing so as a matter of high priority and, where necessary, to enact national legislation in conformity with the provisions of the Convention;

4. *Reiterates* the responsibility of each individual State to protect its population from genocide, which entails the prevention of such a crime, including incitement to it, through appropriate and necessary means;

5. *Stresses* the importance of enhanced international cooperation, including through the United Nations system and through regional organizations, aimed at fostering the principles enshrined in the Convention;

6. *Calls upon* all States, in order to deter future occurrences of genocide, to cooperate, including through the United Nations system, in strengthening appropriate collaboration among existing mechanisms that contribute to early detection and prevention of massive, serious and systematic violations of human rights, which if not halted, could lead to genocide;

7. *Recognizes* the important role of the Secretary-General in contributing to prompt consideration of early warning or prevention cases, as mandated by Security Council resolution 1366 (2001) of 30 August 2001, and the functions of the Special Adviser, who, in accordance with his mandate, collects existing information, in particular from within the United Nations system, liaises with the United Nations system on activities for the prevention of genocide and works to enhance the capacity of the United Nations to analyse and manage information relating to genocide or related crimes;

8. *Welcomes* the decisions of the Secretary-General and of the General Assembly, as contained in its resolution 62/238, to retain the mandate of the Special Adviser, to upgrade his position to the level of Under-Secretary-General and to strengthen his office;

9. *Requests* all Governments to cooperate fully with the Special Adviser in the performance of his work, to furnish all relevant information requested and to react promptly to his urgent appeals;

10. *Underlines* the important role of the United Nations human rights system, including of the Council, the Office of the United Nations High Commissioner for Human Rights and the relevant special procedures and treaty bodies in addressing the challenge of collating information on massive, serious and systematic violations of human rights, and thereby contributing to a better understanding and early warning of complex situations that might lead to genocide;

11. *Encourages* the Special Adviser on the Prevention of Genocide and the High Commissioner for Human Rights to further enhance the systematic exchange of information between their offices and between the Special Adviser and all relevant special procedures, including those concerned with the promotion and protection of human rights of persons belonging to the national, ethnic, racial or religious groups as outlined in article II of the Convention on the Prevention and Punishment of the Crime of Genocide;

12. *Emphasizes* the importance, when addressing complex situations that might lead to genocide as defined in the Convention, of a prompt and comprehensive examination of a set of multiple factors, including legal factors, the existence of groups at risk, the massive, serious and systematic violation of human rights, and the resurgence of systematic discrimination, the prevalence of expressions of hate speech targeting persons belonging to national, ethnic, racial or religious groups, especially if they are uttered in the context of an actual or potential outbreak of violence;

13. *Encourages* States to make use of appropriate international and regional forums to address the issue of prevention of genocide, including, inter alia, the annual meetings of regional and thematic organizations and their related human rights machinery, the preparatory process for the Review Conference on the implementation of the Durban Declaration and Programme of Action and any conferences commemorating the sixtieth anniversary of the Universal Declaration of Human Rights;

14. *Encourages* Governments, in cooperation with international and regional organizations and civil society, while promoting human rights education activities, to disseminate knowledge of the principles of the Convention, paying particular attention to the principles of prevention;

15. *Requests* the High Commissioner to circulate the reports of the Secretary-General submitted to the Council in order to obtain the views of States, relevant United Nations agencies, treaty bodies and special procedures on those reports, including on possible warning signs that might lead to genocide (E/CN.4/2006/84), and to report to the Council at its tenth session;

16. *Invites* the High Commissioner, as a matter of high priority and in consultations with States, to elaborate and implement, within existing resources, appropriate commemorative events to mark the sixtieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, having also in mind the commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights;

17. *Also invites* the High Commissioner, as part of the commemorative events, and as an important contribution to developing preventive strategies, to organize, within existing resources, a seminar on the prevention of genocide, with the participation of States, relevant United Nations entities and other international and regional organizations, civil society, and academic and research bodies, and to publish a paper on the outcome of the seminar;

18. *Requests* the Secretary-General to make available to the Council at its tenth session an updated report on the efforts of the United Nations system to prevent genocide and on the activities of the Special Adviser, and invites the Special Adviser to an interactive dialogue with the Council at the same session on the progress made in discharging his duties;

19. *Decides* to continue consideration of this issue in accordance with its programme of work.

*41st meeting  
28 March 2008*

[Adopted without a vote.]

## **7/26. International Convention for the Protection of All Persons from Enforced Disappearance**

*The Human Rights Council,*

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

*Recalling also* its resolution 1/1 of 29 June 2006,

*Acknowledging* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 of 20 December 2006, and its opening for signature, ratification and accession,

*Welcoming* the signature of the Convention by fifty-seven States at the opening ceremony, held in Paris, on 6 February 2007, and the signature of the Convention thereafter,

*Welcoming also* the ratification of the Convention by some States,

*Recognizing* that the entry into force of the Convention, as soon as possible, through its ratification by twenty States, will be a significant event,

*Recognizing also* the widespread campaign engaged by the “Group of Friends” of the Convention,

1. *Encourages* States that are in the process of signing, ratifying or acceding to the International Convention for the Protection of All Persons from Enforced Disappearance to complete their internal procedures towards those ends in compliance with domestic legislation as expeditiously as possible;
2. *Encourages* all States that have not done so to consider signing, ratifying or acceding to the International Convention for the Protection of All Persons from Enforced Disappearance;
3. *Invites* States to consider joining the campaign to share information on best practices and to work towards the early coming into force of the Convention with the aim of its universality.

*41st meeting  
28 March 2008*

[Adopted without a vote.]

## **7/27. Human rights and extreme poverty**

*The Human Rights Council,*

*Deeply concerned* that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations are particularly severe in developing countries,

*Reaffirming* in this regard the commitments made at relevant United Nations conferences, summits, including those made at the World Summit for Social Development, held in Copenhagen in 1995, and in the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000 and the 2005 World Summit Outcome adopted by the Heads of State and Government at the 2005 World Summit,

*Takes note* of the draft guiding principles on extreme poverty and human rights: the rights of the poor annexed to resolution 2006/9 adopted by the Sub-Commission for the Promotion and Protection of Human Rights on 24 August 2006,

*Recalling* its resolution 2/2 of 27 November 2006,

1. *Affirms* that the fight against extreme poverty must remain a high priority for the international community;
2. *Notes with satisfaction* the report of the United Nations High Commissioner for Human Rights on the draft guiding principles on extreme poverty and human rights: the rights of the poor (A/HRC/7/32);
3. *Welcomes* the substantial contributions of States, relevant United Nations agencies, intergovernmental organizations, United Nations treaty bodies, the independent expert on the question of human rights and extreme poverty, national human rights institutions, non-governmental organizations, especially those in which people in situations of extreme poverty express their views, and other relevant stakeholders;
4. *Invites* the Office of the United Nations High Commissioner for Human Rights:
  - (a) To further consult the above-mentioned relevant stakeholders and allow them to comment also on the report of the High Commissioner, including through the organization of a three-day seminar on the draft guiding principles, before March 2009;
  - (b) To submit a report to the Council, no later than its last session of 2009, to allow it to take a decision on the ways forward with a view to a possible adoption of guiding principles on the rights of persons living in extreme poverty.

*41st meeting  
28 March 2008*

[Adopted without a vote.]

## **7/28. Missing persons**

*The Human Rights Council,*

*Guided* by the purposes, principles and provisions of the Charter of the United Nations,

*Guided also* by the principles and norms of international humanitarian law, in particular the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, as well as international standards of human rights, in particular the Universal Declaration of



Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,

*Recalling* all previous resolutions on missing persons adopted by the General Assembly, as well as the resolutions adopted by the Commission on Human Rights,

*Considering* that the problem of missing persons raises questions of both international human rights law and, as applicable, international humanitarian law,

*Noting with deep concern* that armed conflicts are continuing in various parts of the world, often resulting in serious violations of international humanitarian law and human rights law,

*Convinced* that States hold the primary responsibility for countering the phenomenon of missing persons and determining the fate of missing persons and that they must recognize their accountability for implementing the relevant mechanisms, policies and laws,

*Bearing in mind* the effective search for and identification of missing persons through traditional forensic methods, and recognizing that great technological progress has been achieved in the field of DNA forensic sciences, which could significantly assist efforts to identify missing persons,

*Noting* that the issue of persons reported missing in connection with international armed conflicts, in particular those who are victims of serious violations of international humanitarian law and human rights law, continues to have a negative impact on efforts to put an end to those conflicts and causes suffering to the families of missing persons, and stressing in this regard the need to address the issue from a humanitarian perspective, among others,

*Welcoming* the conclusions of the International Conference of Governmental and Non-Governmental Experts convened by the International Committee of the Red Cross in Geneva from 19 to 21 February 2003 on “The missing: action to resolve the problem of people unaccounted for as a result of armed conflict or internal violence and to assist their families” and its recommendations to address the problems of missing persons and their families,

*Recalling* the Agenda for Humanitarian Action, in particular its general objective 1, to “respect and restore the dignity of persons missing as a result of armed conflicts or other situations of armed violence and of their families”, adopted at the Twenty-eighth International Conference of the Red Cross and Red Crescent, held in Geneva from 2 to 6 December 2003, and resolution 3 on the reaffirmation and implementation of international humanitarian law entitled “Preserving human life and dignity in armed conflict”, adopted at the Thirtieth International Conference of the Red Cross and Red Crescent, held in Geneva from 26 to 30 November 2007,

*Taking note* of the resolution on missing persons adopted on 18 October 2006 by the Inter-Parliamentary Union at its 115th Assembly,

*Welcoming* the ongoing regional efforts to address the question of missing persons,

1. *Urges* States to strictly observe and respect and to ensure respect for the rules of international humanitarian law, as set out in the Geneva Conventions of 12 August 1949 and, where applicable, in the Additional Protocols thereto of 1977;
2. *Calls upon* States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with armed conflict and account for persons reported missing as a result of such a situation;
3. *Reaffirms* the right of families to know the fate of their relatives reported missing in connection with armed conflicts;
4. *Also reaffirms* that each party to an armed conflict, as soon as circumstances permit and, at the latest, from the end of active hostilities, shall search for the persons who have been reported missing by an adverse party;
5. *Calls upon* States that are parties to an armed conflict to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with the armed conflict and, to the greatest possible extent, to provide their family members, through appropriate channels, with all relevant information they have on their fate;
6. *Recognizes*, in this regard, the need for the collection, protection and management of credible and reliable data on missing persons according to international and national legal norms and standards, and urges States to cooperate with each other and with other concerned actors working in this area, inter alia, by providing all relevant and appropriate information related to missing persons;
7. *Requests* States to pay the utmost attention to cases of children and women reported missing in connection with armed conflicts and to take appropriate measures to search for and identify those children and women;
8. *Invites* States that are parties to an armed conflict to cooperate fully with the International Committee of the Red Cross in establishing the fate of missing persons and to adopt a comprehensive approach to this issue, including all practical and coordination mechanisms as may be necessary, based on humanitarian considerations only;
9. *Urges* States and encourages intergovernmental and non-governmental organizations to take all necessary measures at the national, regional and international levels to address the problem of persons reported missing in connection with armed conflicts and to provide appropriate assistance as requested by the concerned States, and welcomes, in this regard, the establishment and efforts of commissions and working groups on missing persons;
10. *Calls upon* States, without prejudice to their efforts to determine the fate of persons missing in connection with armed conflicts, to take appropriate steps with regard to the legal situation of the missing persons and that of their family members, in fields such as social welfare, financial matters, family law and property rights;
11. *Decides* to hold a panel discussion on the question of missing persons at its ninth session and to invite experts of the International Committee of the Red Cross, delegates of Governments and non-governmental organizations as well as national human rights institutions

and international organizations to participate therein and requests the High Commissioner to prepare a summary of the panel's deliberations with a view to subsequently charging the Advisory Committee, at the same session, with the preparation of a study on best practices in the matter;

12. *Invites* relevant human rights mechanisms and procedures, as appropriate, to address the problem of persons reported missing in connection with armed conflicts in their forthcoming reports to the Council;

13. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations;

14. *Also requests* the Secretary-General to submit a comprehensive report on the implementation of the present resolution to the Council before its tenth session;

15. *Decides* to consider the question at its tenth session.

*41st meeting  
28 March 2008*

[Adopted without a vote.]

## **7/29. Rights of the child**

*The Human Rights Council,*

*Emphasizing* that the Convention on the Rights of the Child must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention, as well as other human rights instruments,

*Reaffirming* all previous resolutions on the rights of the child of the Commission on Human Rights and of the General Assembly, the most recent of which are Commission resolution 2005/44 of 18 April 2005 and Assembly resolution 62/141 of 18 December 2007,

*Welcoming* the reports of the Secretary-General on the status of the Convention on the Rights of the Child (A/62/182), on the follow-up to the special session of the General Assembly on children (A/62/259) of 15 August 2007 and on the girl child (A/62/297) of 24 August 2007, as well as the Declaration of the commemorative high-level plenary meeting devoted to the follow-up to the outcome of the special session on children, held on 11 and 12 December 2007 (General Assembly resolution 62/88),

*Welcoming also* the report to the General Assembly of the independent expert for the United Nations study on violence against children (A/61/299), his report on the first year of follow-up to the study (A/62/209) and the establishment by the General Assembly of the mandate of the Special Representative of the Secretary-General on violence against children, as a high-profile and independent global advocate to promote the prevention and elimination of all forms of violence against children in all regions, in accordance with its resolution 62/141,

*Recognizing* the contribution of the International Criminal Court in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes, calling upon States not to grant amnesties for such crimes and acknowledging the contribution of the international criminal tribunals and special courts in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes,

*Welcoming* the reports of the Special Representative for children and armed conflict (A/62/228) and the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8),

*Welcoming also* the work of the Committee on the Rights of the Child and taking note of the issuance of its general comments Nos. 6 and 7 (2005), Nos. 8 and 9 (2006) and No. 10 (2007),

*Profoundly concerned* that the situation of children in many parts of the world remains critical and convinced that urgent and effective national and international action is called for,

*Mindful* that regional instruments should contribute to the strengthening of the norms of the Convention on the Rights of the Child,

*Reaffirming* the importance of the family as the fundamental group of society and the natural environment for the growth and well-being of all its members, and particularly children, and that as such should be strengthened; that it is entitled to receive comprehensive protection and support; that the primary responsibility for the protection, upbringing and development of children rests with the family; that all institutions of society should respect children's rights and secure their well-being and render appropriate assistance to parents, families, legal guardians and other caregivers so that children can grow and develop in a safe and stable environment and in an atmosphere of happiness, love and understanding, bearing in mind that, in different cultural, social and political systems, various forms of family exist,

*Underlining* the need for mainstreaming a gender perspective and recognizing the child as a rights holder, in all policies and programmes relating to children,

*Concerned* that, in conflict situations, children continue to be the victims and deliberate targets of attacks or the use of force, including indiscriminate and excessive use of force with consequences, which are often irreversible for their physical and emotional integrity,

*Recognizing* that environmental damage has potentially negative effects on children and their enjoyment of their life, health and a satisfactory standard of living,

*Taking note with appreciation* of the attention paid to children in the Convention on the Rights of Persons with Disabilities and in the International Convention for the Protection of All Persons from Enforced Disappearance,

## I. IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD AND OTHER INSTRUMENTS

1. *Reaffirms* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents;
2. *Acknowledges* that the Convention on the Rights of the Child is the most universally ratified human rights treaty, and urges the States that have not yet done so to become parties to the Convention and the Optional Protocols thereto as a matter of priority and, concerned at the great number of reservations to the Convention, urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and its Optional Protocols and to consider reviewing regularly other reservations with a view to withdrawing them;
3. *Calls upon* States parties to implement the Convention and its Optional Protocols fully and in accordance with the best interests of the child by, inter alia, putting in place effective national legislation, policies and action plans, and to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention;
4. *Also calls upon* States parties to designate, establish or strengthen relevant governmental structures for children, including, where appropriate, ministers in charge of child issues and independent ombudspersons for children, and to ensure adequate and systematic training in the rights of the child for professional groups working with and for children;
5. *Encourages* States to strengthen their national statistical capacities, particularly in the area of juvenile justice and on children in detention, and, as far as possible, to use statistics disaggregated by, inter alia, age, sex and other relevant factors that may lead to disparities, and other statistical indicators at the national, subregional, regional and international levels to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

## II. MAINSTREAMING OF THE RIGHTS OF THE CHILD

6. *Affirms* its commitment to effectively integrate the rights of the child in its work and that of its mechanisms in a regular, systematic and transparent manner, taking into account specific needs of boys and girls;
7. *Decides* to incorporate into its programme of work sufficient time, at a minimum an annual full-day meeting, to discuss different specific themes on the rights of the child, including the identification of challenges in the realization of the rights of the child, as well as measures and best practices that can be adopted by States and other stakeholders, and to assess the effective integration of the rights of the child in its work, beginning in 2009;
8. *Urges* all stakeholders to take into full account the rights of the child in the universal periodic review, including in the preparation of information submitted for the review and during its dialogue, outcome and follow-up;

9. *Encourages* States to prepare the information described in paragraph 15 (a) of Council resolution 5/1 through broad consultation at the national level with all relevant stakeholders, including non-governmental organizations active in addressing the rights of the child;

10. *Requests* special procedures and other human rights mechanisms of the Council to integrate the rights of the child into the implementation of their mandates and to include in their reports information on and qualitative analysis of child rights;

11. *Encourages* all human rights treaty bodies to integrate the rights of the child into their work, in particular, in their concluding observations, general comments and recommendations;

### III. PROTECTING AND PROMOTING THE RIGHTS OF THE CHILD AND NON-DISCRIMINATION AGAINST CHILDREN, INCLUDING CHILDREN IN DIFFICULT SITUATIONS

