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**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE
SIXTY-FIRST SESSION OF THE COMMISSION**

Draft report of the Commission

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* Documents E/CN.4/2005/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/2005/L.11 and addenda.

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2005/54. Enhancement of international cooperation in the field of human rights

The Commission on Human Rights,

Bearing in mind that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling the adoption of the United Nations Millennium Declaration by the General Assembly on 8 September 2000 and its own resolution 2004/63 of 21 April 2004 on the enhancement of international cooperation in the field of human rights,

Recalling also General Assembly resolution 54/113 of 10 December 1999 on the United Nations Year of Dialogue among Civilizations and the proclamation of the Global Agenda for Dialogue among Civilizations by the Assembly in its resolution 56/6 of 9 November 2001,

Recalling further the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held at Durban, South Africa, from 31 August to 8 September 2001, as well as other relevant international human rights conferences and their role in the enhancement of international cooperation in the field of human rights,

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 (A/CONF.157/23), for enhancing genuine cooperation among Member States in the field of human rights,

Emphasizing 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,

Underlining that tolerance and respect for diversity and the universal promotion and protection of human rights are mutually supportive, and recognizing that tolerance and respect for diversity effectively promote and are supported by, inter alia, the fight against all kinds of racism, racial discrimination, xenophobia and intolerance, and the empowerment of women,

Reaffirming that dialogue among and within religions, cultures and civilizations, including in the field of human rights, could facilitate the promotion of a culture of tolerance and respect for diversity and contributes greatly to the enhancement of international cooperation in this field,

Bearing in mind the valuable contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

Emphasizing the need for the promotion and protection of all human rights to be guided by the principles of impartiality, objectivity and non-selectivity, in the spirit of constructive international dialogue and cooperation,

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

Reaffirming the importance of the enhancement of international cooperation and equal participation of all States in promoting and encouraging respect for human rights and in responding to human rights challenges through the strengthening of existing international human rights mechanisms,

Reaffirming also that political considerations should not undermine the proper functioning of international human rights mechanisms and the effective fulfilment of their mandates in the promotion and protection of human rights,

Expressing its conviction that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms,

Bearing in mind that all human rights, including the right to development, are universal, indivisible, interdependent and interrelated, and thus should be treated equally in the course of international cooperation,

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. *Considers* that international cooperation in this field, 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 of fundamental freedoms for all;

3. *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, impartiality, objectivity and transparency, in a manner consistent with the purposes and principles of the Charter and should not be used for political ends;

4. *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;

5. *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;

6. *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;

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

8. *Decides* to continue its consideration of this question, as a matter of priority, at its sixty-second session.

*58th meeting
20 April 2005*

[Adopted without a vote. See chap. XVII.]

2005/55. Human rights and international solidarity

The Commission on Human Rights,

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,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Recalling that at the World Conference on Human Rights, held in June 1993, 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 social 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 over 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,

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,

Welcoming the solidarity and humanity expressed by the international community to the victims and the Governments of those States that suffered huge losses of life and socio-economic and environmental damage from the unprecedented tsunami disaster that struck the Indian Ocean and South-East Asian regions on 26 December 2004,

Asserting the necessity for establishing new, equitable and global links of partnership and intragenerational 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 interdependence between the concepts of democracy, development, and respect for human rights and fundamental freedoms;

2. *Welcomes* 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;

3. *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;

4. *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;

5. *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;

6. *Decides*, taking into account the urgent need to further develop guidelines, standards, norms and principles with a view to promoting and protecting rights closely interrelated to the fundamental value of solidarity, to appoint an independent expert on human rights and international solidarity for a period of three years;

7. *Requests* the independent expert to study the issue and prepare a draft declaration on the right of peoples to international solidarity;

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. *Further requests* the independent expert to report annually to the Commission on the progress made in the fulfilment of his/her mandate;

10. *Decides* to continue its examination of this issue at the sixty-second session under the same agenda item;

11. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of the Commission on Human Rights resolution 2005/55 of 20 April 2005, endorses the decision of the Commission to appoint an independent expert on human rights and international solidarity for a period of three years to study the issue and prepare a draft declaration on the right of peoples to international solidarity, taking into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields and seeking views and contributions from Governments, United Nations agencies, other relevant organizations and non-governmental organizations, and the request to the independent expert to report annually to the Commission on the progress made in the fulfilment of his/her mandate.”

*58th meeting
20 April 2005*

[Adopted by a recorded vote of 37 votes to 15,
with 1 abstention. See chap. XVII.]

**2005/56. Promotion of peace as a vital requirement for the full
enjoyment of all human rights by all**

The Commission on Human Rights,

Recalling all previous resolutions on this issue,

Recalling also resolutions 1996/16 of 29 August 1996 and 1997/36 of 28 August 1997 of the Sub-Commission on the Promotion and Protection of Human Rights, entitled “International peace and security as an essential condition for the enjoyment of human rights, above all the right to life”,

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 in promoting and encouraging 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 and 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,

Also reaffirming 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,

Further reaffirming 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 equal rights and self-determination of peoples,

Also convinced 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,

Further convinced that international cooperation in the field of human rights contributes to creating an international environment of peace and stability,

1. *Stresses* that peace is a vital requirement for the promotion and protection of all human rights for all;

2. *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, security and stability;

3. *Solemnly declares* that the peoples of our planet have a sacred right to peace;

4. *Also solemnly declares* that the preservation of peace and its promotion constitute a fundamental obligation of each State;

5. *Emphasizes* that the preservation of 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 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, as well as 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. *Calls upon* the United Nations High Commissioner for Human Rights to carry out a constructive dialogue and consultations with Member States, specialized agencies and intergovernmental organizations on how the Commission on Human Rights could work for the

promotion of an international environment conducive to the full realization of the right of peoples to peace, 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. *Decides* to continue considering the issue at its sixty-second session under the same agenda item.

*58th meeting
20 April 2005*

[Adopted by a recorded vote of 32 votes to 15,
with 1 abstention. See chap. XVII.]

2005/57. Promotion of a democratic and equitable international order

The Commission on Human Rights,

Recalling all previous resolutions of the General Assembly and the Commission on this issue,

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law,

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter 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,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small,

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,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Stressing that the responsibility for managing worldwide economic and social development, 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,

Emphasizing that the effective implementation of the outcomes of the United Nations Millennium Summit and of other major United Nations summits and conferences will require political will to implement the commitments undertaken, in particular in making available the means for implementation,

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,

Considering also 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 out 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,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Emphasizing that democracy is not only a political concept but also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Taking into account that, without accelerated progress towards education for all, national and internationally agreed targets for poverty reduction will not be achieved and inequalities between countries and within societies will widen,

Recognizing that the international community should promote effective international cooperation, as well as equitable economic relations and a favourable economic environment at the international level, for the realization of the right to development and the elimination of obstacles to development,

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,

Reaffirming also the importance of good governance at the international level through democratization and transparency and accountability in international economic and financial decision-making in all forums and at all levels with the full and effective participation of all countries,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Underlining that it is an imperative for the international community to ensure that globalization becomes a positive force for all the world's people, and that only through broad and sustained efforts, including policies and measures at the international levels that correspond to the needs of developing countries, can globalization be made fully inclusive and equitable,

Stressing that efforts to make globalization fully inclusive and equitable must include policies and measures at the global level that correspond to the needs of developing countries and economies in transition and are formulated and implemented with their effective participation,

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. *Calls upon* all Member States to fulfil their commitment expressed in September 2001 in Durban, South Africa, during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange

through the preservation and promotion of cultural diversity, and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity, and all its diversity, can globalization be made fully inclusive and equitable;

4. *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 fundamental value by virtue of which global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice, ensuring that those who suffer or who benefit least receive help from those who benefit most;

(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 information society directed towards bridging the digital divide, promoting access to information and communication technologies, creating digital opportunities, and benefiting from the potential offered by these technologies;

(l) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, dialogue among civilizations, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(m) The right of every person and all peoples to a healthy environment;

(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;

5. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

6. *Also stresses* 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, and reaffirms that

while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

7. *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;

8. *Appeals* to all Governments to step up their efforts to eradicate illiteracy and to direct education towards the full development of the human personality and to the strengthening of respect for all human rights and fundamental freedoms;

9. *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;

10. *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;

11. *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;

12. *Urges* States to continue their efforts, through enhanced international cooperation, towards the establishment of a democratic and equitable international order;

13. *Requests* the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation;

14. *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;

15. *Decides* to continue consideration of the matter at its sixty-second session under the same agenda item.

*58th meeting
20 April 2005*

[Adopted by a recorded vote of 32 votes to 15,
with 6 abstentions. See chap. XVII.]

2005/58. Development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights

The Commission on Human Rights,

Recalling its resolution 2003/62 of 24 April 2003,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes and principles of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Bearing in mind General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights with a view to supporting, inter alia, national capacities for human rights education and public information,

Recalling General Assembly resolution 43/128 of 8 December 1988, by which the Assembly launched the World Public Information Campaign on Human Rights, and other Assembly resolutions and its own resolutions on this subject,

Noting General Assembly resolution 59/113 of 10 December 2004, in which the Assembly proclaimed the World Programme for Human Rights Education, structured in consecutive phases, to begin on 1 January 2005, in order to advance the implementation of human rights education programmes in all sectors,

Mindful of the fact that the United Nations High Commissioner for Human Rights, in accordance with her mandate as established by General Assembly resolution 48/141 of 20 December 1993, is responsible, inter alia, for the provision of advisory services and technical cooperation at the request of States, as well as for the coordination of United Nations education and public information programmes in the field of human rights,

Recognizing the significant effect of United Nations initiatives on public information activities in the field of human rights, in particular those undertaken by the Office of the United Nations High Commissioner for Human Rights, particularly its field offices, and by the Department of Public Information of the Secretariat, and recognizing also the key role that United Nations country teams can play in this regard,

Welcoming the increased efforts undertaken by the Office of the High Commissioner to disseminate human rights information through its web site (<http://www.ohchr.org>), its publications and its external relations programmes, and welcoming also the efforts of the Department of Public Information with respect to the provision of computer-accessible information on human rights,

Noting the valuable role that non-governmental organizations can play in this endeavour,

1. *Takes note with appreciation* 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 (E/CN.4/2005/92);

2. *Also takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on progress made towards the implementation of

Commission resolution 2004/71 on the follow-up to the United Nations Decade for Human Rights Education (1995-2004), including the proclamation of the World Programme on Human Rights Education (E/CN.4/2005/98);