#### **Non-discrimination**

12. *Calls upon* all States to ensure that children are entitled to their civil, cultural, economic, political and social rights without discrimination of any kind;

13. *Notes with concern* the large number of children, particularly girls, belonging to national, ethnic, religious and linguistic minorities, migrant children, refugee children, internally displaced children and children of indigenous origin among the victims of racism, racial discrimination, xenophobia and related intolerance, stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, and the child's gender-specific needs, in education programmes and programmes to combat these practices, and calls upon States to provide special support and ensure equal access to services for those children;

#### **Freedom from violence**

14. *Deeply concerned* by the horrific scale and impact of all forms of violence against children, in all regions, in their homes and families, in schools, care and justice systems, workplaces and in communities, and urges States:

(a) To take effective and appropriate legislative and other measures or, where they exist, strengthen legislation to prohibit and eliminate all forms of violence against children, in all settings;

(b) To take all appropriate measures to prevent, and to protect children from, torture and other cruel, inhuman or degrading treatment and from all forms of violence as a matter of urgency, including physical, mental and sexual violence, child abuse and exploitation, domestic violence and neglect, and abuse by the police, other law enforcement authorities and employees and officials in detention centres or welfare institutions, including orphanages, giving priority to the gender dimension and to address its underlying causes through a systematic and comprehensive approach;

(c) To take appropriate measures to assert the right of children to respect for their human dignity and physical integrity and to prohibit and eliminate any emotional or physical violence or any other humiliating or degrading treatment;

(d) To take measures to eliminate the use of corporal punishment in schools and to take urgent measures to protect students from violence of any kind, injury or abuse, including sexual abuse, intimidation or maltreatment in schools, to establish complaint mechanisms that are age-appropriate and accessible to children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

(e) To take measures to change attitudes that condone or normalize any form of violence against children, including cruel, inhuman or degrading forms of discipline, harmful traditional practices and all forms of sexual violence;

(f) To end impunity for perpetrators of crimes against children, and to investigate and prosecute such acts of violence and impose appropriate penalties, recognizing that persons convicted of violent offences against children, including sexual abuse of children, should be able to work with children only after adequate national safeguards have been used to determine that they do not pose a risk of harm to children;

15. *Requests* the Secretary-General to take urgent action on General Assembly resolution 62/141 and to appoint, in accordance with Assembly resolution 62/141, at the highest possible level and without delay, a Special Representative on violence against children and to report on progress made to the Council at its eighth session;

### **Identity, family relations and birth registration**

16. *Urges* all States parties to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child to preserve the child's identity, including nationality, name and family relations, as recognized by law, to allow for the registration of the child immediately after birth, irrespective of his/her status, to ensure that registration procedures are simple, expeditious and effective and provided free of charge, and to raise awareness of the importance of birth registration at the national, regional and local levels;

17. *Calls upon* States to take necessary measures to prevent and combat illegal adoptions and all adoptions that are not in the best interest of the child, by establishing policy, legislation and effective supervision for the protection of children involved in national and intercountry adoptions, bearing in mind the best interest of the child;

18. *Also calls upon* States to address cases of international abduction of children, bearing in mind that the best interest of the child shall be a primary consideration, and encourages States to engage in multilateral and bilateral cooperation to ensure, inter alia, the return of the child to the country where he or she resided immediately before removal or retention and, in this respect, to pay particular attention to cases of international abduction of children by one of their parents or other relatives;

19. *Further calls upon* States to guarantee, to the extent consistent with the obligations of each State, the right of a child whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by providing enforceable means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

20. *Reaffirms* the findings of the General Assembly in paragraph 16 of its resolution 62/141 and the importance of promoting appropriate parental care and family preservation where possible, and encourages States to adopt and enforce laws and improve the implementation of policies and programmes to protect children growing up without parents or caregivers; where alternative care is necessary, decision-making should be in the best interests of the child, in full consultation with the child and his/her legal guardians, and in this context, encourages the advancement of the draft United Nations guidelines for the appropriate use and conditions of alternative care for children; further attention should be given to these guidelines by the Council at its eighth session;

### **Eradication of poverty**

21. *Calls upon* States and the international community to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, to intensify efforts so that all development and poverty reduction goals, as set out in the United Nations Millennium Declaration, are realized within their time framework, and reaffirms that investments in children and the realization of their rights contribute to their social and economic development, and are among the most effective ways to eradicate poverty;

### **Right to the enjoyment of the highest attainable standard of health**

22. *Calls upon* all States:

(a) To take all necessary measures to ensure the right of the child to the enjoyment of the highest attainable standard of physical and mental health and to develop sustainable health systems and social services, to ensure access to such systems and services without discrimination, paying particular attention to adequate food and nutrition to prevent disease and malnutrition, to access to safe drinking water and sanitation, to prenatal and post-natal health care, to the special needs of adolescents, to reproductive and sexual health and to threats from substance abuse and violence;

(b) To address, as a matter of priority, the vulnerabilities faced by children affected by and living with HIV by providing support and rehabilitation to those children, their families and caregivers, by promoting child-oriented HIV/AIDS policies and programmes, increased protection for children orphaned and affected by HIV, and by involving children, their caregivers and the private sector, to ensure access to affordable and effective prevention, care and treatment, including through correct information, access to voluntary and confidential testing, reproductive health care and education, access to pharmaceutical products and medical technologies, by intensifying efforts to develop new treatments for children and prioritizing prevention of mother-to-child transmission of the virus, and by building, where needed, and supporting social security systems to protect them;



## **Right to education**

23. *Calls upon* all States:

(a) To recognize the right to education on the basis of equal opportunity and non-discrimination by making primary education available, free and compulsory for all children, by ensuring that all children, particularly girls, children in need of special protection, children with disabilities, indigenous children, children belonging to minorities and children of different ethnic origins, internally displaced and refugee children and children living in conflict-affected areas and countries and children affected and living with HIV/AIDS have access to good quality education, as well as making secondary education generally available and accessible for all, in particular by the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion;

(b) To design and implement programmes to provide social services to and support for pregnant adolescents and adolescent mothers, in particular to enable them to continue and complete their education;

(c) To ensure that children, from an early age, benefit from education programmes, materials and activities that develop respect for human rights and fully reflect the values of peace, non-violence against oneself and others, tolerance and gender equality;

(d) To enable children, including adolescents, to exercise their right to express their views freely, the views of the child being given due weight in accordance with age and maturity of the child;

## **The girl child**

24. *Calls upon* all States to take all necessary measures, including legal reforms where appropriate:

(a) To ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms, to end impunity and to base programmes and policies on the rights of the child, taking into account the special situation of girls;

(b) To eliminate all forms of discrimination and violence against girls, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, son preference, marriages without free and full consent of the intending spouses, early marriages and forced marriages and forced sterilization, including addressing their root causes, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls;

(c) To involve girls, including girls with special needs, and their representative organizations, in decision-making processes, as appropriate, and include them as full and active partners in identifying their own needs and in developing, planning, implementing and assessing policies and programmes to meet those needs;

## **Children with disabilities**

25. *Recognizes* that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalls the obligations to that end undertaken by the States parties to the Convention on the Rights of the Child;

26. *Calls upon* all States to:

(a) Take all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities, in both the public and private spheres, including by incorporating a child-rights perspective that includes children with disabilities into policies and programmes for children, taking into account the particular situation of children with disabilities who may be subject to multiple or aggravated forms of discrimination, including girls with disabilities and children with disabilities living in poverty;

(b) To ensure the dignity of children with disabilities, to promote their self-reliance and to facilitate their full and active participation and inclusion in the community, including by ensuring access to good-quality inclusive education and health, and to enact and enforce legislation protecting children with disabilities against all forms of discrimination, exploitation, violence and abuse;

(c) To consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol as a matter of priority;

## **Migrant children**

27. *Calls upon* all States to ensure, for migrant children, the enjoyment of all human rights and access to health care, social services and education of good quality, and that migrant children, and especially those who are unaccompanied and those who are victims of violence and exploitation, receive special protection and assistance, in accordance with their obligations, as reflected in articles 9 and 10 of the Convention on the Rights of the Child;

## **Children working and/or living on the street**

28. *Calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary and summary execution, torture, all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of these children, and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

## **Refugee and internally displaced children**

29. *Calls upon* all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to risks in connection with armed conflict and post-conflict situations, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for voluntary repatriation and,

wherever possible, local integration and resettlement, to give priority to family tracing and reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations;

### **Children alleged to have or recognized as having infringed penal law**

30. *Calls upon* all States, in particular those States in which the death penalty has not been abolished:

(a) To abolish by law, as soon as possible, the death penalty and life imprisonment without possibility of release for those under the age of 18 years at the time of the commission of the offence;

(b) To comply with their obligations as assumed under relevant provisions of international human rights instruments, including the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights;

(c) To keep in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and the guarantees set out in resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989 adopted by the Economic and Social Council;

31. *Also calls upon* all States to give greater consideration to restorative justice practices, including mediation, as an alternative to sentencing, or as part of the sentencing process with regard to offenders under the age of 18;

32. *Further calls upon* all States to protect children deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment and to ensure that, if they are arrested, detained or imprisoned, children are provided with adequate legal assistance and that they shall have the right to maintain contact with their family through correspondence and visits, save in exceptional circumstances, and that no child in detention is sentenced or subject to forced labour or corporal punishment, or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training;

### **Children of persons alleged to have or recognized as having infringed penal law**

33. *Calls upon* all States to give attention to the impact of parental detention and imprisonment on children and, in particular:

(a) To give priority to non-custodial measures, when sentencing or deciding on pretrial measures for a child's sole or primary carer, subject to the need to protect the public and the child, and bearing in mind the gravity of the offence;

(b) To identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment;

### **Child labour**

34. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere

with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

35. *Urges* all States that have not yet signed and ratified or acceded to the Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182) of the International Labour Organization to consider doing so;

#### IV. PREVENTION AND ERADICATION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

36. *Calls upon* all States:

(a) To take all necessary measures to eliminate, criminalize and penalize effectively all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, child trafficking, child sex tourism, the sale of children and their organs, and the use of the Internet for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation;

(b) To take effective measures to ensure prosecution of offenders, including through international assistance in connection with investigations or criminal or extradition proceedings;

(c) To increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(d) To consider signing and ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(e) To address effectively the needs of victims of trafficking, of sale of children, of child prostitution and child pornography, including their safety and protection, physical and psychological recovery and full reintegration into their family and society and bearing in mind the best interest of the child;

(f) To combat the existence of a market that encourages such criminal practices against children and factors leading to these practices, including through the adoption and effective application of preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as ensuring public awareness of the problem;

(g) To take the necessary measures to eliminate the sale of children, child prostitution and child pornography by adopting a holistic approach and addressing all contributing factors;

37. *Welcomes* the comprehensive guidelines and recommendations contained in the report of the Special Rapporteur on the sale of children, child prostitution and child pornography to the Council in 2008 (A/HRC/7/8) for the establishment and management of rehabilitation and assistance programmes for children who are victims of sexual commercial exploitation and trafficking and strongly encourages States to take them into account in order to provide the child victims with assistance, protection and a successful rehabilitation in their families and society, taking into consideration the importance of separate programmes that attend to their special needs;

## V. PROTECTION OF CHILDREN AFFECTED BY ARMED CONFLICT

38. *Strongly condemns* any recruitment and use of children in armed conflicts contrary to international law, and urges all parties to armed conflict to end such practice, and all other violations and abuses committed against children, including killing or maiming, rape or other sexual violence, abduction, denial of humanitarian access, attacks against schools and hospitals and the forced displacement of children and their families;

39. *Reaffirms* the essential role of the General Assembly, the Economic and Social Council and the Human Rights Council for the promotion and protection of the rights and welfare of children, including children affected by armed conflict, and takes note of Security Council resolutions on children and armed conflict, in particular resolution 1612 (2005) of 26 July 2005, and of the undertaking by the Council to give special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in those operations;

40. *Notes with appreciation* the steps taken regarding Security Council resolution 1612 (2005) of 26 July 2005 and the efforts of the Secretary-General to implement the monitoring and reporting mechanism, including in collecting and providing timely, objective, accurate and reliable information on children and armed conflict in accordance with that resolution, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level, as well as the work carried out by United Nations child protection advisers in peacekeeping operations;

41. *Takes note* of the updating of the Cape Town Principles on child soldiers that led to the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, encourages Member States to consider using the Guidelines to inform their work in protecting children from the effects of armed conflicts, and requests the relevant entities of the United Nations system, within their mandates, and invites civil society, to assist Member States in this field;

42. *Takes note* of part two of the report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/62/228), on the strategic review of the 1996 study by Graça Machel entitled “Impact of armed conflict on children”, and of the significant developments and achievements in the protection of children in armed conflict at the national and international levels, and calls upon Member States and observers, and invites relevant entities of the United Nations system as well as civil society, as appropriate, to study carefully its recommendations, recognizing the need for discussion on the issues raised therein, and stresses the need for the views of Member States to be fully taken into account in this regard;

43. *Recalls*, in accordance with international humanitarian law, that indiscriminate attacks against civilians, including children, are prohibited, and that they shall not be the object of attack, including by the way of reprisals or excessive use of force, condemns these practices and demands that all parties immediately put an end to them;

44. *Calls upon* all States to pay special attention to the protection, welfare and rights of girls affected by armed conflict;

45. *Calls upon* States:

(a) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to raise the minimum age for voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(b) To take effective measures to prevent the recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of legal measures necessary to prohibit and criminalize such practice, and the adoption of measures to prevent re-recruitment, in particular education;

(c) To take all feasible measures, in particular educational measures, to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, taking into account the rights and the specific needs of the girl child;

(d) To take effective preventive measures against sexual exploitation and abuse by their military and civilian peacekeepers and hold them to account;

46. *Calls upon*:

(a) All States and other parties to armed conflict to respect fully international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto of 8 June 1977;

(b) Armed groups that are distinct from the armed forces of a State not, under any circumstances, to recruit or use in hostilities persons under the age of 18 years;

(c) All States and relevant United Nations bodies and agencies and regional organizations to integrate the rights of the child into all activities in conflict and post-conflict situations, to ensure adequate child protection training of their staff and personnel, including through the drafting and dissemination of codes of conduct addressing the issue of sexual exploitation and abuse of children, to ensure that States take effective preventive measures against sexual exploitation and abuse by their military and civilian peacekeepers and hold them to account, and to facilitate the participation of children in the development of strategies in this regard, making sure that there are opportunities for children's voices to be heard and given due weight in accordance with the age and maturity of the child;

(d) All States and relevant United Nations bodies to continue to support national and international mine action efforts, including through financial contributions, assistance to victims and social and economic reintegration, mine awareness programmes, mine clearance and child-centred rehabilitation;

## VI. FOLLOW-UP

### 47. *Decides:*

(a) To request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee on the Rights of the Child, special rapporteurs and special representatives of the United Nations system in the implementation of their mandates and, where appropriate, to invite States to continue to make voluntary contributions;

(b) To request the Secretary-General to submit to the Council at its tenth session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child;

(c) To request the Special Rapporteur on the sale of children, child prostitution and child pornography to submit a report to the Council according to its programme of work;

(d) To remain seized of the issue and to continue the consideration of the rights of the child in accordance with its programme of work and to consider an omnibus resolution on the rights of the child every four years, and to focus on a theme of the rights of the child on an annual basis in the intervening period.

*41st meeting  
28 March 2008*

[Adopted without a vote.]

### **7/30. Human rights in the occupied Syrian Golan**

*The Human Rights Council,*

*Deeply concerned* at the suffering of Syrian citizens in the occupied Syrian Golan due to the systematic and continued violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

*Recalling also* all relevant General Assembly resolutions, the most recent being resolution 62/110 of 17 December 2007, in which the Assembly declared that Israel had failed so far to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

*Reaffirming once more* the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

*Taking note with deep concern* of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/62/360) of 24 September 2007, in which the Committee referred to the grave deterioration in the human rights situation in the Occupied Palestinian Territory and the occupied Syrian Golan and, in this connection, deploring the Israeli settlement in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

*Guided* by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

*Reaffirming* the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of Security Council resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

*Reaffirming also* the previous relevant resolutions of the Commission on Human Rights and the Human Rights Council, in particular resolution 2/3 of 27 November 2006,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, particularly Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of



which are mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for over 22 years and calls on Israel to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, Israel to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians in order to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and have no legal effect;

8. *Again calls upon* States members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on the matter to the Council at its tenth session;

10. *Decides* to continue the consideration of human rights violations in the occupied Syrian Golan at its tenth session.

*41st meeting  
28 March 2008*

[Adopted by a recorded vote of 32 to 1, with 14 abstentions. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

*Against:* Canada.