3. *Encourages* the Office of the United Nations High Commissioner for Human Rights, within existing overall United Nations resources, through its programme of advisory services and technical cooperation in the field of human rights, and other international and regional intergovernmental organizations to develop targeted training manuals for professional audiences, as well as training programmes and handbooks for human rights field officers and for human rights field monitors, and to continue to support, inter alia, national capacities for human rights education and public information, with specific attention to women's human rights;

4. *Urges* the Department of Public Information, in cooperation with the Office of the High Commissioner, to continue, within existing overall United Nations resources, to utilize fully and effectively the United Nations information centres, including the United Nations regional information centres, and United Nations field presences, particularly those of the Office of the High Commissioner, for the purpose of disseminating, within their designated areas of activity, basic information and reference materials on human rights and fundamental freedoms in the official languages of the United Nations and in the relevant national and local languages;

5. *Stresses* the importance of an effective and comprehensive international strategy to increase public awareness of human rights through the media and, in particular, to improve effective media strategies;

6. *Welcomes* the Declaration of Principles and the Plan of Action adopted at the first phase of the World Summit on the Information Society with the aim of better promoting the goals of the United Nations Millennium Declaration;

7. *Calls upon* Governments, in accordance with their national conditions, to accord priority to the dissemination in their relevant national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, human rights materials and training manuals, as well as reports of States

parties under the human rights treaties, and to provide training, education and information in those languages on the practical ways in which national and international institutions and procedures may be utilized to ensure the effective implementation of those instruments;

8. *Invites* all Governments to consider the revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education (A/59/525/Rev.1) with a view to its prompt adoption by the General Assembly and subsequent dissemination and implementation, inter alia through public information activities, in consultation with national human rights institutions and relevant non-governmental organizations, as well as with the assistance of relevant organs, bodies and agencies of the United Nations system and other international and regional intergovernmental and non-governmental organizations;

9. *Encourages* Governments to contribute to the further development of the web site of the Office of the High Commissioner for Human Rights, in particular with respect to the dissemination of human rights education and training materials and tools, and to continue to favour the expansion, within existing overall United Nations resources, of public information activities of the Office;

10. *Also encourages* Governments, regional organizations and intergovernmental and non-governmental organizations to explore the potential support and contribution to human rights education and public information by all relevant partners, including the private sector, development, trade and financial institutions and the media, and to seek their cooperation in the development of human rights education and public information strategies;

11. *Requests* the Secretary-General to make available adequate resources from within the regular budget of the United Nations in order to allow the Office of the High Commissioner and the Department of Public Information to implement fully their respective programmes;

12. *Also requests* the Secretary-General to submit, from within existing overall United Nations resources, to the Commission at its sixty-third session a report on public information activities in the field of human rights, including those undertaken by relevant United Nations field presences, particularly those of the Office of the High Commissioner;

13. *Decides* to continue its consideration of this question at its sixty-third session under the same agenda item, in connection with the World Programme for Human Rights Education.

*58th meeting
20 April 2005*

[Adopted without a vote. See chap. XVII.]

2005/59. The question of the death penalty

The Commission on Human Rights,

Recalling article 3 of the Universal Declaration of Human Rights, which affirms the right of everyone to life, convinced that the abolition of the death penalty is essential for the protection of this right and recalling article 6 of the International Covenant on Civil and Political Rights and articles 6 and 37 (a) of the Convention on the Rights of the Child,

Taking note that the Second Optional Protocol to the International Covenant on Civil and Political Rights provides that no one within the jurisdiction of a State party shall be executed and that each State party shall take all necessary measures to abolish the death penalty within its jurisdiction,

Recalling the entry into force, on 1 July 2003, of Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), concerning the abolition of the death penalty in all circumstances,

Recalling also its previous resolutions in which it expressed its conviction that the abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights,

Welcoming the exclusion of capital punishment from the penalties that the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the International Criminal Court are authorized to impose,

Welcoming also the abolition of the death penalty in some States since the last session of the Commission and decisions taken in other States that restrict the use of the death penalty, inter alia through excluding certain categories of persons or offences from its application,

Commending States that have recently acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights,

Welcoming the fact that many countries that still retain the death penalty in their penal legislation are applying a moratorium on executions, and also welcoming the regional initiatives aimed at the establishment of a moratorium on executions and the abolition of the death penalty,

Reaffirming the safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, and the provisions regarding the implementation of the guidelines contained in Council resolutions 1989/64 of 24 May 1989 and 1996/15 of 23 July 1996,

Reaffirming also resolution 2000/17 of 17 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights on international law and the imposition of the death penalty on those aged under 18 at the time of the commission of the offence,

Deeply concerned about the recent lifting of moratoriums on executions in several countries,

Noting the consideration of issues relating to the question of the death penalty by the Human Rights Committee,

Welcoming the efforts of various sectors of civil society at the national and international levels to achieve the abolition of the death penalty,

1. *Expresses its concern* at the continuing use of the death penalty around the world, alarmed in particular at its application after trials that do not conform to international standards of fairness and that several countries impose the death penalty in disregard of the limitations set

out in the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child and of the safeguards guaranteeing protection of the rights of those facing the death penalty;

2. *Condemns* the continuing application of the death penalty on the basis of any discriminatory legislation, policies or practices;

3. *Condemns also* cases in which women are subjected to the death penalty on the basis of gender-discriminatory legislation, policies or practices and the disproportionate use of the death penalty against persons belonging to national or ethnic, religious and linguistic minorities;

4. *Welcomes* the seventh quinquennial report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/2005/3), submitted in accordance with Economic and Social Council resolutions 1745 (LIV) of 16 May 1973, 1995/57 of 28 July 1995 and Council decision 2004/242 of 21 July 2004, which concludes that there is an encouraging trend towards the abolition and restriction of the use of the death penalty in most countries, but that much remains to be done in the implementation of the aforementioned safeguards in those countries that retain it;

5. *Calls upon* all States that still maintain the death penalty:

(a) To abolish the death penalty completely and, in the meantime, to establish a moratorium on executions;

(b) Progressively to restrict the number of offences for which the death penalty may be imposed and, at the least, not to extend its application to crimes to which it does not at present apply;

(c) To make available to the public information with regard to the imposition of the death penalty and to any scheduled execution;

(d) To provide to the Secretary-General and relevant United Nations bodies information relating to the use of capital punishment and the observance of the safeguards guaranteeing protection of the rights of those facing the death penalty;

6. *Calls upon* all States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty;

7. *Urges* all States that still maintain the death penalty:

(a) Not to impose it for crimes committed by persons below 18 years of age;

(b) To exclude pregnant women and mothers with dependent infants from capital punishment;

(c) Not to impose the death penalty on a person suffering from any mental or intellectual disabilities or to execute any such person;

(d) Not to impose the death penalty for any but the most serious crimes and only pursuant to a final judgement rendered by an independent and impartial competent court, and to ensure the right to a fair trial and the right to seek pardon or commutation of sentence;

(e) To ensure that all legal proceedings, including those before special tribunals or jurisdictions, and particularly those related to capital offences, conform to the minimum procedural guarantees contained in article 14 of the International Covenant on Civil and Political Rights;

(f) To ensure also that the notion of “most serious crimes” does not go beyond intentional crimes with lethal or extremely grave consequences and that the death penalty is not imposed for non-violent acts such as financial crimes, religious practice or expression of conscience and sexual relations between consenting adults nor as a mandatory sentence;

(g) To withdraw and/or not to enter any new reservations under article 6 of the Covenant that may be contrary to the object and purpose of the Covenant, given that article 6 enshrines the minimum rules for the protection of the right to life and the generally accepted standards in this area;

(h) To observe the safeguards guaranteeing protection of the rights of those facing the death penalty and to comply fully with their international obligations, in particular with those under article 36 of the Vienna Convention on Consular Relations, particularly the right to receive information on consular assistance within the context of a legal procedure, as affirmed by the jurisprudence of the International Court of Justice and confirmed in recent relevant judgements;

(i) To ensure that, where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering and shall not be carried out in public or in any other degrading manner, and to ensure that any application of particularly cruel or inhuman means of execution, such as stoning, be stopped immediately;

(j) Not to execute any person as long as any related legal procedure, at the international or at the national level, is pending;

8. *Calls upon* States that no longer apply the death penalty but maintain it in their legislation to abolish it;

9. *Calls upon* States that have recently lifted or announced the lifting de facto or de jure of moratoriums on executions once again to commit themselves to suspend such executions;

10. *Requests* States that have received a request for extradition on a capital charge to reserve explicitly the right to refuse extradition in the absence of effective assurances from relevant authorities of the requesting State that the death penalty will not be carried out, and calls upon States to provide such effective assurances if requested to do so, and to respect them;

11. *Requests* the Secretary-General to submit to the Commission at its sixty-second session, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement to his quinquennial report on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, paying special attention to the imposition of the death penalty on persons younger than 18 years of age at the time of the offence and on persons suffering from any mental or intellectual disabilities;

12. *Decides* to continue consideration of the matter at its sixty-second session under the same agenda item.

*58th meeting
20 April 2005*

[Adopted by a recorded vote of 26 votes to 17,
with 10 abstentions. See chap. XVII.]

**2005/60. Human rights and the environment as part of
sustainable development**

The Commission on Human Rights,

Recalling its resolution 2003/71 of 25 April 2003 and its decision 2004/119 of 21 April 2004,

Recalling the Vienna Declaration and Programme of Action, adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), and the relevant provisions of International Covenants on Human Rights,

Recalling the extensive work, reports and resolutions adopted by the Commission and human rights treaty bodies on issues relevant to environmental protection and sustainable development,

Recalling also the Declaration of the United Nations Conference on the Human Environment of 1972 (Stockholm Declaration) (A/CONF.48/14/Rev.1 and Corr.1), the Rio Declaration on Environment and Development (A/CONF.151/26/Rev.1, vol. I and Corr.1), Agenda 21 (*ibid.*, annex II), adopted on 14 June 1992 by the United Nations Conference on Environment and Development and the Johannesburg Declaration on Sustainable Development (A/CONF.199/20 and Corr.1, chap. I, resolution 1, annex) and the Plan of Implementation of the World Summit on Sustainable Development (*ibid.*, resolution 2, annex), adopted in September 2002, and welcoming all efforts, at the national, regional and international levels, towards their implementation,

Bearing in mind the goals and targets of the United Nations Millennium Declaration and the United Nations overarching agenda, including poverty eradication, human rights, sustainable development and peace-building,

Conscious of the mandate of the Commission on Sustainable Development to promote the implementation of Agenda 21 and the follow-up to the World Summit on Sustainable Development, as well as of the important work undertaken on environment issues by the United Nations Environment Programme and other relevant forums,

Taking note that respect for human rights can contribute to sustainable development, including its environmental component,

Considering that environmental damage, including that caused by natural circumstances or disasters, can have potentially negative effects on the enjoyment of human rights and on a healthy life and a healthy environment,

Considering also that protection of the environment and sustainable development can also contribute to human well-being and potentially to the enjoyment of human rights,

Recalling that everyone has the right to enjoy the benefits of scientific progress and its applications, as reflected in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights,

Welcoming actions taken by States, such as legal measures and public awareness activities, that promote and protect human rights and that also assist in the promotion of environmental protection and sustainable development,

1. *Takes note* of the report of the Secretary-General on human rights and the environment as part of sustainable development (E/CN.4/2005/96);

2. *Reaffirms* that peace, security, stability and respect for human rights and fundamental freedoms, including the right to development, as well as respect for cultural diversity are essential for achieving sustainable development and ensuring that sustainable development benefits all, as set forth in the Plan of Implementation of the World Summit on Sustainable Development;

3. *Calls upon* States to take all necessary measures to protect the legitimate exercise of everyone's human rights when promoting environmental protection and sustainable development and reaffirms, in this context, that everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms;

4. *Stresses* the importance for States, when developing their environmental policies, to take into account how environmental degradation may affect all members of society, and in particular women, children, indigenous people or disadvantaged members of society, including individuals and groups of individuals who are victims of or subject to racism, as reflected in 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);

5. *Encourages* all efforts towards the implementation of the principles of the Rio Declaration on Environment and Development, in particular principle 10, in order to contribute, inter alia, to effective access to judicial and administrative proceedings, including redress and remedy;

6. *Reaffirms* that good governance within each country and at the international level is essential for sustainable development;

7. *Requests* the United Nations High Commissioner for Human Rights to disseminate widely the reports considered and resolutions adopted by the Commission and the observations and recommendations adopted by human rights treaty bodies on issues relevant to environmental protection;

8. *Also requests* the High Commissioner and invites the United Nations Environment Programme, the United Nations Development Programme and other relevant bodies and organizations, within their respective mandates and approved work programmes and budgets, to continue to coordinate their efforts in activities relating to human rights and the environment in poverty eradication, post-conflict environmental assessment and rehabilitation, disaster prevention, post-disaster assessment and rehabilitation, to take into consideration in their work relevant findings and recommendations of others and to avoid duplication;

9. *Further requests* the High Commissioner and invites the United Nations Environment Programme, within their respective mandates and approved work programmes and budgets, to continue to coordinate their efforts in capacity-building activities, in cooperation with other relevant bodies and organizations;

10. *Requests* the Secretary-General to submit to the Commission at its sixty-third session a report, consistent with the outcomes of the High-level Plenary Meeting of the General Assembly on the Millennium Declaration in September 2005, on how respect for human rights can contribute to sustainable development, including its environmental component, and can also contribute positively to poverty eradication and strengthen capacity-building activities for developing countries, taking into account the contributions of relevant international organizations and bodies and the views of concerned States, and to include any developments that would update the report of the Secretary-General on human rights and the environment as part of sustainable development;

11. *Decides* to continue its consideration of this question at its sixty-third session under the same sub-item of the agenda item entitled "Promotion and protection of human rights".

*58th meeting
20 April 2005*

[Adopted without a vote. See chap. XVII.]

2005/61. World Programme for Human Rights Education

The Commission on Human Rights,

Recalling the relevant resolutions adopted by the General Assembly, the Commission and the Sub-Commission on the Promotion and Protection of Human Rights concerning the United Nations Decade for Human Rights Education (1995-2004),

Taking note of Commission resolution 2004/71 of 21 April 2004, in which it recommended that the General Assembly proclaim at its fifty-ninth session a world programme for human rights education, to begin on 1 January 2005,

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,

Convinced that human rights education is a long-term and lifelong process by which everyone learns tolerance and respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Believing that human rights education is essential to the realization of human rights and fundamental freedoms and contributes significantly to promoting equality, preventing conflict and human rights violations and enhancing participation and democratic processes, with a view to developing societies in which all human beings are valued and respected, without discrimination or distinction of any kind, such as race, colour, sex, language, religion, political, or other opinion, national or social origin, property, disability, birth or other status,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the follow-up to the United Nations Decade for Human Rights Education (1995-2004), including the proclamation of the World Programme for Human Rights Education (E/CN.4/2005/98);

2. *Welcomes also* the proclamation by the General Assembly, on 10 December 2004, of the World Programme for Human Rights Education, structured in consecutive phases, which began on 1 January 2005, in order to advance the implementation of human rights education programmes in all sectors;

3. *Encourages* the General Assembly to adopt, possibly during its current fifty-ninth session and no later than the end of 2005, the revised draft plan of action (A/59/525/Rev.1) for the first phase (2005-2007) of the World Programme, 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 revised draft plan of action once it is adopted by the General Assembly;

5. *Requests* the High Commissioner for Human Rights to promote and, when requested, technically assist, in close cooperation with the United Nations Educational, Scientific and Cultural Organization, the national implementation of the revised draft plan of action once it is adopted by the General Assembly and to coordinate related international efforts;

6. *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 revised draft plan of action, once it is adopted by the General Assembly;

7. *Requests* the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization to disseminate widely among States and intergovernmental and non-governmental organizations by any means, including electronic means, the revised draft plan of action, once it is adopted by the General Assembly;

8. *Also requests* the Office of the High Commissioner to report to the Commission at its sixty-second session on progress made towards the implementation of the present resolution;

9. *Decides* to consider this issue at its sixty-second session under the same agenda item.

*58th meeting
20 April 2005*

[Adopted without a vote. See chap. XVII.]

**2005/62. Convention on the Prevention and Punishment of the
Crime of Genocide**

The Commission on Human Rights,

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,

Recalling the adoption by the General Assembly of resolution 96 (I) of December 1946, which declares genocide to be a crime under international law and that the punishment of the crime of genocide is a matter of international concern,

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,

Recalling General Assembly resolution 53/43 of 2 December 1998 on the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide,

Recalling also all its previous resolutions on the Convention, most recently resolution 2003/66 of 24 April 2003,

Acknowledging the establishment of the International Criminal Court in accordance with the Rome Statute of the International Criminal Court, and that genocide is defined in the Rome Statute among the most serious crimes of concern to the international community as a whole,

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 Convention on the Prevention and Punishment of the Crime of Genocide, and bearing in mind that serious and systematic violations of human rights and international humanitarian law might result in genocide,

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,

Recalling that it is the duty of every State, in accordance with its international obligations, to exercise its criminal jurisdiction over all those responsible for genocide,

Recognizing that effective functioning of mechanisms for the prevention, halting and punishment of the crime of genocide is essential for the liberation of humankind from such an odious scourge and that further international cooperation is required in this respect,

Welcoming in this regard the Stockholm International Forum: Preventing Genocide; Threats and Responsibilities, which took place from 26 to 28 January 2004, and the declaration of the Forum,

Recognizing the important contribution of the United Nations human rights machinery to efforts towards preventing situations in which the crime of genocide could be committed,

Welcoming in this regard the solemn commemoration of the International Day of Reflection on the 1994 Genocide in Rwanda, held on 7 April 2004 in Geneva, and the presence of the Secretary-General at the commemoration, during which he unveiled his Action Plan to Prevent Genocide,

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 resolution 2003/66 of the Commission;
3. *Calls upon* States that have not yet ratified or acceded to the Convention to consider doing so and, where necessary, to enact national legislation in conformity with the provisions of the Convention;
4. *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 in order to prevent and end impunity for genocide, to deter the future occurrence of such crime in light of the overriding political, humanitarian and moral imperatives of the international community, as well as with a view to further promoting regional and international peace and stability and friendly relations among all States;

5. *Acknowledges* the relevance and importance of the Five Point Action Plan of the Secretary-General as a practical step aimed at enhancing the efforts of the international community to prevent the genocide;
6. *Welcomes* the appointment by the Secretary-General of a Special Adviser on the Prevention of Genocide, which bears significant potential for strengthening early warning mechanisms to prevent potential situations that could result in genocide;
7. *Requests* all Governments to cooperate fully with the Special Adviser in the performance of his work, to furnish all information requested and to react promptly to his urgent appeals;
8. *Encourages* the Special Adviser, in discharging his duties, to liaise with the United Nations system, in particular with the relevant special procedures of the Commission, on his activities for the prevention of genocide;
9. *Requests* the Secretary-General to make available to the Commission at its sixty-second session a report on the implementation of the Five Point Action Plan and on the activities of the Special Adviser and invites the Special Adviser to address the Commission at the same session and at the sixty-third session on the progress made in discharging his duties;
10. *Encourages* Governments, in cooperation with international, regional, as well as non-governmental organizations, to disseminate, through educational activities, knowledge of the principles of the Convention, inter alia those of its provisions relating to accountability;
11. *Invites* the Secretariat and relevant organs and agencies of the United Nations system to take further efforts in disseminating the Convention widely, with a view to ensuring its universality and full and comprehensive implementation;
12. *Decides* to examine the issue at its sixty-third session.

*58th meeting
20 April 2005*

[Adopted without a vote. See chap. XVII.]

2005/63. Protection of the human rights of civilians in armed conflicts

The Commission on Human Rights,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions, of 12 August 1949, and the Additional Protocols thereto of 8 June 1977, and other human rights and international humanitarian law instruments, together with the Vienna Declaration and Programme of Action,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms,

Gravely concerned about violations of human rights law and international humanitarian law during armed conflicts, in all parts of the world, and their impact on the civilian population, especially women, children and vulnerable groups,

Reiterating that effective international measures to guarantee and monitor the implementation of human rights standards should be taken in respect of civilian populations in situations of armed conflicts, including people under foreign occupation, and that effective legal protection against the violation of their human rights should be provided, in accordance with human rights norms and international law, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable norms of international humanitarian law,

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

Considering that all human rights require protection equally and that the protection provided by human rights law continues in armed conflict situations, taking into account when international humanitarian law applies as *lex specialis*,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights, certain rights are recognized as non-derogable in all circumstances and that any measures derogating from the provisions of the Covenant must be in accordance with its article 4 in all cases, and underlining the exceptional and temporary nature of any such derogations,

1. *Emphasizes* that conduct that violates international humanitarian law, including grave breaches of the Geneva Conventions, of 12 August 1949, or of the Protocol Additional thereto of 8 June 1977 relating to the Protection of Victims of International Armed Conflicts (Protocol I), may also constitute a gross violation of human rights;

2. *Urges* all parties to armed conflicts to comply with their obligations under international humanitarian law, in particular to ensure respect for and protection of the civilian population, and also urges all States to comply with their human rights obligations in this context;

3. *Stresses* the importance of combating impunity in order to prevent violations of international human rights and humanitarian law perpetrated against civilians in armed conflicts, and urges States to end impunity for such crimes by bringing the perpetrators to justice in accordance with their international obligations;

4. *Calls upon* States to respect and to ensure respect for relevant international humanitarian law instruments and customary international law;

5. *Invites* the international community to support regional efforts aimed at the protection of civilians in armed conflicts, and welcomes the recent appointment by the African Union of a Special Representative on the Protection of Civilians in Armed Conflict Situations in Africa;

6. *Takes note with appreciation* of decision 2004/118 of 12 August 2004 of the Sub-Commission on the Promotion and Protection of Human Rights requesting a working paper on human rights law and international humanitarian law, and looks forward to its conclusions and recommendations;

7. *Decides* to consider this issue at its sixty-second session under the same agenda item.