*Abstaining:* Bosnia and Herzegovina, Cameroon, France, Germany, Guatemala, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

## 7/31. Situation of human rights in Myanmar

*The Human Rights Council,*

*Guided* by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and recalling General Assembly resolution 60/251 of 15 March 2006 and Commission on Human Rights resolution 2005/10 of 14 April 2005, Council resolutions S-5/1 of 2 October 2007 and 6/33 of 14 December 2007,

*Acknowledging* the announcement of the Government of Myanmar that it would hold a national referendum and elections, while emphasizing that those processes must be made fully transparent, inclusive, free and fair,

*Emphasizing its support* for the Special Envoy of the Secretary-General for Myanmar, while recalling his concern that his most recent visit had not achieved any immediate tangible outcome, including on the need for international monitoring of the announced constitutional referendum in May 2008,

*Deeply concerned* at the continuing deterioration of the living conditions and the increase in poverty affecting a significant part of the population throughout the country, with serious consequences for the enjoyment of their economic, social and cultural rights,

*Expressing its deep concern* at the situation of human rights in Myanmar, including the violent repression of the peaceful demonstrations of September 2007, and the failure of the Government of Myanmar to investigate and bring to justice the perpetrators of these violations, as well as at the continuing high number of political prisoners, including those detained in the wake of those demonstrations and the extension of the house arrest of the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi,

1. *Strongly deplores* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;
2. *Strongly urges* the Government of Myanmar to receive, as soon as possible, at his convenience, a follow-up mission by the Special Rapporteur on the situation of human rights in Myanmar, as requested by the Council in its resolution 6/33, to cooperate fully with him and to follow up and implement the recommendations contained in the report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/6/14);
3. *Strongly calls upon* the Myanmar authorities:
  - (a) To make the constitutional process, including the referendum, fully inclusive, participatory and transparent in order to ensure that the process is broadly representative of the views of all people of Myanmar and meets all international norms;
  - (b) To engage urgently in a reinvigorated national dialogue with all parties with a view to achieving genuine national reconciliation, democratization and the establishment of the rule of law;

(c) To ensure to its people basic freedoms and to desist from further denial of basic freedoms, such as the freedom of expression, assembly and religion or belief;

(d) To cooperate fully with humanitarian organizations, including by ensuring full, safe and unhindered access of humanitarian assistance to all persons in need throughout the country;

(e) To take urgent measures to put an end to violations of human rights and humanitarian law, including forced displacement and arbitrary detention, and to release all political prisoners immediately, without condition;

4. *Invites* the Special Rapporteur to continue to discharge his mandate in a coordinated manner with the Special Envoy of the Secretary-General for Myanmar;

5. *Requests* the Special Rapporteur to report on the implementation of Council resolutions S-5/1 and 6/33 to the Council at its next session;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with adequate support, including expert human resources, to facilitate the fulfilment of the mandate entrusted to him by the present resolution;

7. *Decides* to remain seized of this matter.

*42nd meeting  
28 March 2008*

[Adopted without a vote.]

### **7/32. Mandate of the Special Rapporteur on the situation of human rights in Myanmar**

*The Human Rights Council,*

*Guided* by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

*Reaffirming also* Commission on Human Rights resolution 1992/58 of 3 March 1992 and all subsequent resolutions adopted by the General Assembly, the Commission and the Council on the situation of human rights in Myanmar,

*Recalling* General Assembly resolution 60/251 of 15 March 2006,

*Recalling also* Council resolutions 5/1 entitled “Institution-building of the United Nations Human Rights Council” and 5/2 entitled “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council”, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

*Bearing in mind* the report submitted by the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/6/14), expressing serious concern about ongoing human rights violations and urging the implementation of the recommendations contained therein,

*Having reviewed* the mandate of the Special Rapporteur on the situation of human rights in Myanmar,

1. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with Commission on Human Rights resolutions 1992/58 and 2005/10 of 14 April 2005;
2. *Urges* the Government of Myanmar to cooperate fully with the Special Rapporteur and to respond favourably to his requests to visit the country and to provide him with all information and access to relevant bodies and institutions necessary to enable him to fulfil his mandate effectively;
3. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its sixty-third session and to the Council in accordance with its annual programme of work;
4. *Calls upon* the Office of the United Nations High Commissioner of Human Rights to provide the Special Rapporteur with all necessary assistance and resources to enable him to discharge his mandate fully;
5. *Decides* to continue its consideration of this question in accordance with its annual programme of work.

*42nd meeting  
28 March 2008*

[Adopted without a vote.]

**7/33. From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance**

*The Human Rights Council,*

*Reaffirming* all the previous resolutions and decisions of the General Assembly, the Commission on Human Rights and the Council on the elimination of racism, racial discrimination, xenophobia and related intolerance,

1. *Salutes* all positive developments in the fight against racism, racial discrimination, xenophobia and related intolerance;

2. *Welcomes* the landmark and historic formal apology by the Government of Australia for the past laws and policies that inflicted profound grief, suffering and loss on its indigenous peoples;
3. *Urges* Governments that have not done so to issue formal apologies to the victims of past and historic injustices and to take all necessary measures to achieve the healing and reconciliation of and the restoration of dignity to those victims, as outlined in paragraph 101 of the Durban Declaration and Programme of Action;
4. *Urges* all Governments to summon the necessary political will to take decisive steps to combat racism in all its forms and manifestations;
5. *Acknowledges* the report of the Working Group of Experts on People of African Descent on its eighth session (A/HRC/7/36);
6. *Welcomes* the convening of the first part of the sixth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in January 2008, during which the Working Group made an initial contribution to the preparatory process of the Durban Review Conference, and looks forward to the convening of the second part of the sixth session, during which the Working Group should continue its follow-up to the implementation of the Durban Declaration and Programme of Action, including the relevant paragraphs of the Durban Declaration and Programme of Action, which are yet to receive the necessary attention, in accordance with the Working Group's programme of work;
7. *Also welcomes* the convening of the first part of the first session of the Ad Hoc Committee on the Elaboration of Complementary Standards in February 2008, and requests the Ad Hoc Committee, at the second part of its first session, to fulfil, as a matter of priority, the objective outlined in paragraph 199 of the Durban Declaration and Programme of Action;
8. *Acknowledges* the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to the Council at its seventh session (A/HRC/7/19);
9. *Decides* to invite the Group of Five Independent Eminent Experts to address the Council at its tenth session.

*42nd meeting  
28 March 2008*

[Adopted by a recorded vote of 34 votes to none, with 13 abstentions. The voting was as follows:

- In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.
- Abstaining:* Bosnia and Herzegovina, Canada, France, Germany, Japan, Italy, Netherlands, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

**7/34. Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

*The Human Rights Council,*

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Reaffirming* the relevant international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, proclaimed by the General Assembly in its resolution 2106 (XX) of 20 December 1965,

*Underlining* the importance of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, and emphasizing that this outcome constitutes a solid foundation for the elimination of all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

*Reaffirming* all the previous resolutions and decisions of the General Assembly, the Commission on Human Rights and the Council on the elimination of racism, racial discrimination, xenophobia and related intolerance,

*Expressing concern* at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result, inter alia, of resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

*Stressing* the need for maintaining continued political will and momentum at the national, regional and international levels, in order to combat racism, racial discrimination, xenophobia and related intolerance, taking into account the commitments enshrined in the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to this end,

*Emphasizing* the urgency, more than ever, to combat and end impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and to enable all relevant human rights mechanisms to pay attention to this issue so as to prevent the recurrence of such acts,

*Recalling* Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Welcomes* the work and contribution of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including activities undertaken to date in raising awareness and highlighting the plight of the victims of racism, racial discrimination, xenophobia and related intolerance and its contemporary manifestations;

2. *Decides* to extend the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for a period of three years, to

gather, request, receive and exchange information and communications with all relevant sources, on all issues and alleged violations falling within the purview of his/her mandate, and to investigate and make concrete recommendations, to be implemented at the national, regional and international levels, with a view to preventing and eliminating all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, focusing, inter alia, on the following issues:

(a) Incidents of contemporary forms of racism and racial discrimination against Africans and people of African descent, Arabs, Asians and people of Asian descent, migrants, refugees, asylum-seekers, persons belonging to minorities and indigenous peoples, as well as other victims included in the Durban Declaration and Programme of Action;

(b) Situations where the persistent denial of individuals belonging to different racial and ethnic groups of their recognized human rights, as a result of racial discrimination, constitutes gross and systematic violations of human rights;

(c) The scourges of anti-Semitism, Christianophobia, Islamophobia in various parts of the world, and racist and violent movements based on racism and discriminatory ideas directed at Arab, African, Christian, Jewish, Muslim and other communities;

(d) Laws and policies glorifying all historic injustices and fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance and underpinning the persistent and chronic inequalities faced by racial groups in various societies;

(e) The phenomenon of xenophobia;

(f) Best practices in the elimination of all forms and manifestations of racism, racial dissemination, xenophobia and related intolerance;

(g) Follow-up to the implementation of all relevant paragraphs of the Durban Declaration and Programme of Action and the promotion of the establishment of national, regional and international mechanisms to combat racism, racial discrimination, xenophobia and related intolerance;

(h) The role of human rights education in promoting tolerance and the elimination of racism, racial discrimination, xenophobia and related intolerance;

(i) Respect for cultural diversity as a means to prevent racism, racial discrimination, xenophobia and related intolerance;

(j) Incitement to all forms of hatred, taking into account article 20, paragraph 2, of the International Covenant on Civil and Political Rights, and instances of racially motivated hate speech, including the dissemination of ideas of racial superiority or that incite racial hatred, taking into account article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 19 of the International Covenant on Civil and Political Rights and general comment No. 15 of the Committee on the Elimination of All Forms of Racial Discrimination, which states that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the freedom of opinion and expression;

(k) The sharp increase in the number of political parties and movements, organizations and groups which adopt xenophobic platforms and incite hatred, taking into account the incompatibility of democracy with racism;

(l) The impact of some counter-terrorism measures on the rise of racism, racial discrimination, xenophobia and related intolerance, including the practice of racial profiling and profiling on the basis of any grounds of discrimination prohibited by international human rights law;

(m) Institutional racism and racial discrimination;

(n) The efficiency of the measures taken by Governments to remedy the situation of victims of racism, racial discrimination, xenophobia and related intolerance;

(o) Impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and maximizing remedies for the victims of these violations;

3. *Requests* the Special Rapporteur, in the discharge of his/her mandate:

(a) To develop a regular dialogue and discuss areas of possible cooperation with Governments and all relevant actors concerning issues pertaining to his/her mandate, and to provide technical assistance or advisory services at the request of the concerned States;

(b) To play a role of advocacy and to engage in the mobilization of political will with all relevant actors in States for the elimination of racism, racial discrimination, xenophobia and related intolerance;

(c) To coordinate, as appropriate, with other relevant bodies and mechanisms of the United Nations;

(d) To integrate a gender perspective throughout the work of his/her mandate, highlighting women's rights and reporting on women and racism;

(e) To report regularly to the Council and the General Assembly;

4. *Requests also* the Special Rapporteur to continue his/her exchange of views and consultation, while avoiding unnecessary duplication, with the relevant mechanisms and treaty bodies within the United Nations system, in particular on the issues referred to in subparagraphs (c), (g) and (j) of paragraph 2 above, in order to further enhance their effectiveness and mutual cooperation;

5. *Requests* all Governments to cooperate fully with the Special Rapporteur in the discharge of his/her mandate, including by responding promptly to the Special Rapporteur's communications, including urgent appeals, and by providing the information requested;

6. *Urges* all Governments to seriously consider responding promptly and favourably to the requests of the Special Rapporteur to visit their countries, including follow-up visits;



7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfilment of his/her mandate.

42nd meeting  
28 March 2008

[Adopted without a vote.]

### **7/35. Assistance to Somalia in the field of human rights**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and the relevant human rights instruments,

*Recalling* all the previous resolutions of the Commission on Human Rights, the last of which was resolution 2005/83 of 21 April 2005,

*Welcoming* the commitment and efforts undertaken by the African Union to support Somali-led efforts towards reconciliation and stability and the efforts made by international and regional stakeholders to help Somalia re-establish stability, peace and security in its national territory,

*Welcoming also* the Declaration on the situation in Somalia, adopted by the Heads of State and Government of the African Union during the tenth ordinary session of the Assembly of the African Union, held in Addis Ababa from 31 January to 2 February 2008,

*Emphasizing* that the above-mentioned declaration, adopted by the Assembly of the African Union, stressed the need for the deployment of a United Nations peacekeeping operation in Somalia that would take over from the African Union Mission to Somalia and support the long-term stabilization and post-conflict reconstruction of the country,

*Reiterating* that humanitarian, human rights and development assistance is of paramount importance to alleviate poverty and to promote a more peaceful, equitable and democratic society in Somalia,

*Welcoming* the steps taken within Somalia, including the convening of the National Reconciliation Congress, in July and August 2007, the recent appointment of a new Prime Minister, Nur Hassan Hussein, and the subsequent formation of a new Government, as well as the efforts made by the African Union, notably through the deployment of the African Union Mission in Somalia,

*Reiterating* that, despite the daunting challenges confronting the peace and reconciliation process, the opportunity that arose in December 2006, when the Transitional Federal Government regained control of Mogadishu and other parts of the country in order to find a lasting solution to the crisis in Somalia, still exists,

*Stressing* the need for both the Somali stakeholders and the international community as a whole to seize this opportunity to address decisively the conflict in Somalia and to take all steps required to this end,

*Seriously concerned* about the human rights and humanitarian situation in Somalia,

*Noting with concern* that the security situation remains fragile throughout the country,

*Emphasizing* that efforts to combat terrorism in Somalia must respect international law, including human rights and fundamental freedoms, which are inseparable from the establishment of peace in Somalia,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Expresses its serious concern* at the human rights and humanitarian situation in Somalia, and calls for an immediate end to all ongoing violations;

2. *Demands* that all parties in Somalia reject and stop all acts of violence, abstain from engaging in hostilities, prevent any act likely to increase tension and security and fully respect their obligations under international human rights law and international humanitarian law;

3. *Urges* all parties in Somalia to uphold the principles and spirit enshrined in the Transitional Federal Charter and to work towards genuine national reconciliation within that framework, including by holding fair, national multiparty elections in 2009, as envisaged by the Charter;

4. *Calls upon* the international community to stand by the legitimate Somali institutions and to provide adequate and concrete support in order to enhance their capacity, including that of the Transitional Federal Government, as part of an integrated approach that encompasses political, security and programmatic dimensions;

5. *Appeals* to the partners of the African Union to provide increased logistical and financial support for the African Union Mission in Somalia, especially in view of the fact that the African Union, in deploying an operation in Somalia, is also acting on behalf of the international community at large;

6. *Urges* the international community to provide, as a matter of urgency, development assistance to Somalia, so as to effectively contribute to the reconstruction of Somalia, the rebuilding of its institutions and technical assistance in the field of human rights;

7. *Also urges* the international community to provide humanitarian assistance to the needy population and to ensure that all necessary steps are taken to create conditions conducive to the provision of humanitarian assistance, including unhindered access to the needy population and security for humanitarian workers and organizations;

8. *Acknowledges* the work undertaken by the independent expert on the situation of human rights in Somalia, including his report to the current session (A/HRC/7/26);
9. *Decides* to renew the mandate of the independent expert for a period of one year, with a view to maximizing the provision and the flow of technical assistance to Somalia in the field of human rights, and requests him/her to submit a report to the Council at its sessions in September 2008 and March 2009;
10. *Requests* the Secretary-General to provide the independent expert with all necessary human, technical and financial assistance in carrying out his/her mandate;
11. *Requests* the Office of the United Nations High Commissioner for Human Rights to strengthen its presence in Somalia with a view to providing technical assistance and advisory services to the relevant Somali institutions;
12. *Invites* relevant United Nations bodies and agencies to provide support and technical assistance to Somalia in the field of human rights.

*42nd meeting  
28 March 2008*

[Adopted without a vote.]

**7/36. Mandate of the Special Rapporteur on the promotion and protection  
of the right to freedom of opinion and expression**

*The Human Rights Council,*

*Guided* by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

*Mindful* of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice and noting that these rights and freedoms are among those which give meaning to the right to participate effectively in a free society,

*Mindful also* that article 19 of the International Covenant on Civil and Political Rights provides that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these shall be only such as are provided by law and are necessary for respect of the rights or reputations of others, or for the protection of national security or of public order (*ordre public*), or of public health and morals, and that article 20 provides that any propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

*Reaffirming* resolution 2005/38 on freedom of opinion and expression adopted by the Commission on Human Rights on 19 April 2005, and recalling all its previous resolutions on this issue,

*Recognizing* that the exercise of the right to freedom of opinion and expression is one of the essential foundations of a democratic society; is enabled by a democratic environment which, inter alia, offers guarantees for its protection; is essential to full and effective participation in a free and democratic society; and is instrumental to the development and strengthening of effective democratic systems,

*Recognizing also* that the effective exercise of the right to freedom of opinion and expression is an important indicator of the level of protection of other human rights and freedoms, bearing in mind that all human rights are universal, indivisible, interdependent and interrelated,

*Deeply concerned* that violations of the right to freedom of opinion and expression continue to occur,

*Stressing* the need to ensure that invocation of national security, including counter-terrorism, is not used unjustifiably or arbitrarily to restrict the right to freedom of opinion and expression,

*Stressing also* the importance of full respect for the freedom to seek, receive and impart information, including the fundamental importance of access to information, to democratic participation, to accountability and to combating corruption,

*Recognizing* the importance of all forms of media, including the print media, radio, television and the Internet, in the exercise, promotion and protection of the right to freedom of opinion and expression, and also the importance for all forms of media to report and to deliver information in a fair and impartial manner,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* Council resolutions 5/1 entitled “Institution-building of the United Nations Human Rights Council” and 5/2 entitled “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council” and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Reaffirms* the right of everyone to hold opinions without interference, as well as the right to freedom of expression, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs;

2. *Takes note with appreciation* of the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2006/55, A/HRC/4/27 and A/HRC/7/14), invites all relevant actors to consider the recommendations contained therein, and welcomes his important contribution to the promotion and protection of the right to freedom of opinion and expression, in particular his ongoing and increasing cooperation with other mechanisms and organizations;

3. *Decides* to extend for a further three years the mandate of the Special Rapporteur whose tasks will be:

(a) To gather all relevant information, wherever it may occur, relating to violations of the right to freedom of opinion and expression, discrimination against, threats or use of violence, harassment, persecution or intimidation directed at persons seeking to exercise or to promote the exercise of the right to freedom of opinion and expression, including, as a matter of high priority, against journalists or other professionals in the field of information;

(b) To seek, receive and respond to credible and reliable information from Governments, non-governmental organizations and any other parties who have knowledge of these cases;

(c) To make recommendations and provide suggestions on ways and means to better promote and protect the right to freedom of opinion and expression in all its manifestations;

(d) To contribute to the provision of technical assistance or advisory services by the Office of the United Nations High Commissioner for Human Rights to better promote and protect the right to freedom of opinion and expression;

4. *Requests* the Special Rapporteur, within the framework of his/her mandate:

(a) To draw the attention of the Council and the United Nations High Commissioner for Human Rights to those situations and cases regarding the right to freedom of opinion and expression which are of particularly serious concern;

(b) To integrate the human rights of women and a gender perspective throughout the work of his/her mandate;

(c) With a view to greater efficiency and effectiveness in promoting and protecting the right to freedom of opinion and expression, to continue his/her efforts to cooperate with other relevant United Nations bodies, including the High Commissioner for Human Rights, the human rights treaty bodies, special procedures and mechanisms, specialized agencies, funds and programmes, regional intergovernmental organizations and their mechanisms, and national human rights institutions, and to develop and extend his/her network of relevant non-governmental organizations, particularly at the local level;

(d) To report on instances in which the abuse of the right of freedom of expression constitutes an act of racial or religious discrimination, taking into account articles 19 (3) and 20 of the International Covenant on Civil and Political Rights, and general comment No. 15 of the Committee on the Elimination of All Forms of Racial Discrimination, which stipulates that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the freedom of opinion and expression;

(e) To consider approaches taken to access to information with a view to sharing best practices;

(f) To continue to provide his/her views, when appropriate, on the advantages and challenges of new information and communication technologies, including the Internet and mobile technologies, for the exercise of the right to freedom of opinion and expression, including the right to seek, receive and impart information and the relevance of a wide diversity of sources, as well as access to the information society for all;

5. *Calls upon* all States to cooperate fully with and assist the Special Rapporteur in the performance of his/her tasks, to provide all necessary information requested by him/her, to react promptly to his/her urgent appeals and other communications and to consider favourably his/her requests for visits and for implementing his/her recommendations so that he/she may carry out his/her mandate more effectively;

6. *Invites* the United Nations High Commissioner for Human Rights, relevant special procedures of the Council and the human rights treaty bodies to pay attention, within the framework of their mandates, to the situation of persons whose right to freedom of opinion and expression has been violated with a view to avoiding unnecessary duplication;

7. *Requests* the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil his/her mandate effectively, in particular by placing adequate human and material resources at his/her disposal;

8. *Requests* the Special Rapporteur to submit each year to the Council a report covering activities relating to his/her mandate;

9. *Decides* to continue its consideration of the issue of the right to freedom of opinion and expression in accordance with its programme of work.

*42nd meeting  
28 March 2008*

[Adopted by a recorded vote of 32 to none, with 15 abstentions. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

*Abstaining:* Bosnia and Herzegovina, Canada, France, Germany, Guatemala, Italy, Japan, Netherlands, Philippines, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

### **III. Eighth session**

#### **A. RESOLUTIONS**

##### **8/1. Conference facilities and financial support for the Human Rights Council**

*The Human Rights Council,*

*Bearing in mind* General Assembly resolutions 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007,

*Recalling* Council decision 3/104 of 8 December 2006 on conference facilities and financial support for the Council and the report of the Secretary-General on its implementation (A/62/125),

1. *Reaffirms* the need to ensure the provision of necessary financial resources to the Council and its working groups in order to discharge its mandate fully, as stipulated in General Assembly resolution 60/251 and implemented by Council resolution 5/1;
2. *Expresses its concern* at the delays in the submission of documents to the Council, including those relating to the universal periodic review, and in particular the delays in the translation of documents into the six official languages of the United Nations, and in this context requests the Office of the United Nations High Commissioner for Human Rights and the Conference Services Division at the United Nations Office at Geneva to make an assessment of the situation and to report back to the Council at its ninth session with proposals for adequate measures, bearing in mind the necessity of maintaining financial efficiency, to address these problems;
3. *Reaffirms* that the Council will consider favourably the adoption of a decision on the webcasting of all public proceedings of its various working groups, taking into account the principles of transparency, equal treatment and non-selectivity and, in this context, requests the Department of Public Information of the United Nations Office at Geneva to make an assessment of the situation and to report back to the Council at its ninth session with proposals for adequate measures, including the necessary re sources to establish a permanent capacity for webcasting.

*28th meeting  
18 June 2008*

[Adopted without a vote.]

##### **8/2. Optional Protocol to the International Covenant on Economic, Social and Cultural Rights**

*The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

*Recalling* that, in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/24), the World Conference encouraged the Commission on Human Rights to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

*Recalling also* that the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome and General Assembly resolution 60/251 establishing the Human Rights Council all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis,

*Bearing in mind* previous resolutions of the Council and the Commission on Human Rights on the realization of economic, social and cultural rights, and in particular Council resolution 1/3 on the Open-ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights,

*Welcoming* the report of the Working Group (A/HRC/8/7) and the decision to transmit the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights to the Council for its consideration,

1. *Adopts* the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights annexed to the present resolution;

2. *Recommends* that the General Assembly, in accordance with paragraph 5 (c) of its resolution 60/251, adopt the following draft resolution:

*“The General Assembly,*

*Welcoming* the adoption by the Human Rights Council, through its resolution ..., of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,

1. *Adopts* and opens for signature, ratification and accession the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the text of which is annexed to the present resolution;

2. *Recommends* that the Optional Protocol be opened for signature at a signing ceremony in Geneva in March 2009 and requests the Secretary-General and the United Nations High Commissioner for Human Rights to provide the necessary assistance.”

*28th meeting  
18 June 2008*

[Adopted without a vote.]



## **Annex**

### **OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

#### **Preamble**

*The States Parties to the present Protocol,*

*Considering* that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

*Noting* that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling* that the Universal Declaration of Human Rights and the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy civil, cultural, economic, political and social rights,

*Reaffirming* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,

*Recalling* that each State Party to the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as the Covenant) undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures,

*Considering* that, in order further to achieve the purposes of the Covenant and the implementation of its provisions, it would be appropriate to enable the Committee on Economic, Social and Cultural Rights (hereinafter referred to as the Committee) to carry out the functions provided for in the present Protocol,

*Have agreed* as follows:

#### **Article 1**

##### **Competence of the Committee to receive and consider communications**

1. A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications as provided for by the provisions of the present Protocol.
2. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.

#### **Article 2**

##### **Communications**

Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the economic, social and cultural rights set forth in the Covenant by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.

### **Article 3**

#### **Admissibility**

1. The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted. This shall not be the rule where the application of such remedies is unreasonably prolonged.
2. The Committee shall declare a communication inadmissible when:
  - (a) It is not submitted within one year after the exhaustion of domestic remedies, except in cases where the author can demonstrate that it had not been possible to submit the communication within that time limit;
  - (b) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date;
  - (c) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
  - (d) It is incompatible with the provisions of the Covenant;
  - (e) It is manifestly ill-founded, not sufficiently substantiated or exclusively based on reports disseminated by mass media;
  - (f) It is an abuse of the right to submit a communication; or when
  - (g) It is anonymous or not in writing.

### **Article 4**

#### **Communications not revealing a clear disadvantage**

The Committee may, if necessary, decline to consider a communication where it does not reveal that the author has suffered a clear disadvantage, unless the Committee considers that the communication raises a serious issue of general importance.

### **Article 5**

#### **Interim measures**

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary in exceptional circumstances to avoid possible irreparable damage to the victim or victims of the alleged violations.
2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.

### **Article 6**

#### **Transmission of the communication**

1. Unless the Committee considers a communication inadmissible without reference to the State Party concerned, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State Party concerned.

2. Within six months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State Party.

## **Article 7**

### **Friendly settlement**

1. The Committee shall make available its good offices to the parties concerned with a view to reaching a friendly settlement of the matter on the basis of the respect for the obligations set forth in the Covenant.
2. An agreement on a friendly settlement closes consideration of the communication under the present Protocol.

## **Article 8**

### **Examination of communications**

1. The Committee shall examine communications received under article 2 of the present Protocol in the light of all documentation submitted to it, provided that this documentation is transmitted to the parties concerned.
2. The Committee shall hold closed meetings when examining communications under the present Protocol.
3. When examining a communication under the present Protocol, the Committee may consult, as appropriate, relevant documentation emanating from other United Nations bodies, specialized agencies, funds, programmes and mechanisms, and other international organizations, including from regional human rights systems, and any observations or comments by the State Party concerned.
4. When examining communications under the present Protocol, the Committee shall consider the reasonableness of the steps taken by the State Party in accordance with Part II of the Covenant. In doing so, the Committee shall bear in mind that the State Party may adopt a range of possible policy measures for the implementation of the rights set forth in the Covenant.

## **Article 9**

### **Follow-up to the views of the Committee**

1. After examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned.
2. The State Party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the views and recommendations of the Committee.
3. The Committee may invite the State Party to submit further information about any measures the State Party has taken in response to its views or recommendations, if any, including as deemed appropriate by the Committee, in the State Party's subsequent reports under articles 16 and 17 of the Covenant.

## **Article 10**

### **Inter-State communications**

1. A State Party to the present Protocol may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant. Communications under this article may be received and considered only if submitted by a State Party that has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Protocol considers that another State Party is not fulfilling its obligations under the Covenant, it may, by written communication, bring the matter to the attention of that State Party. The State Party may also inform the Committee of the matter. Within three months after the receipt of the communication the receiving State shall afford the State that sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

(b) If the matter is not settled to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter. This shall not be the rule where the application of the remedies is unreasonably prolonged;

(d) Subject to the provisions of subparagraph (c) of the present paragraph the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of the respect for the obligations set forth in the Covenant;

(e) The Committee shall hold closed meetings when examining communications under the present article;

(f) In any matter referred to it in accordance with subparagraph (b) of the present paragraph, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b) of the present paragraph, shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, with all due expediency after the date of receipt of notice under subparagraph (b) of the present paragraph, submit a report, as follows:

- (i) If a solution within the terms of subparagraph (d) of the present paragraph is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
- (ii) If a solution within the terms of subparagraph (d) is not reached, the Committee shall, in its report, set forth the relevant facts concerning the issue between the States Parties concerned. The written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. The Committee may also communicate only to the States Parties concerned any views that it may consider relevant to the issue between them.

In every matter, the report shall be communicated to the States Parties concerned.

2. A declaration under paragraph 1 of the present article shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under the present article; no further communication by any State Party shall be received under the present article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

## **Article 11**

### **Inquiry procedure**

1. A State Party to the present Protocol may at any time declare that it recognizes the competence of the Committee provided for under this article.

2. If the Committee receives reliable information indicating grave or systematic violations by a State Party of any of the economic, social and cultural rights set forth in the Covenant, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.
3. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.
4. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.
5. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.
6. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.
7. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report provided for in article 15.
8. Any State Party having made a declaration in accordance with paragraph 1 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General.

## **Article 12**

### **Follow-up to the inquiry procedure**

1. The Committee may invite the State Party concerned to include in its report under articles 16 and 17 of the Covenant details of any measures taken in response to an inquiry conducted under article 11 of the present Protocol.
2. The Committee may, if necessary, after the end of the period of six months referred to in article 11, paragraph 6, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

## **Article 13**

### **Protection measures**

A State Party shall take all appropriate measures to ensure that individuals under its jurisdiction are not subjected to any form of ill-treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.

## **Article 14**

### **International assistance and cooperation**

1. The Committee shall transmit, as it may consider appropriate, and with the consent of the State Party concerned, to United Nations specialized agencies, funds and programmes and other competent bodies, its views or recommendations concerning communications and inquiries that indicate a need for technical advice or assistance, along with the State Party's observations and suggestions, if any, on these views or recommendations.
2. The Committee may also bring to the attention of such bodies, with the consent of the State Party concerned, any matter arising out of communications considered under the present Protocol which may assist them in deciding, each within its field of competence, on the advisability of international measures likely to contribute to assisting States Parties in achieving progress in implementation of the rights recognized in the Covenant.

3. A trust fund shall be established in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the financial regulations and rules of the United Nations, with a view to providing expert and technical assistance to States Parties, with the consent of the State Party concerned, for the enhanced implementation of the rights contained in the Covenant, thus contributing to building national capacities in the area of economic, social and cultural rights in the context of the present Protocol.

4. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the Covenant.

#### **Article 15**

##### **Annual report**

The Committee shall include in its annual report a summary of its activities under the present Protocol.

#### **Article 16**

##### **Dissemination and information**

Each State Party undertakes to make widely known and to disseminate the Covenant and the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular, on matters involving that State Party, and to do so in accessible formats for persons with disabilities.

#### **Article 17**

##### **Signature, ratification and accession**

1. The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant.
2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Covenant.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### **Article 18**

##### **Entry into force**

1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
2. For each State ratifying or acceding to the present Protocol, after the deposit of the tenth instrument of ratification or accession, the protocol shall enter into force three months after the date of the deposit of its instrument of ratification or accession.

#### **Article 19**

##### **Amendments**

1. Any State Party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a meeting of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the

United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

## **Article 20**

### **Denunciation**

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under articles 2 and 10 or to any procedure initiated under article 11 before the effective date of denunciation.

## **Article 21**

### **Notification by the Secretary-General**

The Secretary-General of the United Nations shall notify all States referred to in article 26, paragraph 1 of the Covenant of the following particulars:

- (a) Signatures, ratifications and accessions under the present Protocol;
- (b) The date of entry into force of the present Protocol and of any amendment under article 19;
- (c) Any denunciation under article 20.

## **Article 22**

### **Official languages**

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 26 of the Covenant.

### **8/3. Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions**

*The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

*Having regard* to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

*Welcoming* the universal ratification of the Geneva Conventions of 12 August 1949, which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* Council resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the code of conduct for special procedures mandate-holders of the Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

*Mindful* of all relevant General Assembly and Commission on Human Rights resolutions on extrajudicial, summary or arbitrary executions, in particular Commission resolution 2004/37 of 19 April 2004 and Assembly resolution 61/173 of 19 December 2006,

*Acknowledging* that extrajudicial, summary or arbitrary executions are crimes under the Rome Statute of the International Criminal Court,

*Convinced* of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represents a flagrant violation of the inherent right to life,

*Dismayed* that, in a number of countries, impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions,

1. *Strongly condemns once again* all extrajudicial, summary or arbitrary executions, in all their forms, that continue to take place throughout the world;

2. *Acknowledges* the importance of relevant special procedures of the Council, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, in their key role as early warning mechanisms in preventing the crime of genocide, crimes against humanity and war crimes, and encourages the relevant special procedures, within their mandates, to cooperate towards this end;

3. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

4. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to



adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions, as stated in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;

5. *Takes note* of the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/8/3), as well as the recommendations made in previous years, and invites States to give them due consideration;

6. *Commends* the important role the Special Rapporteur on extrajudicial, summary or arbitrary executions plays towards eliminating extrajudicial, summary or arbitrary executions and encourages the Special Rapporteur to continue, within the framework of his or her mandate, to collect information from all concerned, to respond effectively to information that comes before him or her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in the elaboration of his or her reports;

7. *Requests* the Special Rapporteur, in carrying out his or her mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions in all circumstances and for whatever reason, and to submit his or her findings on an annual basis, together with conclusions and recommendations, to the Council and the General Assembly, and to draw the attention of the Council to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(b) To continue to draw the attention of the High Commissioner for Human Rights to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(c) To respond effectively to information which comes before him or her, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(d) To enhance further his or her dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(e) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(f) To apply a gender perspective in his or her work;

8. *Urges* States:

(a) To cooperate with and assist the Special Rapporteur in the performance of his or her task, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

(b) To give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries;

(c) To ensure appropriate follow-up to the recommendations and conclusions of the Special Rapporteur, including by providing information to the Special Rapporteur on the actions taken on those recommendations;

9. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

10. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable him or her to carry out the mandate effectively, including through country visits;

11. *Decides* to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years;

12. *Also decides* to continue to consider this matter in conformity with its programme of work.

*28th meeting  
18 June 2008*

[Adopted without a vote.]