*58th meeting
20 April 2005*

[Adopted by a recorded vote of 51 votes to 1,
with 1 abstention. See chap. XVII.]

**2005/64. World Conference against Racism, Racial Discrimination,
Xenophobia and Related Intolerance and the comprehensive
implementation of and follow-up to the Durban Declaration
and Programme of Action**

The Commission on Human Rights,

Recalling all its previous resolutions on the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling in particular its resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003, in which the Commission established effective mechanisms for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to 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),

Taking note of General Assembly resolution 59/177 of 20 December 2004, in which the Assembly firmly consolidated the global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance and recognized the absolute necessity and the imperative nature of the political will for the achievement of the commitments undertaken in the Durban Declaration and Programme of Action,

Taking note also of General Assembly resolution 58/160 of 22 December 2003 appreciating the growing momentum for enhanced effort by the international community towards the elimination of racism, racial discrimination, xenophobia and related intolerance,

Taking note further that in General Assembly resolution 57/195 of 18 December 2002, the Assembly outlined the important roles and responsibilities of the various organs of the

United Nations and other stakeholders at the international, regional and national levels, including, in particular, the Commission on Human Rights, in the field of elimination of racism, racial discrimination, xenophobia and related intolerance,

Reaffirming that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for the promotion of equality and non-discrimination in the world,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Deploring 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, inter alia as a result of the 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,

Recognizing with deep concern the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, communities of people of African descent, communities of Asian descent and other communities,

Acknowledging the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 1 July 2003 and inviting all States that have not yet done so to consider signing, ratifying or acceding to this important instrument, which stresses that States are under the obligation to protect migrants and members of their families as victims of racism, racial discrimination, xenophobia and related intolerance,

Underlining that political will, international cooperation and adequate funding at all levels are indispensable prerequisites for the successful implementation of the Durban Declaration and Programme of Action,

Underlining also its commitment to a global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance, and encouraging all States to join this drive towards non-discrimination, human dignity and equality for all peoples worldwide,

Welcoming the determination of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make this a cross-cutting issue in the activities and programmes of her Office,

I. BASIC GENERAL PRINCIPLES

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;
2. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;
3. *Regrets* that racially discriminatory immigration laws, policies and practices, including enforcement mechanisms, contribute to the persistence of racism, racial discrimination, xenophobia and related intolerance and in this context urges all States that have not yet done so to review and revise any racially discriminatory immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;
4. *Underlines* the importance of mainstreaming the values of non-discrimination, equality, human dignity and human solidarity in the United Nations system;

5. *Urges* States to mainstream a gender perspective in the design and development of prevention, education, promotion and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

6. *Expresses deep concern* at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures for addressing these scourges with the same emphasis and vigour, with a view to preventing this practice and protecting victims;

7. *Expresses its profound concern* about and its unequivocal condemnation of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

II. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

8. *Reiterates the call* made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in paragraph 75 of the Durban Plan of Action to achieve universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by 2005 and for all States to consider making the declaration envisaged under article 14 of the Convention, and expresses grave concern that with 170 ratifications and only 45 declarations, the deadline for universal ratification decided by the Conference has regrettably not been realized;

9. *Calls upon* all States that have not yet complied with the recommendations of the Conference urgently to demonstrate will and commitment towards the fulfilment of these recommendations as a matter of priority;

10. *Requests*, in the above context, the Office of the United Nations High Commissioner for Human Rights to publish a list of countries that have not yet ratified the Convention and to initiate a reinvigorated campaign for universal ratification of the Convention at the earliest, and to submit a report on its efforts in this regard to the Commission at its sixty-second session;

11. *Reiterates* that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (1993) concerning article 4 of the Convention, holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

12. *Welcomes and emphasizes* the importance of implementing general recommendation XXVIII (2002) of the Committee on the Elimination of Racial Discrimination, in which the Committee emphasized the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and recommended measures to strengthen the implementation of the Convention as well as the functioning of the Committee;

13. *Welcomes also* general recommendation XXX (2004) on discrimination against non-citizens adopted by the Committee on the Elimination of Racial Discrimination at its sixty-fourth session and stresses the need for its implementation;

14. *Takes note* of the views of the Committee on the Elimination of Racial Discrimination on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and its effectiveness (E/CN.4/WG.21/10), and expresses its appreciation for the quick response of the Committee to the request made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and looks forward to further cooperation between the Intergovernmental Working Group and the Committee;

III. COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE DURBAN DECLARATION AND PROGRAMME OF ACTION

15. *Welcomes* the outcome of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action outlined in the report of the Intergovernmental Working Group on the work of its third session (E/CN.4/2005/20), which focuses on complementary standards as well as cross-cutting thematic issues of health and racism, and racism and the Internet, and calls upon all States to implement the recommendations of the Intergovernmental Working Group without delay;

16. *Decides*, in the above context, to request the Office of the High Commissioner for Human Rights, in consultation with Member States, to convene a high-level seminar for five days during the fourth session of the Working Group:

(a) The first two days of the seminar to focus on racism and the Internet, inviting all stakeholders, inter alia States, the World Summit on the Information Society, international and regional organizations, non-governmental organizations, the private sector and the media;

(b) The remaining three days of the seminar, inviting members of the Committee on the Elimination of Racial Discrimination, to produce a list of areas where gaps exist for which complementary standards are necessary and outlining options for the format of complementary standards to existing instruments, notably the International Convention on the Elimination of All Forms of Racial Discrimination, which will strengthen and update international instruments in all their aspects;

17. *Decides* that the programme, structure and format of the high-level seminar should be agreed among Member States, assisted by the Office of the High Commissioner, and that they could include, but not necessarily be limited to, inviting a core group of ministers responsible for human rights and/or equivalent participants from all regions as panellists;

18. *Welcomes* the outcome of the fourth session of the Working Group of Experts on People of African Descent, which focused on the thematic issues of employment, health and housing, in particular the Working Group's intention to undertake country visits consistent with its mandate;

19. *Also welcomes* the recommendations of the Working Group contained in its report (E/CN.4/2005/21);

20. *Decides* to convene the fourth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on suitable dates prior to the sixty-second session of the Commission;

21. *Strongly recommends* that no intersessional meetings of the mechanisms of the Commission established for the follow-up to the World Conference against Racism, Racial

Discrimination, Xenophobia and Related Intolerance and the implementation of the Durban Declaration and Programme of Action be scheduled in a manner to coincide or overlap with the sessions of the General Assembly or any other sessions of the working groups of the Commission;

22. *Requests* the Office of the High Commissioner to ensure that the future sessions of the Working Group of Experts on People of African Descent are scheduled to precede those of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action;

23. *Underlines* that States, in conformity with their domestic legislation and relevant international human rights norms, should give priority to improving and funding systems to collect reliable disaggregated data to measure inequalities among different racial groups, with a view to identifying and implementing appropriate corrective measures to combat racism and racial discrimination in their societies, and to ensuring that reliable disaggregated data are made widely available to the public for the implementation and evaluation of their policies and programmes in consultation with and through the participation of the public, including civil society, and to this end take into account existing best practices and initiatives at the national and regional levels, including, inter alia, those of the European Monitoring Centre on Racism and Xenophobia and the European Commission against Racism and Intolerance;

24. *Calls on* States to take firm action against racist platforms in political institutions present in various parts of the world, including in democratic systems, and reaffirms the incompatibility between democracy and racism;

25. *Condemns* all acts of racism in sporting events, whether manifested through violence, words or gestures, and whether committed by the public, management or players, and urges all States and national, regional and international sporting associations and federations to adopt firm measures for the prevention of such acts, and to impose severe penalties on the perpetrators of acts of racism;

26. *Decides* that at its next session, the Intergovernmental Working Group will consider the thematic issue of globalization and racism;

27. *Invites* FIFA, in connection with the 2006 World Cup of football to be held in Germany, and in particular in the interest of promoting a world of sport free from racism, to consider introducing a visible theme promoting non-racialism in football, and requests the Office of the High Commissioner to bring this matter to the attention of FIFA;

28. *Welcomes* the second meeting of the group of independent eminent experts, held in Geneva from 21 to 23 February 2005, in particular its programme of work as requested by the General Assembly in its resolution 59/177, and the appeal of the experts to the Commission and to the General Assembly to adopt a plan for the five-year review of the implementation of the Durban Declaration and Plan of Action (see E/CN.4/2005/125 and Corr.1);

29. *Takes note* of the report of the High Commissioner (E/CN.4/2005/17) on the possibility of the development of a racial equality index as proposed by the group of independent eminent experts at its first meeting and requested by the Commission in its resolution 2004/88, and requests the High Commissioner to expedite the consultative process in 2005 in this regard and to submit to the Commission at its sixty-second session a draft basic document on the proposed index;

30. *Recognizes* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and to this end emphasizes the central role to be played by the group of independent eminent experts in mobilizing the necessary political will required for the successful implementation of the Durban Declaration and Programme of Action;

31. *Requests* the High Commissioner to provide all the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent experts, and that in this regard particular attention be given to the proper staffing and adequate resources for the Anti-Discrimination Unit within the Office of the High Commissioner as a coordinating unit for all the process in the follow-up to the World Conference against Racism;

32. *Urges* States to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

33. *Also urges* States to create national forums for dialogue that are open and transparent and involve all stakeholders, as a broad strategy for the implementation of measures undertaken in the Durban Declaration and Programme of Action;

34. *Calls upon* the Office of the High Commissioner for Human Rights to implement all the relevant recommendations of the third session of the Working Group and to submit a progress report in that regard to the Commission at its sixty-second session;

IV. SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE, AND FOLLOW-UP TO HIS VISITS

35. *Expresses its full support and appreciation* for the work of the Special Rapporteur, Mr. Doudou Diène, welcomes his reports (E/CN.4/2005/18 and Add.1-6 and E/CN.4/2005/19) and encourages the continuation of his work;

36. *Decides* to extend the mandate of the Special Rapporteur for a period of three years and recommends the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2005/64 of 20 April 2005, endorses the decision of the Commission to extend the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for a further period of three years.”

37. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations and non-governmental organizations to cooperate fully with the Special Rapporteur;

38. *Urges* all Governments to consider favourably the requests for visits by the Special Rapporteur;

39. *Invites* the High Commissioner to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

40. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its sixtieth session and to the Commission at its sixty-second session;

V. GENERAL

41. *Decides* to consider this matter at its sixty-second session under the sub-item of the agenda entitled “Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”.

*59th meeting
20 April 2005*

[Adopted by a recorded vote of 38 votes to 1,
with 14 abstentions. See chap. VI.]

2005/65. Human rights of persons with disabilities

The Commission on Human Rights,

Recalling that all persons with disabilities have the right to protection against discrimination and to full and equal enjoyment of all human rights, as laid down, inter alia, in the provisions of 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 Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983 (No. 159) of the International Labour Organization,

Recalling and reaffirming commitments relating to the human rights and fundamental freedoms of persons with disabilities made at the major United Nations conferences and summits since 1990 and their follow-up processes and stressing the importance of mainstreaming the disability issue in their implementation,

Reaffirming its resolution 2004/52 of 20 April 2004 on human rights of persons with disabilities,

Recalling General Assembly resolutions 37/52 of 3 December 1982, by which it adopted the World Programme of Action concerning Disabled Persons, 48/96 of 20 December 1993, by which it adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, 56/168 of 19 December 2001, by which it established the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, 58/132 of 22 December 2003 and 59/198 of 20 December 2004,

Taking note of the draft resolutions of the Commission for Social Development of 18 February 2005 on a comprehensive and integral international convention on protection and promotion of the rights and dignity of persons with disabilities, and on the further promotion of equalization of opportunities by, for and with persons with disabilities, and protection of the human rights of persons with disabilities,

Reaffirming the universality, indivisibility and interdependence of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination, and convinced of the contribution that a convention will make in this regard,

Welcoming the firm support of the international community for such a convention and the continued engagement in its elaboration,

Recognizing the considerable contribution of civil society, including non-governmental organizations, especially organizations of persons with disabilities, as well as national human rights institutions, in promoting the full and equal enjoyment of all human rights by persons with disabilities, and welcoming in this regard their active participation in the work of the Ad Hoc Committee,

Concerned that persons with disabilities face discrimination and may be affected by multiple discrimination,

Emphasizing the need to include a gender perspective in all efforts to promote and protect the full and equal enjoyment of all human rights by persons with disabilities,

Expressing grave concern that situations of armed conflict have especially devastating consequences for the human rights of persons with disabilities,

Concerned at the extent of disabilities caused by the indiscriminate use of anti-personnel mines and other weapons which may be deemed to be excessively injurious or to have indiscriminate effects, and at the long-lasting impact of these weapons which prevent the full and effective enjoyment of human rights, particularly among civilian populations, and welcoming increased international efforts to address this issue,

Reaffirming its commitment to ensuring that the human rights of persons with disabilities and their concerns for full participation in all aspects of society continue to be addressed in all of its work and reaffirming in this regard the Commission's continued commitment to contribute to the process of the elaboration of an international convention,

1. *Urges* Governments to take active measures to:
 - (a) Ensure the full and equal enjoyment by persons with disabilities of all human rights and fundamental freedoms;
 - (b) Prevent and prohibit all forms of discrimination against persons with disabilities;
 - (c) Ensure equal opportunities for full participation of persons with disabilities in all spheres of life;
 - (d) Integrate a gender perspective in all efforts to promote and protect the full and equal enjoyment of all human rights by persons with disabilities;
2. *Welcomes* the reports of the Ad Hoc Committee on its third, fourth and fifth sessions (A/AC.265/2004/5, A/59/360 and A/AC.265/2005/2);

3. *Takes note with appreciation* of the report of the United Nations 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 (E/CN.4/2005/82);

4. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to continue to consider in its activities implementing the recommendations that relate to it in the study on human rights and disability, submitted to the Commission at its fifty-eighth session, as well as to continue to strengthen collaboration with other United Nations agencies and bodies;

5. *Also calls upon* the Office of the High Commissioner to report to the Commission at its sixty-second session on progress in the implementation of the recommendations contained in the study on human rights and disability and on the achievement of the objectives set forth in the programme of work of the Office in relation to the human rights of persons with disabilities;

6. *Welcomes* the past and future contributions and support of the Office of the High Commissioner to the work of the Ad Hoc Committee, and requests the Office to continue these in close collaboration with the Department of Economic and Social Affairs of the United Nations and also with other relevant bodies and agencies of the United Nations;

7. *Requests* the Office of the High Commissioner to prepare an expert paper, focusing on the lessons learned from existing monitoring mechanisms, possible relevant improvements and possible innovations in monitoring mechanisms for a comprehensive and integral international convention on the protection and promotion of the rights and dignity of persons with disabilities, and to make the paper available to the Ad Hoc Committee at its seventh session;

8. *Welcomes* the important progress achieved so far in the negotiation of a draft convention and invites Member States and observers to continue to participate actively and constructively in the Ad Hoc Committee with a view to the early conclusion of a draft text of a convention, in order to present it to the General Assembly, as a matter of priority, for its adoption;

9. *Urges* that further efforts be made to ensure the active participation of non-governmental organizations in the Ad Hoc Committee, in accordance with General Assembly resolution 56/510 of 23 July 2002 and based on the decision of the Ad Hoc Committee on the modalities for the participation of non-governmental organizations in its work;

10. *Urges* Member States, observers, civil society and the private sector to continue to contribute to the United Nations Voluntary Fund on Disability, including the voluntary fund established by the General Assembly in resolution 57/229 of 18 December 2002, to support the participation of non-governmental organizations and experts from developing countries, in particular from the least developed countries, in the work of the Ad Hoc Committee;

11. *Invites* all special rapporteurs, in carrying out their mandates, to take into account the full and equal enjoyment of all human rights by persons with disabilities;

12. *Underlines* the importance of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities for the promotion and protection of the full and equal enjoyment of all human rights by persons with disabilities and invites the Special Rapporteur on disability of the Commission for Social Development to address the Commission on Human Rights at its sixty-second session on her experience in disability and human rights-related issues, drawing from the experience gained by her and the panel of experts through monitoring the Standard Rules, and looks forward to a continued involvement of the Special Rapporteur in issues relating to disability within the Commission on Human Rights in order to mainstream a disability perspective;

13. *Invites* human rights treaty monitoring bodies to take into account the concerns of persons with disabilities in their lists of issues and concluding observations, to consider drafting general comments and recommendations on the full enjoyment of human rights by persons with disabilities and to integrate a disability perspective into their monitoring activities;

14. *Urges* Governments to address fully, in consultation with, inter alia, national human rights institutions and organizations of persons with disabilities, the question of the

human rights of persons with disabilities in complying with their reporting obligations under the relevant United Nations human rights instruments and welcomes the efforts of those Governments that have begun to do so;

15. *Invites* national human rights institutions and non-governmental organizations to strengthen their work on human rights and disability, including by participating actively in the work of the Ad Hoc Committee in elaborating a draft convention, and to enhance their level of contributions to the work of the treaty monitoring bodies;

16. *Calls upon* all United Nations organizations and specialized agencies and intergovernmental institutions for development cooperation to integrate a disability and human rights perspective into their activities and to reflect this in their activity reports;

17. *Requests* the Secretary-General and the Office of the United Nations High Commissioner on Human Rights to include in relevant reports to the General Assembly and the Commission information on the progress of efforts to ensure the full recognition of and the full and equal enjoyment of all human rights by persons with disabilities and to make such reports available to the Ad Hoc Committee for its forthcoming sessions;

18. *Decides* to continue its consideration of this question at its sixty-second session under the same agenda item.

59th meeting

20 April 2005

[Adopted without a vote. See chap. XIV.]

2005/66. Right to the truth

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions, of 12 August 1949, and the Additional Protocols thereto of 1977 and other relevant instruments of international human rights law and international humanitarian law, as well as the Vienna Declaration and Programme of Action,

Recognizing the universality, indivisibility, interdependence and interrelatedness of civil, political, economic, social and cultural rights,

Recalling article 32 of Additional Protocol I to the Geneva Conventions, of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, which recognizes the right of families to know the fate of their relatives,

Recalling also that article 33 of Additional Protocol I provides that the parties to an armed conflict shall search for the persons who have been reported missing, as soon as circumstances permit,

Stressing that adequate steps to identify victims should also be taken in situations not amounting to armed conflict, especially in cases of massive or systematic violations of human rights,

Taking into account its resolution 2004/72 of 21 April 2004, on impunity,

Recalling 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 taking note with appreciation of the updated version of these principles (E/CN.4/2005/102/Add.1),

Noting that the Human Rights Committee (see CCPR/C/79/Add.63 and CCPR/C/19/D/107/1981) and the Working Group on Enforced or Involuntary Disappearances (see E/CN.4/1999/62) have recognized the right of the victims of gross violations of human rights and the right of their relatives to the truth about the events that have taken place, including the identification of the perpetrators of the facts that gave rise to such violations,

Acknowledging, in cases of gross violations of human rights and serious violations of international humanitarian law, the need to study the interrelationship between the right to the truth and the right to access to justice, the right to obtain effective remedy and reparation, and other relevant human rights,

Acknowledging also that the right to the truth may be characterized differently in some legal systems as the right to know or the right to be informed or freedom of information,

Emphasizing that the public and individuals are entitled to access to the fullest extent practicable information regarding the actions and decision-making process of their Government, within the framework of each State's domestic legal system,

Stressing the imperative for society as a whole to recognize the right of victims of gross violations of human rights and serious violations of international humanitarian law, and their families, within the framework of each State's domestic legal system, to know the truth regarding such violations, including the identity of the perpetrators and the causes, facts and circumstances in which such violations took place,

Convinced that States should preserve archives and other evidence concerning gross violations of human rights and serious violations of international humanitarian law to facilitate knowledge of such violations, to investigate allegations and to provide victims with access to an effective remedy in accordance with international law,

1. *Recognizes* the importance of respecting and ensuring the right to the truth so as to contribute to ending impunity and to promote and protect human rights;
2. *Welcomes* the establishment in several States of specific judicial mechanisms, as well as other non-judicial mechanisms such as truth and reconciliation commissions that complement the justice system, to investigate violations of human rights and violations of international humanitarian law, and appreciates the elaboration and publication of the reports and decisions of these bodies;
3. *Encourages* the States concerned to disseminate, implement, and monitor implementation of, the recommendations of non-judicial mechanisms such as truth and reconciliation commissions, and provide information regarding compliance with the decisions of judicial mechanisms;
4. *Encourages* other States to consider establishing specific judicial mechanisms as well as, where appropriate, truth and reconciliation commissions to complement the justice system, to investigate and address gross violations of human rights and serious violations of international humanitarian law;

5. *Encourages* States to provide appropriate assistance on this matter to concerned States;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a study on the right to the truth, including information on the basis, scope and content of the right under international law, as well as best practices and recommendations for effective implementation of this right, in particular, legislative, administrative or any other measures that may be adopted in this respect, taking into account the views of States and relevant intergovernmental and non-governmental organizations, for consideration at its sixty-second session;

7. *Invites* special rapporteurs and other mechanisms of the Commission, in the framework of their mandates, to take into account, as appropriate, the issue of the right to the truth;

8. *Decides* to consider this matter at its sixty-second session under the same agenda item.