#### **8/4. The right to education**

*The Human Rights Council,*

*Reaffirming* all previous resolutions of the Commission on Human Rights on the right to education, inter alia, resolution 2005/21 of 15 April 2005,

*Recalling* that everyone shall enjoy the human right to education, which is enshrined, inter alia, in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and other pertinent international instruments,

*Recalling also* that in the United Nations Millennium Declaration, it is resolved that children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education by 2015, and emphasizing the importance of realizing the right to education in attaining the Millennium Development Goals,

*Affirming* that the realization of the right to education, including for girls and persons belonging to vulnerable groups, contributes to the eradication of poverty and of racism, racial discrimination, xenophobia and related intolerance,

*Deeply concerned* that some 72 million children, 57 per cent of whom are girls and 37 million of whom live in conflict-affected fragile States, are out of school, and that 774 million adults, 64 per cent of whom are women, still lack basic literacy skills, despite progress made in recent years towards achieving the goals of the Education for All initiative agreed upon at the World Education Forum, held in Dakar in April 2000,

*Affirming* that good governance and the rule of law will assist all States to promote and protect human rights, including the right to education,

*Bearing in mind* the need for adequate financial resources so that everyone can realize their right to education, and the importance in this regard of national resource mobilization, as well as international cooperation,

*Recalling* Council resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the code of conduct for special procedures mandate-holders of the Council of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the work of the Special Rapporteur on the right to education and takes note of his reports on girls' right to education (E/CN.4/2006/45, as well as Add.1), on the right to education of persons with disabilities (A/HRC/4/29, as well as Add.1, 2 and 3) and on the right to education in emergency situations (A/HRC/8/10, as well as Add.1, 2, 3 and 4), and of the report of the Secretary-General on economic, social and cultural rights (A/HRC/7/58);

2. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child in the promotion of the right to education, notably through the issuing of general comments and concluding observations and the holding of days of general discussion;

3. *Welcomes* the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels, including the development of a list of indicators on the right to education;

4. *Also welcomes* the contribution of the United Nations Children's Fund and that of the United Nations Educational, Scientific and Cultural Organization towards attaining the Millennium Development Goals of achieving universal primary education and eliminating gender disparity in education and the goals of the Education for All initiative agreed upon at the World Education Forum;

5. *Further welcomes* the establishment of the Education Cluster by the Inter-Agency Standing Committee in November 2006 as an important mechanism to assess and address, in a coordinated manner, educational needs in emergency situations, including by promoting the implementation of the minimum standards for education in emergencies developed by the Inter-Agency Network for Education in Emergencies, and calls on donors to support it financially;

6. Welcomes the proclamation by the General Assembly of the World Programme for Human Rights Education, which began on 1 January 2005, and the continued progress of the United Nations Literacy Decade launched on 13 February 2003;

7. Urges all States:

(a) To give full effect to the right to education and to guarantee that this right is recognized and exercised without discrimination of any kind;

(b) To take all appropriate measures to eliminate obstacles limiting effective access to education, notably by girls, including pregnant girls and young mothers, children living in poor communities and rural areas, children belonging to minority groups, indigenous children, migrant children, refugee children, internally displaced children, children affected by armed conflicts, children affected by natural disasters, children with disabilities, children affected by infectious diseases, including HIV/AIDS, sexually exploited children, children deprived of their liberty, children living in the street, working children and orphaned children;

(c) To ensure that primary education is compulsory, accessible and available free to all;

(d) To promote the renewal and expansion of basic formal education of good quality, which includes both early childhood care and education and primary education, using inclusive and innovative approaches, including regulations, to increase access and attendance for all;

(e) To recognize and promote lifelong learning for all, in both formal and informal settings and to support domestic literacy programmes, including vocational education components and non-formal education, in order to reach marginalized children, youth and adults, especially girls and women, and persons with disabilities, to ensure that they enjoy the right to education;

(f) To improve all aspects of the quality of education aimed at ensuring excellence of all persons so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy, essential life skills and human rights education;

(g) To emphasize the development of quality indicators and monitoring instruments, to consider undertaking or supporting studies on best practices for elaborating and implementing strategies for improving the quality of education and meeting the learning needs of all, to give appropriate priority to the collection of quantitative and qualitative data relating to disparities in education, including gender disparities and disparities affecting persons with disabilities, and to carry out surveys and build up a knowledge base in order to provide advice on the use of information and communication technologies in education;

(h) To improve school infrastructure, guarantee a safe school environment and promote school health, education on reproductive health issues and preventive education against HIV/AIDS and drug abuse;

(i) To reinforce the mainstreaming of human rights education, intercultural education and education for peace in educational activities, in order to strengthen respect for human rights and fundamental freedoms;

(j) To adopt effective measures to encourage regular attendance at school and reduce school dropout rates;

(k) To support the implementation of plans and programmes of action to ensure quality education and improved enrolment and retention rates for boys and girls and the elimination of gender discrimination and gender stereotypes in educational curricula and materials, as well as in the process of education;

(l) To adapt education, if necessary, in order to suit the specific needs of women, girls, teenagers and persons with disabilities;

(m) To enhance the status and working conditions of teachers, address shortages of qualified teachers, and promote the training of teachers so that they can respond to diversity in the classroom;

(n) To take all appropriate legislative, administrative, social and educational measures, in accordance with the best interest of the child, to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse in schools, and in this context to take measures to eliminate corporal punishment in schools, and to incorporate in their legislation appropriate sanctions for violations and the provision of redress and rehabilitation for victims;

(o) To take all measures to ensure an inclusive education system, inter alia for persons with disabilities and, in particular, to ensure that no child is prevented from receiving free primary education on account of his or her disability;

(p) To ensure that the right to education is respected in emergency situations and, in this regard, underlines the importance of this right being realized by States to the maximum of their available resources, and, where necessary, by international organizations, to the extent possible, and based, inter alia, on assessed need by the State concerned, as an integral part of their humanitarian response to emergency situations;

(q) To support the efforts of developing countries, in particular least developed countries, to give full effect to the right to education and achieve the Millennium Development Goals relating to education and the goals of the Education for All initiative agreed upon at the World Education Forum, including with enhanced resources of all types, namely financial and technical, through the Education for All fast-track initiative in support of country-led national education plans;

8. *Reaffirms* the importance of developing further the regular dialogue between the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, other partners that pursue the goals of the Dakar Framework for Action and the Special Rapporteur, with a view to integrating further the right to education into the operational activities of the United Nations system, invites them to pursue that dialogue and reiterates its invitation to the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization to submit to the Council information pertaining to their activities in promoting primary education, with specific reference to women and children, particularly girls, persons with disabilities and education in the context of emergency situations;

9. *Decides* to extend the mandate of the Special Rapporteur on the right to education for a period of three years:

(a) To gather, request, receive and exchange information from all relevant sources, including Governments, intergovernmental organizations, civil society, including non-governmental organizations, and other concerned stakeholders, on the realization of the right to education and on obstacles limiting effective access to education, and to make recommendations on appropriate measures to promote and protect the right to education;

(b) To intensify efforts aimed at identifying ways and means to overcome obstacles and difficulties in the realization of the right to education;

(c) To make recommendations that could contribute to the realization of the Millennium Development Goals, and in particular of development goals 2 and 3, and of the goals of the Education for All initiative agreed upon at the World Education Forum;

(d) To integrate a gender perspective throughout all of his work;

(e) To review the interdependence and interrelatedness of the right to education with other human rights;

(f) To cooperate with the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, other special rapporteurs, representatives, experts and members of working groups of the Human Rights Council, and other relevant United Nations bodies, including human rights treaty bodies, and regional organizations, as well as to pursue the dialogue with the World Bank;

(g) To report to the Council on a yearly basis, in accordance with the Council's programme of work, and to report yearly to the General Assembly on an interim basis;

10. *Requests* the Special Rapporteur to take fully into account, in the discharge of his mandate, all provisions of the present resolution;

11. *Requests* all States to continue cooperating with the Special Rapporteur with a view to facilitating his tasks in the discharge of his mandate, and to respond favourably to his requests for information and visits;

12. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of his mandate;

13. *Decides* to continue its consideration of the right to education under the same agenda item.

*28th meeting  
18 June 2008*

[Adopted without a vote.]

## **8/5. Promotion of a democratic and equitable international order**

*The Human Rights Council,*

*Recalling* all previous resolutions of the General Assembly and the Commission on Human Rights on this issue, in particular General Assembly resolution 61/160 of 19 December 2006 and the Commission on Human Rights resolution 2005/57 of 20 April 2005,

*Reaffirming* that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

*Affirming* that the enhancement of international cooperation for the promotion of all human rights should continue in full conformity with the purposes and principles of the Charter of the United Nations and international law, as set forth in articles 1 and 2 of the Charter, and, inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force, or the threat of force, in international relations, and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

*Stressing* that the responsibility for managing worldwide economic and social issues, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally, and that in this regard the central role must be played by the United Nations, as the most universal and representative organization in the world,

*Considering* the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law at the national and international levels, pluralism, development, better standards of living and international solidarity,

*Having listened* to the peoples of the world and recognizing their aspirations to justice, to equality of opportunity for all and everyone, and to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life,

*Resolved* to take all measures within its power to secure a democratic and equitable international order,

1. *Affirms* that everyone and every people have the right to a democratic and equitable international order;

2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Further affirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

(b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(c) The right of every human person and all peoples to development, as a universal and inalienable right and an integral part of fundamental human rights;

(d) The right of all peoples to peace;

(e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, international solidarity and cooperation among all States;

(f) International solidarity, as a right of peoples and individuals;

(g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principles of full and equal participation in their respective decision-making mechanisms;

(h) The right to equitable participation of all, without any discrimination, in domestic as well as global decision-making;

(i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(j) The promotion of a free, just, effective and balanced international information and communication order, based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(k) The promotion of an inclusive global technology and knowledge society directed towards bridging the technology and knowledge divide, promoting a universal, equitable and non-discriminatory access to knowledge and technologies;

(l) Respect for cultural diversity and the cultural rights of everyone;

(m) The right of every person and all peoples to a healthy environment and to an enhanced international cooperation that respond effectively to the needs of assistance of national efforts of adaptation to climate change, particularly in developing countries, and that promote the fulfilment of international agreements in the field of mitigation;

(n) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in international economic, commercial and financial relations;

(o) The enjoyment by everyone of ownership of the common heritage of mankind in connection to a public right of access to culture;

(p) The shared responsibility of the nations of the world for managing worldwide economic and social issues as well as threats to international peace and security that should be exercised multilaterally;



4. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for the universality of human rights, national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

5. *Urges* all actors on the international scene to build an international order based on inclusion, justice, peace, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

6. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of developing countries;

7. *Expresses its rejection* of unilateralism and stresses its commitment to multilateralism and multilaterally agreed solutions, in accordance with the Charter of the United Nations and international law, as the only reasonable method of addressing international problems;

8. *Recalls* the proclamation by the General Assembly of its determination to work urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries, and ensure steadily accelerating economic and social development and peace and justice for present and future generations;

9. *Reaffirms* that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting there from throughout the world;

10. *Urges* States to continue their efforts, through enhanced international cooperation, towards the establishment of a democratic and equitable international order;

11. *Requests* the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the Human Rights Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation;

12. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations and to disseminate it on the widest possible basis;

13. *Decides* to continue consideration of the matter under the same agenda item in accordance with the annual program of work.

28th meeting  
18 June 2008

[Adopted by a recorded vote of 33 to 13 with 1 abstention:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

*Against:* Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Ghana,<sup>4</sup> Mexico.]

#### **8/6. Mandate of the Special Rapporteur on the independence of judges and lawyers**

*The Human Rights Council,*

*Guided* by articles 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 9, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

*Recalling* the Basic Principles on the Independence of the Judiciary; the Basic Principles on the Role of Lawyers; the Guidelines on the Role of Prosecutors and the Bangalore Principles of Judicial Conduct,

*Convinced* that an independent and impartial judiciary, an independent legal profession and the integrity of the judicial system are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

*Recalling* all the previous resolutions and decisions of the Commission on Human Rights and the General Assembly on the independence of the judiciary and on the integrity of the judicial system,

*Acknowledging* the importance of the Special Rapporteur's ability to cooperate closely, within the framework of his or her mandate, with the Office of the United Nations High Commissioner for Human Rights in the fields of advisory services and technical cooperation, in an effort to guarantee the independence of judges and lawyers,

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<sup>4</sup> The representative of Ghana subsequently stated that her delegation had intended to vote in favour of the draft resolution.

*Recognizing* the importance of bar associations and professional associations of judges and non-governmental organizations in the defence of the principles of the independence of judges and lawyers,

*Noting* with concern the increasingly frequent attacks on the independence of judges, lawyers and court officials,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* Council resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the code of conduct for special procedures mandate-holders of the Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Commends* the Special Rapporteur on the independence of judges and lawyers for the important work undertaken in the discharge of his mandate;

2. *Decides* to extend the mandate of the Special Rapporteur for a period of three years, and requests the Special Rapporteur:

(a) To inquire into any substantial allegations transmitted to him or her and to report his or her conclusions and recommendations thereon;

(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also progress achieved in protecting and enhancing their independence, and make concrete recommendations, including the provision of advisory services or technical assistance when they are requested by the State concerned;

(c) To identify ways and means to improve the judicial system, and make concrete recommendations thereon;

(d) To study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers and court officials;

(e) To apply a gender perspective in his or her work;

(f) To continue to cooperate closely, while avoiding duplication, with relevant United Nations bodies, mandates and mechanisms and with regional organizations;

(g) To report regularly to the Council in accordance with its programme of work, and annually to the General Assembly;

3. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to provide all information and to respond to communications transmitted to them by the Special Rapporteur without undue delay;

4. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations so as to enable him or her to fulfil his or her mandate even more effectively;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the assistance to the Special Rapporteur necessary for the effective fulfilment of his or her mandate;

6. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

*28th meeting  
18 June 2008*

[Adopted without a vote.]

**8/7. Mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises**

*The Human Rights Council,*

*Recalling* Commission on Human Rights resolution 2005/69 of 20 April 2005 on the responsibilities of transnational corporations and related business enterprises with regard to human rights,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* Council resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the code of conduct for special procedures mandate-holders of the Council of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

*Stressing* that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

*Emphasizing* that transnational corporations and other business enterprises have a responsibility to respect human rights,

*Recognizing* that proper regulation, including through national legislation, of transnational corporations and other business enterprises, and their responsible operation can contribute to the promotion, protection and fulfilment of and respect for human rights and assist in channelling the benefits of business towards contributing to the enjoyment of human rights and fundamental freedoms,

*Concerned* that weak national legislation and implementation cannot effectively mitigate the negative impact of globalization on vulnerable economies, fully realize the benefits of globalization or derive maximally the benefits of activities of transnational corporations and other business enterprises and that therefore efforts to bridge governance gaps at the national, regional and international levels are necessary,

1. *Welcomes* the reports of the Special Representative and in particular the identification, through the process of consultations, studies and analysis, of a framework based on three overarching principles of the State duty to protect all human rights from abuses by, or involving, transnational corporations and other business enterprises, the corporate responsibility to respect all human rights, and the need for access to effective remedies, including through appropriate judicial or non-judicial mechanisms;

2. *Recognizes* the need to operationalize this framework with a view to providing more effective protection to individuals and communities against human rights abuses by, or involving, transnational corporations and other business enterprises, and to contribute to the consolidation of existing relevant norms and standards and any future initiatives, such as a relevant, comprehensive international framework;

3. *Welcomes* the broad range of activities undertaken by the Special Representative in the fulfilment of his mandate, including in particular the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors in all regions;

4. *Decides* to extend the mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises for a period of three years, and requests the Special Representative:

(a) To provide views and concrete and practical recommendations on ways to strengthen the fulfilment of the duty of the State to protect all human rights from abuses by or involving transnational corporations and other business enterprises, including through international cooperation;

(b) To elaborate further on the scope and content of the corporate responsibility to respect all human rights and to provide concrete guidance to business and other stakeholders;

(c) To explore options and make recommendations, at the national, regional and international level, for enhancing access to effective remedies available to those whose human rights are impacted by corporate activities;

(d) To integrate a gender perspective throughout his work and to give special attention to persons belonging to vulnerable groups, in particular children;

(e) Identify, exchange and promote best practices and lessons learned on the issue of transnational corporations and other business enterprises, in coordination with the efforts of the human rights working group of the Global Compact;

(f) To work in close coordination with United Nations and other relevant international bodies, offices, departments and specialized agencies, and in particular with other special procedures of the Council;

(g) To promote the framework and to continue to consult on the issues covered by the mandate on an ongoing basis with all stakeholders, including States, national human rights institutions, international and regional organizations, transnational corporations and other business enterprises, and civil society, including academics, employers' organizations, workers' organizations, indigenous and other affected communities and non-governmental organizations, including through joint meetings;

(h) To report annually to the Council and the General Assembly;

5. *Encourages* all Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, as well as the private sector to cooperate fully with the Special Representative in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on the issues related to his mandate;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize, within the framework of the Council, a two-day consultation bringing together the Special Representative of the Secretary-General, States, business representatives and all relevant stakeholders, including non-governmental organizations and representatives of victims of corporate abuse, in order to discuss ways and means to operationalize the framework, and to submit a report on the meeting to the Council, in accordance with its programme of work;

7. *Invites* international and regional organizations to seek the views of the Special Representative when formulating or developing relevant policies and instruments;

8. *Requests* the Secretary-General and the High Commissioner for Human Rights to provide all the necessary assistance to the Special Representative for the effective fulfilment of his mandate;

9. *Decides* to continue consideration of this question in conformity with the annual programme of work of the Council.

*28th meeting  
18 June 2008*

[Adopted without a vote.]

## **8/8. Torture and other cruel, inhuman or degrading treatment or punishment**

*The Human Rights Council,*

*Reaffirming* that no one should be subjected to torture as defined in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or other cruel, inhuman or degrading treatment or punishment,

*Recalling* that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including in times of international and internal armed conflict or internal disturbance, and that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in the relevant international instruments,

*Recalling also* that the prohibition of torture has been recognized as a peremptory norm of international law,

*Recalling further* that a number of international, regional and domestic courts have held the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

*Noting* that, under the Geneva Conventions of 1949, torture and inhuman treatment are a grave breach and that, under the Statute of the International Criminal Tribunal for the Former Yugoslavia, the Statute of the International Criminal Tribunal for Rwanda and the Rome Statute of the International Criminal Court, acts of torture can constitute crimes against humanity and war crimes,

*Acknowledging* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearances by the General Assembly in its resolution 61/177 of 20 December 2006, as well as Council resolution 7/26 on the International Convention for the Protection of All Persons from Enforced Disappearances, and recognizing that the entry into force of the Convention, as soon as possible, through its ratification by 20 States, and its implementation will make a significant contribution to the prevention of torture, including through prohibiting places of secret detention,

*Commending* the persistent efforts by civil society, in particular non-governmental organizations, to combat torture and to alleviate the suffering of victims of torture,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* its resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the code of conduct for special procedures mandate-holders of the Council of 18 June 2007, and stressing that the mandate-holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

*Recalling also* all relevant resolutions of the General Assembly and the Economic and Social Council and reaffirming the Commission on Human Rights resolutions on the subject,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to implement fully the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Condemns in particular* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture under any circumstances, including on grounds of national security or through judicial decisions;

3. *Decides* to extend the mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for a further period of three years:

(a) To seek, receive, examine and act on information from Governments, intergovernmental organizations, civil society organizations, individuals and groups of individuals regarding issues and alleged cases concerning torture or other cruel, inhuman or degrading treatment or punishment;

(b) To conduct country visits with the consent or at the invitation of Governments;

(c) To study, in a comprehensive manner, trends, developments and challenges in relation to combating and preventing torture and other cruel, inhuman or degrading treatment or punishment, and to make recommendations and observations concerning appropriate measures to prevent and eradicate such practices;

(d) To identify, exchange and promote best practices on measures to prevent, punish and eradicate torture and other cruel, inhuman or degrading treatment or punishment;

(e) To integrate a gender perspective throughout the work of his or her mandate;

(f) To continue to cooperate with the Committee against Torture, the Subcommittee for the Prevention of Torture and relevant United Nations mechanisms and bodies and, as appropriate, regional organizations and mechanisms, national human rights institutions, national preventive mechanisms and civil society, including non-governmental organizations;

(g) To report on his or her activities, observations, conclusions and recommendations to the Council, in accordance with its programme of work, and annually on the overall trends and developments with regard to his or her mandate to the General Assembly;

4. *Welcomes* the report of the Special Rapporteur (A/HRC/7/3) and the recommendations contained therein;

5. *Urges* States:

(a) To cooperate with and assist the Special Rapporteur in the performance of his or her task, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

(b) To give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries;

(c) To ensure appropriate follow-up to the recommendations and conclusions of the Special Rapporteur;



6. *Also urges States:*

(a) To implement effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly in places of detention and other places where persons are deprived of their liberty, including education and training for personnel, who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

(b) To take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment promptly and impartially examined by the competent national authority, to hold persons who encourage, order, tolerate or perpetrate acts of torture responsible, to have them brought to justice and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have been committed, and to take note, in this respect, of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) as a useful tool in efforts to combat torture;

(c) To ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made;

(d) Not to expel, return (“refouler”), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture; the Council recognizes in this respect that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

(e) To ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment obtain redress and are awarded fair and adequate compensation and receive appropriate socio-medical rehabilitation, and in this regard encourages the development of rehabilitation centres for victims of torture;

(f) To ensure that all acts of torture are offences under domestic criminal law, and emphasizes that acts of torture are serious violations of international human rights law and humanitarian law and can constitute crimes against humanity and war crimes and that the perpetrators are liable to prosecution and punishment;

(g) Not to punish personnel for not obeying orders to commit acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

(h) To protect medical and other personnel for their role in documenting torture or any other form of cruel, inhuman or degrading treatment or punishment and in treating victims of such acts;

(i) To ensure appropriate follow-up to conclusions and views on individual communications of the relevant treaty bodies, including the Committee against Torture and the Subcommittee on the Prevention of Torture;

(j) To adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to violence against women;

(k) To become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority as well as to give early consideration to signing and ratifying its Optional Protocol and, once parties, to designate or establish truly independent and effective national preventive mechanisms;

7. *Reminds* States that:

(a) Corporal punishment, including of children, can amount to cruel, inhuman or degrading punishment or even to torture;

(b) Intimidation and coercion, as described in article 1 of the Convention against Torture, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person, can amount to cruel, inhuman or degrading treatment or to torture;

(c) Prolonged incommunicado detention or detention in secret places may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and the dignity of the person;

8. *Welcomes* the reports of the Committee against Torture, submitted in accordance with article 24 of the Convention;

9. *Takes note* of the reports of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture and calls upon the Board of the Fund to report to the Council in accordance with the annual programme of work;

10. *Requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing, as well as the necessary technical facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture, in order to ensure their effective performance commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

11. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the Fund and appeals to all Governments, organizations and individuals to contribute annually to the Fund, preferably with a substantial increase in the contributions, and encourages contributions to the Special Fund established by the Optional Protocol to the Convention to help finance the implementation of the recommendations made by the Subcommittee on Prevention, as well as education programmes of national preventive mechanisms;

12. *Calls upon* all Governments, the United Nations High Commissioner for Human Rights and United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture, as proclaimed by the General Assembly in its resolution 52/149 of 12 December 1997;

13. *Decides* to continue to consider this matter in conformity with its annual programme of work.

28th meeting  
18 June 2008

[Adopted without a vote.]

### **8/9. Promotion of the right of peoples to peace**

*The Human Rights Council,*

*Recalling* all previous resolutions on this issue adopted by the General Assembly and the Commission on Human Rights,

*Noting* General Assembly resolution 39/11 of 12 November 1984, entitled “Declaration of the Right of Peoples to Peace”, and the United Nations Millennium Declaration,

*Determined* to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

*Bearing in mind* that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

*Underlining*, in accordance with the purposes and principles of the United Nations, its full and active support for the United Nations and for the enhancement of its role and effectiveness in strengthening international peace, security and justice and in promoting the solution of international problems, as well as the development of friendly relations and cooperation among States,

*Reaffirming* the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace, security and justice are not endangered,

*Emphasizing* its objective of promoting better relations among all States and contributing to setting up conditions in which their people can live in true and lasting peace, free from any threat to or attempt against their security,

*Reaffirming* the obligation of all States to refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

*Reaffirming also* its commitment to peace, security and justice and the continuing development of friendly relations and cooperation among States,

*Rejecting* the use of violence in pursuit of political aims and stressing that only peaceful political solutions can assure a stable and democratic future for all peoples around the world,

*Reaffirming* the importance of ensuring respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State, in accordance with the Charter and international law,

*Reaffirming also* that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

*Reaffirming further* the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

*Recognizing* that peace and development are mutually reinforcing, including in the prevention of armed conflict,

*Affirming* that human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is, in fact, the realization of these rights,

*Underlining* that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and is an impediment to the promotion of world peace and cooperation,

*Recalling* that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

*Convinced* of the aim of creating conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principle of the equal rights and self-determination of peoples,

*Convinced also* that life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

*Convinced further* that international cooperation in the field of human rights contributes to creating an international environment of peace and stability,

1. *Reaffirms* that the peoples of our planet have a sacred right to peace;
2. *Also reaffirms* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State;
3. *Stresses* that peace is a vital requirement for the promotion and protection of all human rights for all;

4. *Also stresses* that the deep fault line that divides human society, between the rich and the poor, and the ever-increasing gap between the developed and developing worlds pose a major threat to global prosperity, peace, security and stability;

5. *Emphasizes* that ensuring the exercise of the right of peoples to peace and its promotion demand that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

6. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect of the principles enshrined in the Charter of the United Nations and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

7. *Urges* all States to respect and to put into practice the principles and purposes of the Charter in their relations with all other States, irrespective of their political, economic or social systems, or of their size, geographical location or level of economic development;

8. *Reaffirms* the duty of all States, in accordance with the principles of the Charter, to use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, and encourages States to settle their disputes as early as possible, as a vital requirement for the promotion and protection of all human rights of everyone and all peoples;

9. *Underlines* the vital importance of education for peace as a tool to foster the realization of the right of peoples to peace, and encourages States, United Nations specialized agencies and intergovernmental and non-governmental organizations to contribute actively to this endeavour;

10. *Requests* the United Nations High Commissioner for Human Rights to convene, before April 2009, and taking into account previous practices, a three-day workshop on the right of peoples to peace, with the participation of two experts from countries of each of the five regional groups, in order:

(a) To further clarify the content and scope of this right;

(b) To propose measures that raise awareness of the importance of realizing this right;

(c) To suggest concrete actions to mobilize States, intergovernmental and non-governmental organizations in the promotion of the right of peoples to peace;

11. *Also requests* the High Commissioner for Human Rights:

(a) To select as soon as possible those 10 experts, through consultations with States and relevant stakeholders;

(b) To timely extend an invitation to those experts in order to attend the workshop and actively participate in it, including by presenting discussion papers on the subjects identified in paragraph 10 above;

(c) To report on the outcome of the workshop to the Council at its eleventh session, to be held in June 2009;

12. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

13. *Decides* to continue considering the issue at its eleventh session under the same agenda item.

28th meeting  
18 June 2008

[Adopted by a recorded vote of 32 to 13, with 2 abstentions. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Guatemala, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

*Against:* Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* India, Mexico.]

#### **8/10. Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants**

*The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

*Recalling* all international norms and standards relevant to the human rights of migrants,

*Recalling also* Commission on Human Rights resolutions 1999/44 of 27 April 1999, 2002/62 of 25 April 2002 and 2005/47 of 19 April 2007, and General Assembly resolutions on the human rights of migrants,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* Council resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the code of conduct for special procedures mandate-holders of the Council of 18 June 2007, and stressing that the mandate-holder will discharge his/her duties in accordance with these resolutions and the annexes thereto,

*Resolved* to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Decides* to extend for a period of three years the mandate of the Special Rapporteur on the human rights of migrants, with the following functions:

(a) To examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of migrants, recognizing the particular vulnerability of women, children and those undocumented or in an irregular situation;

(b) To request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families;

(c) To formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur;

(d) To promote the effective application of relevant international norms and standards on the issue;

(e) To recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants;

(f) To take into account a gender perspective when requesting and analyzing information, and to give special attention to the occurrence of multiple discrimination and violence against migrant women;

(g) To give particular emphasis to recommendations on practical solutions with regard to the implementation of the rights relevant to the mandate, including by identifying best practices and concrete areas and means for international cooperation;

(h) To report regularly to the Council, according to its annual programme of work, and to the General Assembly, at the request of the Council or the Assembly;

2. *Requests* the Special Rapporteur, in carrying out his or her mandate, to take into consideration relevant human rights instruments of the United Nations to promote and protect the human rights of migrants;

3. *Also requests* the Special Rapporteur, in carrying out this mandate, to request, receive and exchange information on violations of the human rights of migrants from Governments, treaty bodies, specialized agencies, special rapporteurs for various human rights questions and from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

4. *Further requests* the Special Rapporteur, as part of his or her activities, to continue his or her programme of visits, which contribute to improving the protection afforded to the human rights of migrants and to the broad and full implementation of all the aspects of his or her mandate;

5. *Requests* the Special Rapporteur, in carrying out his or her mandate, to take into account bilateral and regional negotiations that aim at addressing, inter alia, the return and reinsertion of migrants who are undocumented or in an irregular situation;

6. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him or her to fulfil the mandate effectively;

7. *Also encourages* Governments to also cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested, to consider the implementation of the recommendations contained in the reports of the Special Rapporteur, and to react promptly to his or her urgent appeals;

8. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

9. *Requests* the Secretary-General to give the Special Rapporteur all necessary human and financial assistance for the fulfilment of his or her mandate.

*28th meeting  
18 June 2008*

[Adopted without a vote.]

## **8/11. Human rights and extreme poverty**

*The Human Rights Council,*

*Recalling* that, in accordance with the Universal Declaration of Human Rights and the international covenants on human rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* its resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on a code of conduct for special procedures mandate-holders of the Council of 18 June 2007, and stressing that the mandate-holder shall discharge his or her duties in accordance with these resolutions and their annexes thereto,

*Recalling also* all previous resolutions on the issue of human rights and extreme poverty adapted by the General Assembly and the Commission on Human Rights, as well as its own relevant resolutions including Council resolutions 2/2 and 7/27,



*Recalling further* the United Nations Millennium Declaration, adopted by Heads of State and Government on the occasion of the Millennium Summit, and their commitment to eradicate extreme poverty and to halve, by 2015, the proportion of the world's people whose income is less than one dollar a day and of those suffer from hunger,

*Recalling* that, in its resolution 62/205 of 19 December 2007, the General Assembly proclaimed the Second United Nations Decade for the Eradication of Poverty (2008-2017), in order to support, in a efficient and coordinated manner, the internationally agreed development goals related to poverty eradication, including the Millennium Development goals,

*Bearing in mind* the resolutions of the General Assembly on human rights and extreme poverty, and the importance they attach to giving persons living in extreme poverty the wherewithal to organize and participate in all aspects of political, economic and social life,

*Deeply concerned* that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations are particularly severe in developing countries,

*Concerned* at the insufficient progress notwithstanding the priority and urgency given by the Heads of State and Government to the eradication of poverty, as expressed in the outcomes of the major United Nations conferences and summits in the economic and social fields,

*Reaffirming* that the fight against extreme poverty must remain a high priority for the international community,

*Stressing* the need to better understand the causes and consequences of extreme poverty,

*Stressing also* that respect for all human rights, which are universal, indivisible and interdependent and interrelated, is of crucial importance for all policies and programs to fight extreme poverty at the local and national levels,

*Expressing its gratitude* to the former independent expert on the question of human rights and extreme poverty for the important work accomplished in the discharge of his mandate, and conscious of the necessity to continue this work,

1. *Acknowledges* the report of the Independent Expert on extreme poverty (A/HRC/7/15), and takes note of his proposed to define extreme poverty as the combination of income poverty, human development poverty and social exclusion;

2. *Decides* to extend the mandate of the independent expert on extreme poverty for a period of three years, in order to, inter alia:

(a) Further examine the relationship between the enjoyment of human rights and extreme poverty;

(b) Identify alternative approaches to the removal of all obstacles, including institutional ones, at the regional, national and international, public, corporate and societal levels, to the full enjoyment of human rights for all people living in extreme poverty;

(c) Identify, including in cooperation with international financial organizations, the most efficient measures taken at the national, regional and international levels to promote the full enjoyment of human rights of persons living in extreme poverty;

(d) Make recommendations on how people living in extreme poverty can participate in the process towards the full enjoyment of their human rights and the sustainable improvement of their quality of life, including through empowerment and resource mobilization at all levels;

(e) Develop cooperation with other United Nations bodies dealing with human rights and that are also active in the fight against extreme poverty;

(f) Participate in the assessment of the implementation of the Second United Nations Decade for the Eradication of Poverty, the internationally agreed goals contained in the Millennium Declaration, the Monterrey Consensus (A/CONF. 198/11, chap. I, resolution 1, annex), adopted by the International Conference on Financing for Development in March 2002, and the Plan of Implementation of the World Summit on Sustainable Development;

(g) Work on the impact of discrimination on extreme poverty, bearing in mind the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

(h) Pay particular attention to the situation and empowerment of women in extreme poverty, applying a gender perspective in his or her work;

(i) Pay particular attention to children living in extreme poverty, as well as to the most vulnerable groups, including persons with disabilities who live in extreme poverty;

(j) Submit recommendations that could contribute to the realization of Millennium Development Goals, and in particular of goal 1, which consists in the halving by 2015 the proportion of people whose income is less than one dollar a day and the proportion of people who suffer from hunger, taking into account the role of international assistance and cooperation in reinforcing national actions to reduce extreme poverty;

(k) Continue participating in and contributing to relevant international conferences and events with the aim of promoting the reduction of extreme poverty;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to give high priority to the question of the relationship between extreme poverty and human rights and invites it to pursue further work in this area, integrating and cooperating fully with the Independent Expert in the various activities, notably the Social Forum and the consultation on the draft guiding principles on extreme poverty, and to provide all necessary human and financial resources for the effective fulfilment of the mandate of the independent expert;

4. *Requests* the independent expert to submit an annual report on the implementation of the present resolution to the General Assembly and to the Council, in accordance with their programme of work;

5. *Calls upon* all Governments to cooperate with and assist the independent expert in his or her task, to supply all necessary information requested by him or her and to give serious consideration to responding favourably to the requests of the independent expert to visit their countries, to enable him or her to fulfil his or her mandate effectively;

6. *Invites* relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the independent expert in the fulfilment of his or her mandate;

7. *Decides* to continue its consideration of the question of human rights and extreme poverty, in accordance with its programme of work.

28th meeting  
18 June 2008

[Adopted without a vote.]