*59th meeting
20 April 2005*

[Adopted without a vote. See chap. XVII.]

2005/67. Human rights defenders

The Commission on Human Rights,

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 wide dissemination,

Recalling all previous resolutions on this subject, in particular its resolution 2004/68 of 21 April 2004, and taking note of General Assembly resolution 59/192 of 20 December 2004,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

Gravely concerned by the continuing high level of human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and the increase in especially grave violations, such as killings, attacks on and threats to the physical integrity of defenders and their relatives,

Recalling that human rights defenders are entitled to equal protection of the law, and deeply concerned about the increase in new restrictive legislation regulating the creation and operation of non-governmental organizations and any abuse of civil or criminal proceedings against human rights defenders because of their activities for the promotion and protection of human rights and fundamental freedoms,

Concerned at the considerable and increasing number of communications received by the Special Representative of the Secretary-General on the situation of human rights defenders which, together with the reports submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders including during periods of special vulnerability, and including the severe consequences for women human rights defenders and defenders of rights of persons belonging to minorities,

Noting with deep concern that, in a number of countries in all regions of the world, impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this impacts negatively on the work and safety of human rights defenders,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of human rights and fundamental freedoms, including in combating impunity, promoting access to justice, information and public participation in decision-making, and promoting, strengthening and preserving democracy,

Recognizing the importance of the role of human rights defenders, through dialogue, openness, participation and justice, in the prevention of violence and the promotion of sustainable peace and security,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights, certain rights are recognized as non-derogable in any circumstances and that any measures derogating from other provisions of the Covenant must be in accordance with that article in all cases, and in this regard, recalling Human Rights Committee general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency, which underlines the exceptional and temporary nature of any such derogations,

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

Welcoming the significant work conducted by the Special Representative of the Secretary-General and encouraging continued cooperation between the Special Representative and other special procedures of the Commission,

Welcoming also regional initiatives and the cooperation between international and regional mechanisms for the promotion and protection of human rights defenders, and encouraging further development in this regard,

Welcoming further the steps taken by some States towards adoption of national policies or legislation for the promotion and protection of human rights defenders,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to 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, including by taking, as appropriate, practical steps to that end;

2. *Welcomes* the reports of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2001/94, A/56/341, E/CN.4/2002/106 and Add.1-2, A/57/182, E/CN.4/2003/104 and Add.1-4, A/58/380, E/CN.4/2004/94 and Add.1-3, A/59/401 and E/CN.4/2005/101 and Add. 1-3 and Add.3/Corr.1);

3. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to eliminate such human rights violations;

4. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders, and to ensure and maintain an environment conducive to the work of human rights defenders;

5. *Also calls upon* all States to ensure, protect and respect the freedom of expression and association of human rights defenders, in particular through transparent, non-discriminatory, expeditious and inexpensive procedures for the acquisition of legal status as organizations or associations if such acquisition is required, in accordance with national legislation;

6. *Urges* States to ensure that any measures to combat terrorism and preserve national security comply with their obligations under international law, in particular, under international human rights law, and do not hinder the work and safety of human rights defenders;

7. *Emphasizes* the importance of combating impunity for threats, attacks and acts of intimidation against human rights defenders and their relatives, and in this regard urges States to take appropriate measures consistent with obligations under international law, in particular international human rights law and international humanitarian law;

8. *Urges* States to ensure that complaints from human rights defenders about threats or violations against them and their relatives are investigated promptly and addressed in a transparent, independent and accountable manner;

9. *Urges* all States to cooperate with and assist the Special Representative in the performance of her tasks and to furnish all information for the fulfilment of her mandate upon request;

10. *Calls upon* States to give serious consideration to responding favourably to the Special Representative's requests to visit their countries and urges them to enter into a constructive dialogue with the Special Representative with respect to the follow-up to, and implementation of her recommendations;
11. *Urges* those States that have not yet responded to the communications transmitted to them by the Special Representative to answer without further delay;
12. *Encourages* all States to investigate promptly urgent appeals and allegations brought to their attention by the Special Representative and to take timely action to prevent violations of the rights of human rights defenders;
13. *Invites* States to translate the Declaration into national languages and to take measures to improve its dissemination;
14. *Encourages* States to promote awareness and training in regard to the Declaration in order to enable officials, agencies, authorities and the judiciary to observe the provisions of the Declaration and thus promote better understanding and respect for human rights defenders;
15. *Encourages* relevant national authorities to promote awareness, better understanding and respect for human rights defenders through education programmes;
16. *Requests* the Secretary-General to provide the Special Representative with all necessary human, material and financial resources in order to enable her to continue to carry out her mandate effectively, including through country visits;
17. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;
18. *Invites* relevant United Nations bodies, including at the country level, within their respective mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Representative, and requests in this context the

Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Representative;

19. *Requests* the Special Representative to continue to report on her activities to the General Assembly and to the Commission in accordance with her mandate;

20. *Decides* to consider this question at its sixty-second session, under the same agenda item.

*59th meeting
20 April 2005*

[Adopted without a vote. See chap. XVII.]

2005/68. The role of good governance in the promotion and protection of human rights

The Commission on Human Rights,

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 (A/CONF.157/23), which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recalling its resolution 2004/70 of 21 April 2004 and all previous relevant resolutions on the role of 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 all human rights 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 members of vulnerable and marginalized groups, is the foundation on which good governance rests and that such a foundation is a sine qua non condition for the full realization of human rights, including the right to development,

Recognizing further that an independent and impartial judiciary and an independent legal profession are essential prerequisites for good governance and the protection of human rights,

Recognizing that good governance and the building of effective democratic institutions are a continuous process for all Governments, regardless of the level of development of the countries concerned,

Noting that good governance practices necessarily vary according to the particular circumstances and needs of different societies, and that the responsibility for determining and implementing such practices, based on transparency and accountability, and for creating and maintaining an enabling environment conducive to the enjoyment of all human rights at the national level rests with the State concerned,

Welcoming the emphasis given in the conclusions of the sixth session of the Working Group on the Right to Development to the importance of good governance at all levels in the implementation of the right to development,

Welcoming also the commitment of Arab States to national implementation of the Initiative for Good Governance for Development in the Arab Countries launched by them at the Organisation for Economic Co-operation and Development/United Nations Development Programme Conference on Good Governance for Development in the Arab Countries held in Amman on 6 and 7 February 2005,

Recognizing the importance of an active civil society in ensuring that good governance practices benefit all people, including members of vulnerable and marginalized groups,

Recognizing also the constructive role that national human rights institutions can play in promoting good governance, as reflected in the concluding statement and recommendations of the International Round Table on National Institutions and Governance, held in Suva from 13 to 15 December 2004,

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 practices at all levels,

1. *Urges* States to provide transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, including members of vulnerable and marginalized groups, and to respect and protect the independence of judges and lawyers in order to achieve the full realization of human rights;

2. *Reaffirms* the special role of good governance within countries and at the international level in development and poverty eradication, as reflected in paragraph 13 of the United Nations Millennium Declaration, and underlines its fundamental importance to the realization of the internationally accepted development goals, including those included in the Millennium Declaration;

3. *Encourages*, in this context, the growing recognition of the value of partnerships among relevant actors at all levels as a solid foundation on which good governance rests, and notes that such partnerships are strengthened by, inter alia, constructive approaches to international development cooperation;

4. *Welcomes* the report on the seminar, jointly organized by the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, on good governance practices for the promotion of human rights which took place in Seoul on 15 and 16 September 2004 and notes the discussions held on each of the four themes considered at the seminar, including:

(a) The need for human rights education, including training of judges and lawyers and active law reform programmes to ensure that the rule of law promotes justice for all, including members of vulnerable and marginalized groups;

(b) The need for Governments to ensure that services are delivered to all members of the public in a transparent and accountable manner that is adapted to the particular needs of the population and promotes and protects human rights;

(c) The importance of deepening democracy beyond free and fair elections, to include other elements essential to the development of a truly transparent, responsible, accountable and participatory government; and

(d) The importance of taking measures, both within countries and at the international level, that promote transparency and combat corruption, including entry into force and implementation of the United Nations Convention against Corruption as well as the United Nations Convention against Transnational Organized Crime, so as to eliminate corruption and the multiple negative impacts that it has on human rights;

5. *Requests* the Office of the United Nations High Commissioner for Human Rights:

(a) To ensure relevant United Nations agencies and other bodies with governance programmes, including relevant international financial and development institutions, are aware of the outcomes of the seminar, and to encourage them to examine whether their approaches to good governance promote human rights;

(b) To publish a selection of practices arising from the seminar and the material provided by States, intergovernmental organizations and non-governmental organizations, for consultation by States;

(c) To convene a seminar in 2006, from extrabudgetary resources, on the role of anti-corruption measures at the national and international levels in good governance practices for the promotion and protection of human rights;

6. *Decides* to continue its consideration of this question at its sixty-second session under the same agenda item.

59th meeting
20 April 2005
[Adopted without a vote. See chap. XVII.]

2005/69. Human rights and transnational corporations and other business enterprises

The Commission on Human Rights,

Recalling its decision 2004/116 of 20 April 2004 on the responsibilities of transnational corporations and related business enterprises with regard to human rights,

Welcoming the report of the United Nations High Commissioner for Human Rights on the responsibilities of transnational corporations and related business enterprises with regard to human rights (E/CN.4/2005/91),

Recognizing that transnational corporations and other business enterprises can contribute to the enjoyment of human rights, inter alia through investment, employment creation and the stimulation of economic growth,

Recognizing also that the responsible operation of transnational corporations and other business enterprises and effective national legislation can contribute to the promotion of respect for human rights and assist in channelling the benefits of business towards this goal,

1. *Requests* the Secretary-General to appoint a special representative on the issue of human rights and transnational corporations and other business enterprises, for an initial period of two years, who shall submit an interim report to the Commission on Human Rights at its sixty-second session and a final report at its sixty-third session, with views and recommendations for the consideration of the Commission, with the following mandate:

(a) To identify and clarify standards of corporate responsibility and accountability for transnational corporations and other business enterprises with regard to human rights;

(b) To elaborate on the role of States in effectively regulating and adjudicating the role of transnational corporations and other business enterprises with regard to human rights, including through international cooperation;

(c) To research and clarify the implications for transnational corporations and other business enterprises of concepts such as “complicity” and “sphere of influence”;

(d) To develop materials and methodologies for undertaking human rights impact assessments of the activities of transnational corporations and other business enterprises;

(e) To compile a compendium of best practices of States and transnational corporations and other business enterprises;

2. *Underlines* that the Special Representative of the Secretary-General should take into account in his or her work the report of the United Nations High Commissioner for Human Rights and the contributions to that report provided by all stakeholders, as well as existing initiatives, standards and good practices;

3. *Requests* the Special Representative, in carrying out the above mandate, to liaise closely with the Special Adviser to the Secretary-General for the Global Compact and to consult on an ongoing basis with all stakeholders, including States, the Global Compact, international and regional organizations such as the International Labour Organization, the United Nations Conference on Trade and Development, the United Nations Environment Programme and the Organization for Economic Co-operation and Development, transnational corporations and other business enterprises, and civil society, including employers' organizations, workers' organizations, indigenous and other affected communities and non-governmental organizations;

4. *Requests* the Office of the High Commissioner for Human Rights to provide all necessary administrative support and financial and human resources to the Special Representative in carrying out this mandate;

5. *Requests* the High Commissioner to convene annually, in cooperation with the Special Representative, a meeting with senior executives from companies and experts from a particular sector, such as the pharmaceutical, extractive or chemical industries, to consider, within the mandate of the Special Representative as set out in paragraph 1 above, the specific human rights issues faced by those sectors, to raise awareness and share best practice, and to report on the outcome of the first meeting to the Commission at its sixty-second session, under the same agenda item;

6. *Decides to* continue its consideration of this question at its sixty-second session;

7. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2005/69 of 20 April 2005,

“Approves the request of the Commission to the Secretary-General to appoint a special representative on the issue of human rights and transnational corporations and other business enterprises, for an initial period of two years, to undertake the activities set out in that resolution.”

*59th meeting
20 April 2005*

[Adopted by a recorded vote of 49 votes to 3,
with 1 abstention. See chap. XVII.]

2005/70. Human rights and transitional justice

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights and other existing international instruments,

Bearing in mind the relevant provisions contained in previous resolutions of the General Assembly and the Commission, in particular in its resolution 2004/72 of 21 April 2004 on impunity,

Taking note of the report of the Panel on United Nations Peace Operations (A/55/305-S/200/809), in particular its recommendations concerning the Office of the United Nations High Commissioner for Human Rights, as well as the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616), including relevant recommendations contained therein,

Welcoming the activities of the United Nations, including through its field presences, in assisting States to establish transitional justice mechanisms and promote the rule of law,

Welcoming also the increased integration of a human rights perspective, including through activities of the Office of the High Commissioner for Human Rights in cooperation with other relevant parts of the United Nations system, in the United Nations activities related to transitional justice, as well as the importance given to the rule of law and transitional justice by the High Commissioner for Human Rights and her Office, including its Rule of Law and Democracy Unit,

Underlining the importance and urgency of national and international efforts to restore justice and the rule of law in conflict and post-conflict situations and, where relevant, in the context of transitional process, and emphasizing the importance of the full range of political, judicial and non-judicial mechanisms in order to ensure accessibility and accountability and to serve justice, promote and achieve reconciliation and to restore confidence in the institutions of the State, in accordance with international human rights standards and the principle of non-discrimination,

Emphasizing that justice, peace, democracy and development are mutually reinforcing imperatives,

Stressing that the full range of civil, cultural, economic, political and social rights shall be taken into account in any transitional justice context,

Stressing also the importance of a comprehensive process of national consultation, particularly with those affected by human rights violations, in contributing to a holistic transitional justice strategy that takes into account the particular circumstances of every situation and in conformity with international human rights standards,

Recognizing the important role played in the realization of transitional justice goals and in the reconstruction of the society by:

(a) Victims' associations, human rights defenders and other actors of civil society, as well as national human rights institutions created in conformity with the Paris Principles;

(b) Women's organizations in the design and establishment of transitional justice mechanisms, so that women are represented in their structures and that a gender perspective and women's concerns are reflected in their mandates;

(c) Free and independent media in informing the public about the human rights dimension in the area of transitional justice mechanisms locally, nationally and internationally,

Emphasizing the need to provide gender-sensitive training in the context of transitional justice to all relevant national actors, including police, prosecution and members of the judiciary, in dealing with victims of human rights violations, particularly women and girls,

Underlining the need for the rights of both victims and accused persons to be respected, in accordance with international standards, with particular attention to groups most affected by conflicts and the breakdown of the rule of law, among them women, children, migrants, refugees, persons with disabilities and persons belonging to minorities, and to ensure that specific measures are taken for their free participation and protection as well as for the sustainable return of refugees and internally displaced persons in safety and dignity,

1. *Calls upon* States to assist the United Nations in its ongoing work on the relevant recommendations of the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616), including by cooperating fully with United Nations field presences in the area of human rights and transitional justice as well as by facilitating the work of relevant special procedures;

2. *Also calls upon* the international community and regional organizations to assist countries in the context of transitional justice to ensure the promotion and protection of international human rights;

3. *Requests* the Office of the High Commissioner to enhance its leading role in assisting States to develop and implement transitional justice mechanisms from a human rights perspective, while stressing the importance of close cooperation between the Office of the High Commissioner and other relevant parts of the United Nations as well as other international and non-governmental organizations with regard to the ongoing process of strengthening the United Nations system in the area of the rule of law and transitional justice;

4. *Also requests* the Office of the High Commissioner to submit, in consultation with other parts of the United Nations system, civil society and other stakeholders, a study on human rights and transitional justice activities undertaken by the human rights components of the

United Nations that would include an analysis of the work accomplished, a compilation of lessons learned and best practices as well as conclusions and recommendations, with a view to assisting countries in the context of transitional justice;

5. *Requests* other parts of the United Nations system to cooperate fully with the Office of the High Commissioner in the area of human rights and transitional justice;

6. *Decides* to continue its consideration of this matter at its sixty-second session under the same agenda item.

*59th meeting
20 April 2005*

[Adopted without a vote. See chap. XVII.]

2005/71. Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling its resolution 2004/74 of 21 April 2004,

Stressing that regional cooperation can play an important role in promoting universal respect for, and observance of, human rights and fundamental freedoms,

Stressing the importance of the linkage and mutually reinforcing aspects of all four areas of the Framework of Regional Technical Cooperation Programme in Asia and the Pacific (E/CN.4/1998/50, annex II) adopted at the sixth Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held in Tehran from 28 February to 2 March 1998, namely human rights education, national institutions for the promotion and protection of human rights, national plans of action for the promotion and protection of human rights and the strengthening of national human rights capacities, and strategies for the realization of the right to development and economic, social and cultural rights,

Welcoming the convening of the thirteenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region, to be held in Beijing from 30 August to 2 September 2005,

1. *Takes note* of the note by the Secretariat (E/CN.4/2005/105);
2. *Welcomes* the convening of the Inter-Sessional Expert Meeting on National Human Rights Plans of Action and Human Rights Education in the Asian-Pacific Region (Bangkok, 20-22 October 2004) and the Subregional Workshop for Judges and Lawyers on the Justiciability of Economic, Social and Cultural Rights in South-East Asia (Manila, 3-5 November 2004);
3. *Also welcomes* 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 to enhance national capacities for the promotion and protection of human rights in the region;
4. *Further welcomes* the offer by the Government of Qatar to host a United Nations centre for human rights for South-West Asia and the Arab Region in Doha in order to support the development of national human rights capacities and infrastructure;
5. *Requests* the Secretary-General to submit to the Commission at its sixty-second session a report containing the conclusions of the thirteenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region and information on the progress achieved in the implementation of the present resolution;
6. *Decides* to continue its consideration of the question at its sixty-second session under the same agenda item.

59th meeting
20 April 2005

[Adopted without a vote. See chap. XVIII.]

**2005/72. Composition of the staff of the Office of the United Nations
High Commissioner for Human Rights**

The Commission on Human Rights,

Recalling that, in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission reaffirmed that the paramount consideration for employing staff at every level was the need for the highest standards of efficiency, competence and integrity and was convinced that this objective was compatible with the principle of equitable geographical distribution and took into account Article 101, paragraph 3, of the Charter of the United Nations,

Recalling also Part II, paragraphs 11 and 17, of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities, while recognizing the necessity for restructuring United Nations human rights machinery, in accordance with its real needs,

Reaffirming the significance of national and regional particularities and various historical, cultural and religious backgrounds, as well as of different political, economic and legal systems,

Recognizing that the United Nations pursues multilingualism as a means of promoting, protecting and preserving diversity of languages and cultures globally and that genuine multilingualism promotes unity in diversity and international understanding,

Taking into account the need to pay particular attention to the recruitment of personnel for the Office of the United Nations High Commissioner for Human Rights from unrepresented and underrepresented Member States, particularly from developing countries and countries with economies in transition, thus improving the present staff composition, based on a more equitable geographical distribution,

Reiterating its deep concern that the report of the United Nations High Commissioner for Human Rights (E/CN.4/2005/109) concerning the geographical composition and the functions of

the Office staff clearly reflects that one region is unequivocally overrepresented in the staff composition and that the imbalance still remains (see the annexes to the present resolution),

Expressing again its concern over the non-representation and underrepresentation of several Member States, especially developing countries and countries with economies in transition, on the staff of the Office of the High Commissioner, many of them also non-represented or underrepresented at the level of the whole Secretariat, particularly bearing in mind the criteria of equitable geographical distribution,

Expressing its concern also that the prevalence of project personnel has skewed the geographical distribution of the staff of the Office towards Western Europe and North America, compared to the Secretariat-wide pattern, as has the geographical distribution of consultants,

Noting with grave concern that the dependency of the Office on extrabudgetary resources is at the heart of the imbalance in the composition of its staff,