### **8/12. Special Rapporteur on trafficking in persons, especially women and children**

*The Human Rights Council,*

*Reaffirming* all previous resolutions on the problem of trafficking in persons, especially women and children, in particular General Assembly resolutions 61/144 and 61/180, and also decision 2004/110 of 19 April 2004 of the Commission on Human Rights establishing the mandate of the Special Rapporteur,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* its resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on a code of conduct for special procedures mandate-holders of the Council of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

*Recalling also* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

*Reaffirming* the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

*Recalling* the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and reaffirming in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention,

*Recalling also* the resolve of the heads of State and Government expressed in the United Nations Millennium Declaration to intensify efforts to fight transnational organized crime in all its dimensions, including trafficking in human beings,

*Taking note* of the Vienna Forum against Trafficking in Persons in the framework of the United Nations Global Initiative to Fight Human Trafficking, held from 13 to 15 February 2008, and of the thematic debate on the issue of trafficking in persons in the framework of the General Assembly on 3 June 2008,

*Recognizing* that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of their gender, age, ethnicity, culture and religion, as well as their origins, and that these forms of discrimination themselves may fuel trafficking in persons,

*Recognizing also* that trafficking in persons violates human rights and impairs the enjoyment of human rights, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination in order to be eradicated,

1. *Expresses concern* at:

(a) The high number of persons, especially women and children, in particular from developing countries and countries with economies in transition, who are being trafficked to developed countries, as well as within and between regions and States;

(b) The increasing activities of transnational and national organized crime and others that profit from trafficking in persons, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international standards;

(c) The use of new information technologies, including the Internet, for the purposes of exploitation of the prostitution of others and for child pornography, paedophilia and any other form of sexual exploitation of children, as well as for trafficking in women as brides and for sex tourism;

(d) The high level of impunity enjoyed by traffickers and their accomplices and the denial of rights and justice to victims of trafficking;

2. *Urges Governments*:

(a) To take appropriate measures to address the root factors, including external factors, that encourage trafficking in persons for prostitution and other forms of commercialized sex, forced marriages and forced labour, slavery or practices similar to slavery, servitude or the removal of organs, including by strengthening existing legislation or by considering the enactment of anti-trafficking legislation and the adoption of national plans of action with a view to providing better protection for victims of trafficking and to punishing perpetrators through criminal and civil measures;

(b) To criminalize trafficking in persons in all its forms and to condemn and penalize traffickers, facilitators and intermediaries, including, where applicable, by imposing sanctions against legal entities involved in the process of trafficking, without making accusations by, or the participation of, the victims of trafficking a precondition for the prosecution of trafficking;

(c) To ensure protection and assistance to the victims of trafficking with full respect for their human rights;

(d) To actively promote the rehabilitation of victims of trafficking by providing them with access to adequate physical and psychological care and services, including those related to HIV/AIDS, as well as shelter, legal assistance and help lines;

(e) To take all appropriate measures to ensure that victims of trafficking are not penalized for being trafficked and that they do not suffer from revictimization as a result of actions taken by Government authorities, bearing in mind that they are victims of exploitation;

(f) To adopt or strengthen legislative or other measures to discourage the demand that fosters all forms of exploitation of persons and leads to trafficking in persons;

(g) To establish mechanisms, where appropriate, in cooperation with the international community, to combat the use of the Internet to facilitate trafficking in persons and crimes related to sexual or other forms of exploitation and to strengthen international cooperation to investigate and prosecute trafficking facilitated by the use of the Internet;

(h) To provide or strengthen training for law enforcement, immigration, criminal justice and other relevant officials, including personnel participating in peacekeeping operations, in preventing and responding effectively to trafficking in persons, including the identification of victims with full respect for their human rights;

(i) To conduct information campaigns for the general public, including children, aimed at promoting awareness of the dangers associated with all forms of trafficking and encouraging the public, including the victims of trafficking themselves, to report on instances of trafficking;

(j) To cooperate with each other and with relevant intergovernmental and non-governmental organizations to ensure the effective countering of trafficking in persons;

(k) To enhance information-sharing and data-collection capacities as a way of promoting cooperation to combat trafficking in persons, including through the systematic collection of sex- and age-disaggregated data;

(l) To consider strengthening existing regional mechanisms aimed at combating trafficking in persons or to establish such mechanisms where they do not exist;

(m) To consider signing and ratifying and States parties to implement relevant United Nations legal instruments, such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention;

3. *Takes note* of the work undertaken by the Special Rapporteur on trafficking in persons, especially women and children;

4. *Decides* to extend the mandate of the Special Rapporteur on trafficking in persons, especially women and children, for a period of three years, in order to, inter alia:

(a) Promote the prevention of trafficking in persons in all its forms and the adoption of measures to uphold and protect the human rights of victims;

(b) Promote the effective application of relevant international norms and standards and to contribute to the further improvement of them;

(c) Integrate a gender and age perspective throughout the work of his or her mandate, inter alia through the identification of gender- and age-specific vulnerabilities in relation to the issue of trafficking in persons;

(d) Identify and share best practices as well as challenges and obstacles in order to uphold and protect the human rights of the victims and to identify protection gaps in this regard;

(e) Give particular emphasis to recommendations on practical solutions with regard to the implementation of the rights relevant to the mandate, including by the identification of concrete areas and means for international cooperation to tackle the issue of trafficking in persons;

(f) Request, receive and exchange information on trafficking in persons from Governments, treaty bodies, special procedures, specialized agencies, intergovernmental organizations and non-governmental organizations and other relevant sources, as appropriate, and, in accordance with current practice, respond effectively to reliable information on alleged human rights violations with a view to protecting the human rights of actual or potential victims of trafficking;

(g) Work in close cooperation, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Council, relevant United Nations bodies and mechanisms, including the Inter-agency Coordination Group on Trafficking in Persons, the treaty bodies and regional human rights mechanisms, as well as national human rights institutions and civil society and the private sector;

(h) Report annually, starting in 2009, on the implementation of the present resolution to the Council and the General Assembly, according to their respective programmes of work;

5. *Requests* the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur receives the resources necessary to enable him or her to discharge the mandate fully;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to submit to the Council, at its ninth session, a report on the latest developments in the United Nations relating to combating trafficking in persons as well as on the activities of the Office on this issue, including by presenting the recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office;

7. *Calls upon* all Governments to cooperate with the Special Rapporteur and to consider responding favourably to his or her requests to visit their countries and to provide him or her with all the necessary information related to the mandate to enable him or her to fulfil the mandate effectively;

8. *Decides* to continue its consideration of this matter under the same agenda item.

*28th meeting  
18 June 2008*

[Adopted without a vote.]

### **8/13. Elimination of discrimination against persons affected by leprosy and their family members**

*The Human Rights Council,*

*Recalling* the provisions of the Universal Declaration of Human Rights, including article 1 that all human beings are born free and equal in dignity and rights, and that they are endowed with reason and conscience and should act towards one another in a spirit of brotherhood,

*Recalling also* the provisions of the International Covenant on Economic, Social and Cultural Rights, including article 12,

*Taking note* of the work of the Special Rapporteur on the right of everyone to enjoy the highest attainable standard of physical and mental health,

*Noting* the report of the Special Rapporteur on the right of everyone to enjoy the highest attainable standard of physical and mental health (A/58/427), in which he reported that persons affected by leprosy and their family members often suffer stigma and discrimination born of ignorance and prejudice,

*Recognizing* that more than 16 million people affected by leprosy have been cured worldwide since the 1980s and that leprosy as a disease has been scientifically and medically proven to be curable and manageable,

*Recognizing also* that tens of millions of people and their family members still suffer from leprosy not only as a disease but also from political, legal, economic or social discrimination and ostracization due to society's lack of knowledge and misguided notions, such as leprosy being incurable or hereditary, and that the issue of leprosy is not only a matter of medicine or health but also one of discrimination that can give rise to a clear violation of human rights,

*Taking note* of the previous work done by the Commission on Human Rights and its mechanism on discrimination against persons affected by leprosy and their family members,

*Encouraging* States to share best practices on combating discrimination against persons affected by leprosy and their family members and also on their efforts to achieve full recovery from and manage this disease,

1. *Affirms* that persons affected by leprosy and their family members should be treated as individuals with dignity and are entitled to all basic human rights and fundamental freedoms under customary international law, relevant conventions and national constitutions and laws;
2. *Calls upon* Governments to take effective measures to eliminate any type of discrimination against persons affected by leprosy and their family members, including awareness-raising;
3. *Requests* the Office of the United Nations High Commissioner for Human Rights to include the issue of discrimination against persons affected by leprosy and their family members as an important matter in its human rights education and awareness-raising activities;
4. *Also requests* the Office of the United Nations High Commissioner for Human Rights to collect information on the measures that Governments have taken to eliminate discrimination against persons affected by leprosy and their family members, and, if extra-budgetary funding is available, to hold a meeting to exchange views among relevant actors, including Governments, observers of the United Nations, relevant United Nations bodies, specialized agencies and programmes, non-governmental organizations, scientists, medical experts as well as representatives of persons affected by leprosy and their family members, and to transmit a report to the Council and the Human Rights Council Advisory Committee;
5. *Requests* the Human Rights Council Advisory Committee to examine the report referred to in paragraph 4 above, and formulate a draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members, and to submit it to the Council for its consideration by September 2009;
6. *Decides* to consider this issue based on these reports submitted to the Council in September 2009.

*28th meeting  
18 June 2008*

[Adopted without a vote.]

#### **8/14. Situation of human rights in Myanmar**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming Council resolutions S-5/1 of 2 October 2007, 6/33 of 14 December 2007 and 7/31 of 28 March 2008,

*Welcoming* the report of the Special Rapporteur on the human rights situation in Myanmar (A/HRC/8/12) while calling on the Myanmar authorities to extend full cooperation to the Special Rapporteur, including by inviting him to visit Myanmar as soon as possible,



*Being deeply concerned* that the urgent calls contained in the above-mentioned resolutions, as well as of other United Nations bodies concerning the human rights situation in Myanmar have not been met and further emphasizing that, without significant progress towards meeting these calls of the international community, the human rights situation in Myanmar will continue to deteriorate,

*Expressing its condolences* to those who suffered loss as a result of Cyclone Nargis, and welcoming the efforts of international, regional and national organizations to bring relief to the survivors of this natural disaster and noting the commitment made by the authorities of Myanmar, on 25 May, to grant unfettered access to relief workers to the affected areas,

*Expressing also its deep concern* that the country's political processes are not transparent, inclusive, free and fair, and at the decision of the Government of Myanmar to proceed with the constitutional referendum in an atmosphere of intimidation and in disregard with international standards of free and fair elections at a time of dire humanitarian need,

*Being concerned* about reported widespread violations of human rights and international humanitarian law in the Kayin State and Bago Division,

*Being most concerned* by the decision, once again, to extend the house arrest of the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, on 27 May 2008, and by reports that there are as many as 1,900 other political prisoners, many held without charge and in unknown locations,

*Being concerned* that no effort has been made to investigate and prosecute the perpetrators of the violent crackdown on peaceful mass demonstrations of September 2007 and of the ensuing human rights violations, including enforced disappearances, arbitrary detentions, torture and ill-treatment,

1. *Condemns* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;

2. *Strongly urges* the Government of Myanmar to desist from further politically motivated arrests and to release all political prisoners without delay and without conditions;

3. *Calls upon* the Government to fully implement the commitments it has made to the Secretary-General on granting immediate, full and unhindered access by relief workers to all persons in need throughout the country, to cooperate fully with all humanitarian organizations, in particular in the Irrawaddy Delta, to refrain from sending people back to areas where they cannot have access to emergency relief and to ensure that return is voluntary and occurs in safety and with dignity;

4. *Strongly urges* the Government of Myanmar to end all forms of discrimination and protect civil, political, economic, social and cultural rights, on the basis of the Universal Declaration of Human Rights, and, in particular, to comply with its human rights obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child in this regard;

5. *Condemns* the recruitment of child soldiers into both the Government armed forces, contrary to its international obligations, and non-State armed groups, and calls for an absolute and immediate stop to this appalling activity;

6. *Calls for* a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, including enforced disappearances, arbitrary detentions, torture, ill treatment, forced labour and forced displacement, and for bringing those responsible to justice in order to end impunity for violations of human rights;

7. *Strongly calls on* the Government of Myanmar to engage in a real process of dialogue and national reconciliation with the full and genuine participation of representatives of all political parties and ethnic groups who have been excluded from the political process;

8. *Expresses its strong support* for the good-offices mission and commitment of the Secretary-General, and encourages the Government of Myanmar to take early steps to admit his Special Representative on Myanmar, Ibrahim Gambari, to facilitate a genuine and inclusive political process, and calls on the Government of Myanmar to ensure full cooperation with the Secretary-General, his representative and the Special Rapporteur;

9. *Strongly urges* the Government of Myanmar to receive, as soon as possible, the Special Rapporteur and to cooperate fully with him to implement the recommendations contained in his reports (A/HRC/6/14, A/HRC/7/18, A/HRC/7/24 and A/HRC/8/12), as well as Council resolutions S-5/1, 6/33 and 7/31;

10. *Requests* the Special Rapporteur to report to the Council on the fulfilment of his mandate, and in particular, on the implementation of its relevant resolutions;

11. *Decides* to remain seized of this matter.

*28th meeting  
18 June 2008*

[Adopted without a vote.]

## **B. DECISIONS**

### **8/101. Outcome of the universal periodic review: Bahrain**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Bahrain on 7 April 2008, in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Bahrain which is constituted of the report of the Working Group on the review of Bahrain (A/HRC/8/19 and Corr.1), together with the views of Bahrain concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*13th meeting  
9 June 2008*

[Adopted without a vote.]

### **8/102. Outcome of the universal periodic review: Ecuador**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Ecuador on 7 April 2008, in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Ecuador which is constituted of the report of the Working Group on the review of Ecuador (A/HRC/8/20 and Corr.1), together with the views of Ecuador concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*13th meeting  
9 June 2008*

[Adopted without a vote.]

### **8/103. Outcome of the universal periodic review: Tunisia**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Tunisia on 8 April 2008, in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Tunisia which is constituted of the report of the Working Group on the review of Tunisia (A/HRC/8/21 and Corr.1), together with the views of Tunisia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*14th meeting  
9 June 2008*

[Adopted without a vote.]

#### **8/104. Outcome of the universal periodic review: Morocco**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Morocco on 8 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Morocco which is constituted of the report of the Working Group on the review of Morocco (A/HRC/8/22 and Corr.1), together with the views of Morocco concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*14th meeting  
9 June 2008*

[Adopted without a vote.]

#### **8/105. Outcome of the universal periodic review: Finland**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Finland on 9 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Finland which is constituted of the report of the Working Group on the review of Finland (A/HRC/8/24), together with the views of Finland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/24/Add.1).

*14th meeting  
9 June 2008*

[Adopted without a vote.]

### **8/106. Outcome of the universal periodic review: Indonesia**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Indonesia on 9 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Indonesia which is constituted of the report of the Working Group on the review of (A/HRC/8/23), together with the views of Indonesia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*15th meeting  
10 June 2008*

[Adopted without a vote.]

### **8/107. Outcome of the universal periodic review: United Kingdom of Great Britain and Northern Ireland**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of the United Kingdom of Great Britain and Northern Ireland on 10 April in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on the United Kingdom of Great Britain and Northern Ireland which is constituted of the report of the Working Group on the review of the United Kingdom of Great Britain and Northern Ireland (A/HRC/8/25), together with the views of the United Kingdom of Great Britain and Northern Ireland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/25/Add.1).

*15th meeting  
10 June 2008*

[Adopted without a vote.]

#### **8/108. Outcome of the universal periodic review: India**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of India on 10 April in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on India which is constituted of the report of the Working Group on the review of India (A/HRC/8/26), together with the views of India concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/26/Add.1).

*15th meeting  
10 June 2008*

[Adopted without a vote.]

### **8/109. Outcome of the universal periodic review: Brazil**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Brazil on 11 April in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Brazil which is constituted of the report of the Working Group on the review of Brazil (A/HRC/8/27), together with the views of Brazil concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*15th meeting  
10 June 2008*

[Adopted without a vote.]

### **8/110. Outcome of the universal periodic review: Philippines**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Philippines on 11 April in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Philippines which is constituted of the report of the Working Group on the review of Philippines (A/HRC/8/28), together with the views of Philippines concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/28/Add.1).

*16th meeting  
10 June 2008*

[Adopted without a vote.]

### **8/111. Outcome of the universal periodic review: Algeria**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Algeria on 14 April in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Algeria which is constituted of the report of the Working Group on the review of Algeria (A/HRC/8/29), together with the views of Algeria concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*16th meeting  
10 June 2008*

[Adopted without a vote.]

### **8/112. Outcome of the universal periodic review: Poland**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Poland on 14 April in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Poland which is constituted of the report of the Working Group on the review of Poland (A/HRC/8/30), together with the views of Poland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/30/Add.1).

*16th meeting  
10 June 2008*

[Adopted without a vote.]



### **8/113. Outcome of the universal periodic review: Netherlands**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of the Netherlands on 15 April in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on the Netherlands which is constituted of the report of the Working Group on the review of the Netherlands (A/HRC/8/31), together with the views of the Netherlands concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/31/Add.1).

*17th meeting  
11 June 2008*

[Adopted without a vote.]

### **8/114. Outcome of the universal periodic review: South Africa**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of South Africa on 15 April in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on South Africa which is constituted of the report of the Working Group on the review of South Africa (A/HRC/8/32), together with the views of South Africa concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*17th meeting  
11 June 2008*

[Adopted without a vote.]

### **8/115. Outcome of the universal periodic review: Czech Republic**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of the Czech Republic on 16 April in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on the Czech Republic which is constituted of the report of the Working Group on the review of the Czech Republic (A/HRC/8/33), together with the views of the Czech Republic concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/33/Add.1).

*17th meeting  
11 June 2008*

[Adopted without a vote.]

### **8/116. Outcome of the universal periodic review: Argentina**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Argentina on 16 April in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Argentina which is constituted of the report of the Working Group on the review of Argentina (A/HRC/8/34 and Corr.1), together with the views of Argentina concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*18th meeting  
11 June 2008*

[Adopted without a vote.]

### **8/117. Outcome of the universal periodic review: Gabon**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Gabon on 5 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Gabon which is constituted of the report of the Working Group on the review of Gabon (A/HRC/8/35), together with the views of Gabon concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*18th meeting  
11 June 2008*

[Adopted without a vote.]

### **8/118. Outcome of the universal periodic review: Ghana**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Ghana on 5 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Ghana which is constituted of the report of the Working Group on the review of Ghana (A/HRC/8/36), together with the views of Ghana concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*18th meeting  
11 June 2008*

[Adopted without a vote.]

### **8/119. Outcome of the universal periodic review: Guatemala**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Guatemala on 6 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Guatemala which is constituted of the report of the Working Group on the review of Guatemala (A/HRC/8/38), together with the views of Guatemala concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*18th meeting  
11 June 2008*

[Adopted without a vote.]

### **8/120. Outcome of the universal periodic review: Peru**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Peru on 6 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Peru which is constituted of the report of the Working Group on the review of Peru (A/HRC/8/37), together with the views of Peru concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*19th meeting  
12 June 2008*

[Adopted without a vote.]

### **8/121. Outcome of the universal periodic review: Benin**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Benin on 7 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Benin which is constituted of the report of the Working Group on the review of Benin (A/HRC/8/39), together with the views of Benin concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*19th meeting  
12 June 2008*

[Adopted without a vote.]

### **8/122. Outcome of the universal periodic review: Switzerland**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Switzerland on 8 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Switzerland which is constituted of the report of the Working Group on the review of Switzerland (A/HRC/8/41), together with the views of Switzerland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/41/Add.1).

*19th meeting  
12 June 2008*

[Adopted without a vote.]

### **8/123. Outcome of the universal periodic review: Republic of Korea**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of the Republic of Korea on 7 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on the Republic of Korea which is constituted of the report of the Working Group on the review of the Republic of Korea (A/HRC/8/40), together with the views of the Republic of Korea concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/40/Add.1).

*19th meeting  
12 June 2008*

[Adopted without a vote.]

### **8/124. Outcome of the universal periodic review: Pakistan**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Pakistan on 8 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Pakistan which is constituted of the report of the Working Group on the review of Pakistan (A/HRC/8/42), together with the views of Pakistan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/42/Add.1).

*20th meeting  
12 June 2008*

[Adopted without a vote.]

## **8/125. Outcome of the universal periodic review: Zambia**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Zambia on 9 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Zambia which is constituted of the report of the Working Group on the review of Zambia (A/HRC/8/43), together with the views of Zambia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/43/Add.1).

*20th meeting  
12 June 2008*

[Adopted without a vote.]

## **8/126. Outcome of the universal periodic review: Japan**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Japan on 9 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Japan which is constituted of the report of the Working Group on the review of Japan (A/HRC/8/44), together with the views of Japan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/44/Add.1).

*20th meeting  
12 June 2008*

[Adopted without a vote.]

### **8/127. Outcome of the universal periodic review: Ukraine**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Ukraine on 13 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Ukraine which is constituted of the report of the Working Group on the review of Ukraine (A/HRC/8/45), together with the views of Ukraine concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*20th meeting  
12 June 2008*

[Adopted without a vote.]

### **8/128. Outcome of the universal periodic review: Sri Lanka**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Sri Lanka on 13 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Sri Lanka which is constituted of the report of the Working Group on the review of Sri Lanka (A/HRC/8/46), together with the views of Sri Lanka concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/46/Add.1).

*21st meeting  
13 June 2008*

[Adopted without a vote.]



### **8/129. Outcome of the universal periodic review: France**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of France on 14 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on France which is constituted of the report of the Working Group on the review of France (A/HRC/8/47), together with the views of France concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/47/Add.1).

*21st meeting  
13 June 2008*

[Adopted without a vote.]

### **8/130. Outcome of the universal periodic review: Tonga**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Tonga on 14 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Tonga which is constituted of the report of the Working Group on the review of Tonga (A/HRC/8/48), together with the views of Tonga concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*21st meeting  
13 June 2008*

[Adopted without a vote.]

### **8/131. Outcome of the universal periodic review: Romania**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Romania on 15 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Romania which is constituted of the report of the Working Group on the review of Romania (A/HRC/8/49), together with the views of Romania concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/49/Add.1).

*22nd meeting  
13 June 2008*

[Adopted without a vote.]

### **8/132. Outcome of the universal periodic review: Mali**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Mali on 15 May in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Mali which is constituted of the report of the Working Group on the review of Mali (A/HRC/8/50), together with the views of Mali concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/50/Add.1).

*22nd meeting  
13 June 2008*

[Adopted without a vote.]

## **C. PRESIDENT'S STATEMENTS**

### **PRST/8/1. Modalities and practices for the universal periodic review process**

On 9 April 2008, the President of the Council made a statement reading as follows:

#### **I. Modalities of work for troika members before the session of the Working Group on the Universal Periodic Review**

1. States that wish to raise questions and/or issues with the State under review may do so via the troika, which shall relay them to the Secretariat. These questions and/or issues should conform to the basis of the review, as identified by the Human Rights Council in paragraph 1 of the annex to its resolution 5/1 on institution-building of the Council, and shall be raised in a manner that is consistent with the principles and objectives of the universal periodic review, as stated in resolution 5/1, and be based mainly on the three universal periodic review documents.
2. The Secretariat shall then transmit all questions and/or issues to the State under review no later than 10 working days before the date of the review in the Working Group on the Universal Periodic Review.
3. The troika members shall cluster the questions and/or issues in accordance with the content and the structure of the report prepared by the State under review.
4. As the universal periodic review is, inter alia, a transparent process, the questions and/or issues will be circulated among Member and Observer States after being relayed to the State under review.
5. The State under review is sovereign in addressing the questions and/or issues it chooses to answer of those transmitted to it by the troika members or raised during the proceedings of the Working Group.

#### **II. Modalities for the review in the Working Group**

6. The interactive dialogue of the universal periodic review exercise takes place solely in the Working Group of the Universal Periodic Review.
7. The State under review will be given up to 60 minutes in the Working Group, to be used for:
  - (a) Initial presentation of the national report / responses to written questions;
  - (b) Replies to the questions raised from the floor during the interactive dialogue, if desired;
  - (c) Concluding comments at the end of the review, in an interactive dialogue under the guidance of the President.

### **III. Report of the Working Group**

8. The Working Group shall prepare a factual report of its proceedings, consisting of a summary of the interactive dialogue, which will reflect recommendations and/or conclusions made by delegations during the interactive dialogue.

9. The report of the Working Group shall be prepared by the troika by fully involving the State under review and with the assistance of the Secretariat.

10. The State under review is expected to examine all recommendations made, in accordance with the provisions of the annex to Council resolution 5/1. In all cases, the recommendations that enjoy the support of the State under review are to be identified as such. Other recommendations, together with the comments of the State under review, are to be noted. Both will be included in the report of the Working Group, to be adopted by the Council at its plenary session. The State under review is expected to follow up on the recommendations that enjoy its support as well as on voluntary commitments and pledges.

11. The State under review will inform the Council about its views concerning the recommendations and/or conclusions as well as voluntary commitments/pledges whenever it is in a position to do so, during the meeting of the Working Group, or between the session of the Working Group and the next session of the Council, or during the meeting of the Council at its plenary session.

### **IV. Modalities at the plenary session**

12. The review process starts at Working Group level and ends with the adoption of the outcome of the review by the Council at its plenary session.

13. The report of the Working Group, together with the views of the State under review concerning the recommendations and/or conclusions, as well as voluntary commitments made by the State under review and replies presented by the State under review before the adoption of the outcome by the Council at its plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group, will constitute the outcome of the review, which shall be adopted by the Council at its plenary session through a standardized decision.

14. A summary of the views expressed on the outcome of the review by the State under review and of Member and Observer States of the Council, as well as general comments made by other relevant stakeholders before the adoption of the outcome by the plenary, will be included in the report of the Council session.

### **V. General modalities**

15. Only the three documents mentioned in paragraph 15 of the annex to Council resolution 5/1 as constituting the basis of the review will be posted on the Extranet.

16. The Council will consider favourably the adoption of a decision on the webcasting of all public proceedings of its various working groups, taking into account the principles of transparency, equal treatment and non-selectivity.

## **PRST/8/2. Terms of office of special procedures mandate-holders**

At the 27th meeting, on 18 June 2008, the President of the Council made a statement reading as follows:

1. In accordance with General Assembly resolution 60/251 and Human Rights Council resolution 5/1, a special procedures mandate-holder's tenure shall not exceed six years in a particular position (two terms of three years for thematic procedures).
2. The Council guarantees the integrity and independence of the system of special procedures. It will also follow up on the implementation of the code of conduct for special procedures mandate-holders, as contained in Council resolution 5/2.
3. In this regard, the President will convey to the Council any information brought to his or her attention, including that by States and/or by the coordination committee of special procedures, concerning cases of persistent non-compliance by a mandate-holder with the provisions of Council resolution 5/2, especially prior to the renewal of mandate-holders in office.
4. The Council will consider such information and act upon it as appropriate. In the absence of the above-mentioned information, the terms in office of the mandate-holders shall be extended for a second three-year term by the Council.

## IV. Fifth special session

### S-5/1. Situation of human rights in Myanmar

*The Human Rights Council,*

*Guided* by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights and recalling General Assembly resolution 60/251 of 15 March 2006 and Commission on Human Rights resolution 2005/10 of 14 April 2005,

*Deeply concerned* at the situation of human rights in Myanmar,

*Recalling* that everyone has the right to take part in the government of their country, directly or through freely chosen representatives, the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association,

1. *Strongly deplores* the continued violent repression of peaceful demonstrations in Myanmar, including through beatings, killings, arbitrary detentions and enforced disappearances, expresses condolences to the victims and their families, and urges the Government of Myanmar to exercise utmost restraint and to desist from further violence against peaceful protesters;

2. *Urges* the Government of Myanmar to ensure full respect for human rights and fundamental freedoms and to investigate and bring to justice perpetrators of human rights violations, including for the recent violations of the rights of peaceful protesters;

3. *Also urges* the Government of Myanmar to release without delay those arrested and detained as a result of the recent repression of peaceful protests, as well as to release all political detainees in Myanmar, including Daw Aung San Suu Kyi, and to ensure that conditions of detention meet international standards and include the possibility of visiting any detainee;

4. *Further urges* the Government of Myanmar to lift all restraints on peaceful political activity of all persons by, inter alia, guaranteeing freedom of peaceful assembly and association and freedom of opinion and expression, including for free and independent media, and to ensure unhindered access to media information for the people of Myanmar;

5. *Welcomes* the decision of the Government of Myanmar to receive a visit by the Special Envoy to Myanmar of the Secretary-General, Ibrahim Gambari, and calls upon the Government of Myanmar to cooperate fully with him to find a peaceful solution;

6. *Urges* the Government of Myanmar to engage urgently in a reinvigorated national dialogue with all parties with a view to achieving genuine national reconciliation, democratization and the establishment of the rule of law;

7. *Encourages* the Government of Myanmar and the Office of the High Commissioner for Human Rights to engage in a dialogue with a view to ensuring full respect for all human rights and fundamental freedoms;

8. *Urges* the Government of Myanmar to cooperate fully with humanitarian organizations, including by ensuring full, safe and unhindered access of humanitarian assistance to all persons in need throughout the country;

9. *Requests* the Special Rapporteur on the situation of human rights in Myanmar to assess the current human rights situation and to monitor the implementation of this resolution, including by seeking an urgent visit to Myanmar, and to report to the resumed sixth session of the Human Rights Council, and in this respect urges the Government of Myanmar to cooperate with the Special Rapporteur;

10. *Also requests* the Special Rapporteur on the situation of human rights in Myanmar to inform the General Assembly at its sixty-second session on progress in this regard;

11. *Decides* to remain seized of this matter.

*2nd meeting  
2 October 2007*

[Adopted without a vote.]

## V. Sixth special session

### **S-6/1. Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip**

*The Human Rights Council,*

*Guided* by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

*Affirming* the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

*Recognizing* that the Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip and the West Bank city of Nablus, constitute grave violations of the human and humanitarian rights of the Palestinian civilians therein, exacerbate the severe humanitarian crisis in the Occupied Palestinian Territory and undermine international efforts, including the Annapolis Conference and the Paris Donors' Conference for the Palestinian State, aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

*Recognizing also* that the Israeli siege imposed on the occupied Gaza Strip, including the closure of the border crossings and the cutting of the supply of fuel, food and medicine, constitutes collective punishment of the Palestinian civilians and leads to disastrous humanitarian and environmental consequences,

1. *Expresses grave concern* at the repeated Israeli military attacks carried out in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, which have resulted in loss of life and injuries among Palestinian civilians, including women and children;
2. *Calls for* urgent international action to put an immediate end to the grave violations committed by the occupying Power, Israel, in the Occupied Palestinian Territory, including the series of incessant and repeated Israeli military attacks and incursions therein and the siege of the occupied Gaza Strip;
3. *Demands* that the occupying Power, Israel, lift immediately the siege it has imposed on the occupied Gaza Strip, restore continued supply of fuel, food and medicine and reopen the border crossings;
4. *Calls for* immediate protection of the Palestinian civilians in the Occupied Palestinian Territory in compliance with human rights law and international humanitarian law;
5. *Urges* all parties concerned to respect the rules of human rights law and international humanitarian law and to refrain from violence against the civilian population;



6. *Requests* the United Nations High Commissioner for Human Rights to report to the Council, at its next session, on the progress made in the implementation of the present resolution.

*2nd meeting  
24 January 2008*

[Resolution adopted by a recorded vote of 30 to 1, with 15 abstentions. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, China, Cuba, Djibouti, Egypt, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

*Against:* Canada.

*Abstaining:* Bosnia and Herzegovina, Cameroon, France, Germany, Ghana, Guatemala, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

## VI. Seventh special session

### **S-7/1. The negative impact of the worsening of the world food crisis on the realization of the right to food for all**

*The Human Rights Council,*

*Recalling* all previous resolutions and decisions on the issue of the right to food adopted in the framework of the United Nations, in particular by the General Assembly, in its resolution 62/164 of 18 December 2007, and the Human Rights Council, in its resolution 7/14 of 27 March 2008,

*Recalling also* paragraph 10 of General Assembly resolution 60/251, in which the Assembly stipulates, inter alia, that the Human Rights Council shall be able to hold special sessions, when needed, at a request of a member of the Council with the support of one third of the membership of the Council,

*Recalling further* the Universal Declaration of Human Rights, including its provision that everyone has the right to a standard of living adequate for the health and well-being of himself or herself and that of his or her family, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration, in particular the first Millennium Development Goal of eradicating hunger and extreme poverty by 2015,

*Recalling* the provisions of the International Covenant on Economic, Social and Cultural Rights, especially its article 11 (2), which recognize the fundamental right of every person to be free from hunger, and the duty of States to take, individually and through international cooperation, the measures needed to implement this right by improving the methods of production, conservation and distribution of food,

*Bearing in mind* the Rome Declaration on World Food Security and the World Food Summit Plan of Action of November 1996, and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,

*Bearing in mind also* the New York Declaration on Action against Hunger and Poverty, and recommending the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty,

*Reaffirming* the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,

*Reaffirming also* that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

*Reaffirming further* that a peaceful, stable and enabling political, social and economic environment, at both the national and international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

*Recognizing* the complex character of the worsening of the current global food crisis, in which the right to adequate food is threatened to be violated on a massive scale, as a combination of several major factors, including macroeconomic factors, also impacted negatively by environmental degradation, desertification and global climate change, natural disasters and the lack of the necessary technology to confront its impact, particularly in developing countries and least developed countries,

*Bearing in mind* the situation of one sixth of the world population, mainly in developing and least developed countries, suffering from hunger, malnutrition and food insecurity, and alarmed at the particular effects of the current global food crisis on many net food importing countries, and especially on least developed countries in Africa, Asia and Latin America and the Caribbean,

*Stressing* that the international community should provide its assistance to populations in need in an effective and coordinated manner, with the consent and in principle on the basis of the appeal by the affected country, in order to ensure that such humanitarian assistance, including the supply of food, reaches affected populations,

*Acknowledging* the United Nations Task Force established by the Secretary-General, and supporting the Secretary-General to continue his efforts in this regard,

1. *Expresses grave concern* at the worsening of the world food crisis, which seriously undermines the realization of the right to food for all;
2. *Also expresses grave concern* that this crisis threatens to further undermine the achievement of Millennium Development Goals, in particular Goal 1 aiming at halving by 2015 the proportion of people who suffer from hunger;
3. *Calls upon* States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders, to take all necessary measures to ensure the realization of the right to food as an essential human rights objective, and to consider reviewing any policy or measure which could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;
4. *Stresses* that States have a primary obligation to make their best efforts to meet the vital food needs of their own populations, especially of the vulnerable groups and households, such as through enhancing programmes to combat mother-child malnutrition, and to increase local production for this purpose, while the international community should provide, through a coordinated response and upon request, support to national and regional efforts by providing the necessary assistance for increasing food production, particularly through transfer of technology, as well as food crop rehabilitation assistance and food aid;
5. *Calls upon* States members of the United Nations and other relevant stakeholders to participate actively in the High-level Conference on World Food Security: the Challenges of Climate Change and Bioenergy, to be held from 3 to 5 June 2008, in Rome, organized by the Food and Agriculture Organization of the United Nations, while taking note of the results of the special meeting of the Economic and Social Council on this issue, held on 20 May 2008;

6. *Invites* the Food and Agriculture Organization of the United Nations to extend an invitation to the United Nations High Commissioner for Human Rights and to the Special Rapporteur on the right to food to attend and actively participate in the aforementioned High-level Conference, so as to help to mainstream a human rights perspective in the analysis of the world food crisis, with a focus on the realization of the right to food;

7. *Requests* the Special Rapporteur to make a presentation to the Council at its eighth session on his participation in the meeting mentioned in paragraph 5 above, and on his initial recommendations regarding actions required, at all levels, to promote, respect and protect the right to food and freedom from hunger in the midst of the current food crisis, when actions are called for to promote mid- and long-term food security;

8. *Also requests* the Special Rapporteur to present a report to the Council at its ninth session, inviting comments from States and other relevant actors, on the impact of the global food crisis on the protection of the right to food and the required remedies from a human rights perspective;

9. *Requests* the High Commissioner for Human Rights to bring the present resolution to the attention of all relevant international organizations and agencies;

10. *Requests* the Special Rapporteur on the right to food to continue reporting on further developments on this issue to the Council and the General Assembly;

11. *Decides* to remain seized of the implementation of the present resolution.

*2nd meeting  
22 May 2008*

[Resolution adopted without a vote.]

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