1. *Takes note* of the report of the High Commissioner on the composition of the staff of the Office of the High Commissioner and the measures proposed or implemented by the Office, as described therein, although they have not improved the situation for the last few years;

2. *Welcomes* the fact that the High Commissioner recently submitted a comprehensive proposal to the Office of Human Resources Management that will effectively discontinue the practice of hiring temporary staff for regular functions of the Office of the High Commissioner through the regularization of all core posts at headquarters and in the field to align the recruitment policy of the Office with that of the United Nations Secretariat;

3. *Regrets* that most of the measures described therein are not new and, as the statistics show, they are either inadequate or inadequately or insufficiently applied and they have failed to produce any concrete improvement in the geographical distribution of the staff of the Office to date, and that the report does not provide for specific targets and deadlines to be achieved in order to reduce the current imbalance in the staff, as requested in paragraph 23 (a) of Commission resolution 2004/73;

4. *Expresses its concern* that, while nationals of 30 out of 43 developed countries are represented in the staff of the Office of the High Commissioner for Human Rights, the overwhelming majority of developing countries, 102 out of 148, have not a single national on the staff of the Office, despite the fact that 13 out of 15 unrepresented countries and 6 out of the 10 underrepresented countries at the level of the whole Secretariat are developing countries;

5. *Also expresses its concern* that the number of nationals of most of the developed countries overrepresented, underrepresented or within range at the level of the whole Secretariat outnumber by many times the average number of nationals of individual developing countries represented on the staff of the Office of the High Commissioner for Human Rights;

6. *Recalls* that the General Assembly has requested the Secretary-General to hold accountable the heads of the relevant departments for the human resources action plans and to ensure that they in turn take due account of equitable geographical representation when considering candidates on the lists endorsed by the central review bodies, as well as candidates on the rosters, and to report to the General Assembly annually on progress made by departments in the implementation of their respective human resources action plans;

7. *Expresses its grave concern* at the conclusion contained in the report of the Joint Inspection Unit (JIU/REP/2003/6) that the unbalanced geographical distribution of staff is a serious, endemic problem in the Office of the High Commissioner;

8. *Regrets* that, despite the repeated requests by the Commission to correct the unbalanced geographical distribution of the staff, the situation remains that one region accounts for more than half of the posts of the Office of the High Commissioner and for more posts than the four remaining regional groups combined, and that there has been a bigger increase in the number of posts not subject to geographical distribution than in those subject to geographical distribution, which account for little more than one third of the total staff;

9. *Takes note with appreciation* that the recommendations for the selection of staff for technical cooperation activities and advisory services will be subject to the review of the Office's internal Advisory Panel on Personnel Issues and that the composition of the Panel has been reviewed to balance its geographical distribution, as requested by Commission

resolution 2004/73, and requests the High Commissioner to ensure that it contributes to the improvement of the composition of the staff of the Office in general and to report to the Commission on the current composition of the Panel;

10. *Takes note* of the recommendation of the High Commissioner that the Office of Human Resources Management establish a human rights occupational group to attract to the area of human rights qualified junior professionals from unrepresented and underrepresented countries, while stressing that it would be more effective for the Office of the High Commissioner to provide the Office of Human Resources Management with a list of countries unrepresented or underrepresented within the Office, and therefore requests that the Office of the High Commissioner compile annually such a list and that the Office of Human Resources Management take that list into consideration when organizing competitive examinations;

11. *Welcomes* the statement in the report that the Office of the High Commissioner has instituted measures to apply the Organization's principles of geographical distribution with particular regard to unrepresented and underrepresented developing countries when filling extrabudgetary posts, involving the screening of candidates at the initial recruitment stage, including of short-term staff, to ensure that, between equally qualified candidates, priority is given to candidates from such countries, but regrets that in the last year there has been a further increase in the number of staff not subject to geographical distribution from one regional group, enlarging the existing chronic geographical imbalance, and requests the High Commissioner to use the policy of new recruitment to correct the current imbalance in the composition of the staff of the Office;

12. *Also welcomes* the assurance of the High Commissioner that she attaches the utmost importance to equitable geographical representation, as well as to the need for the highest standards of efficiency, competence and integrity on the part of the staff of her Office and the fact that the High Commissioner has paid particular attention to geographical diversity in the recruitment of the senior managers, since four out of seven posts subject to geographical distribution at the D-1 level and above are encumbered by staff from developing countries;

13. *Expresses its concern* about the widespread assignment of technical advisers (staff holding appointments under the 200 series of the Staff Rules of the United Nations) to carry out line functions, which should be performed by 100-series staff, and to supervise staff under the 100 series of the Staff Rules, a practice against established policies that should be discontinued;

14. *Stresses* that the proposal made in the last year by the Office of the High Commissioner to the Office of Human Resources Management to reduce the number of 200-series contracts of staff performing core functions by converting their 200-series contracts into 100-series contracts, limited to service with the Office of the High Commissioner, is against United Nations human resources policies, regulations and rules and is, therefore, unacceptable;

15. *Requests* the Office of the High Commissioner to observe fully United Nations human resources policies, regulations, rules and practices and, therefore, to align without further delay its human resources practices and procedures, in particular its recruitment and contractual policies, with Secretariat human resources policies, rules, regulations and practices and, furthermore, to check and align its post-classification criteria with those of the Secretariat before any post is advertised and to discontinue the practice of advertising extrabudgetary posts without first checking the classification criteria with the United Nations Office at Geneva;

16. *Reiterates* the need for the High Commissioner to observe the provisions contained in section X, paragraph 3, of General Assembly resolution 55/258 of 14 June 2001 on human resources management, which reiterates 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;

17. *Also reiterates* that it is necessary to take urgent, concrete and immediate action to change the currently prevailing geographical distribution of staff of the Office in favour of a more equitable distribution of posts, in accordance with Article 101 of the Charter, particularly by recruiting personnel from developing countries and countries with economies in transition, including to senior posts;

18. *Requests once again* the Secretary-General to take the necessary measures to ensure that particular attention is paid to recruiting personnel from unrepresented and

underrepresented Member States, in particular from developing countries and countries with economies in transition, for the existing vacancies and for additional posts in the Office of the High Commissioner to ensure an equitable geographical distribution and a better gender balance, giving particular priority in this regard to recruitment for high-level and Professional posts;

19. *Urges* donors to make their voluntary contributions unearmarked, as much as possible, to enable the High Commissioner flexibility in the allocation of staff and resources between the different activities and projects;

20. *Requests once again* the Secretary-General, in signing agreements with countries as a result of which Junior Professional Officers are provided to the Office of the High Commissioner, to urge those countries to ensure the allocation of additional financial resources to guarantee that personnel from developing countries are able to work as Junior Professional Officers, with a view to conforming with the principle of equitable geographical distribution; furthermore, a permanent mechanism must be established, by virtue of which every Junior Professional Officer from a donor country who joins the Office will be matched by another Junior Professional Officer from a developing country;

21. *Emphasizes* the importance of openly advertising all posts, including ad hoc appointments for field operations, including the dissemination of detailed job descriptions among all States prior to the filling of those posts;

22. *Requests* the High Commissioner to ensure that Junior Professional Officers are not given either sensitive political or core assignments where their impartiality may be questioned;

23. *Reiterates* the standing rule that consultants shall not perform functions of staff members of the Organization nor have any representative or supervisory responsibility, and calls upon the High Commissioner to:

(a) Refrain from using consultants to carry out functions assigned to established posts;

(b) Strictly observe the existing rules and relevant resolutions of the General Assembly in hiring consultants, in particular to ensure and certify that expertise is not available within the Organization before deciding to hire them;

(c) Make greater efforts to ensure geographical balance among qualified consultants and individual contractors;

24. *Reaffirms* the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues and requests the High Commissioner to continue to ensure that the fulfilment of her mandate and that of the Office is guided by these principles;

25. *Stresses* that the staff of the Office of the High Commissioner need to maintain their neutrality and fully respect the independence of the work of all mechanisms of the Commission and the treaty bodies, while providing support to their functioning;

26. *Requests* the High Commissioner:

(a) To ensure that the one-time post regularization of all core posts at headquarters and in the field results in a new and balanced geographical distribution of the staff of the Office, advertising the posts to be regularized and filling them in a transparent and competitive manner, following United Nations practices and provisions;

(b) To prepare a comprehensive action plan aimed at reducing the current imbalance in the staff, indicating specific targets and deadlines to be achieved;

(c) To avoid overlapping and duplication of functions and to work towards the goal of increased effectiveness and improved management, taking into account the relevant resolutions and decisions, including the request of the General Assembly for streamlined management, as well as the recommendations made in that regard, when proposing new structures, posts and reclassifications of posts, including those of senior management, with a view to ensuring optimal leadership and consistency of structures;

(d) To use also the programmes and funds for technical cooperation and human rights education for the training of national technical personnel in developing countries and countries with economies in transition through the use of Junior Professional Officers from these

countries, with a view to guaranteeing that personnel from developing countries are able to work as Junior Professional Officers and that every Junior Professional Officer from a donor country who joins the Office will be matched by another Junior Professional Officer from a developing country;

(e) To submit a comprehensive report on the implementation of the present resolution to the Commission at its sixty-second session, which should include:

- (i) The composition of the staff of the Office, organized by the five United Nations regional groups established by the General Assembly (African States, Asian States, Latin American and Caribbean States, Western European and Other States and Eastern European States) and reflecting, inter alia, grade, nationality and gender, including with regard to non-regular staff;
- (ii) The action plan, as well as the measures adopted to implement it, concrete achievements and their results;
- (iii) The measures taken to implement other actions requested by the present resolution and their achievements;
- (iv) Any further recommendations to improve the current situation;

27. *Draws the attention* of the General Assembly to the present resolution in the context of the consideration of the agenda item on human resources management;

28. *Invites* the General Assembly and its appropriate subsidiary bodies, inter alia, the Advisory Committee on Administrative and Budgetary Questions, the Committee for Programme and Coordination and the Fifth Committee of the Assembly, to give due consideration to the present resolution and to the report of the Joint Inspection Unit entitled “Management review of the Office of the United Nations High Commissioner for Human Rights”, in particular to any other organization, management, executive direction, structure, administrative, financial and more technical human resources management issues and recommendations contained therein and not addressed in this resolution;

29. *Recalls its request* to the Joint Inspection Unit to assist the Commission on Human Rights to monitor systematically the implementation of the present resolution and to submit a follow-up comprehensive review of the implementation of the decisions of the Commission and other United Nations intergovernmental bodies regarding the management, programmes and administration of the Office of the High Commissioner, in particular, with regard to their impact on the recruitment policies and the composition of the staff, to the Commission at its sixty-third session and to the General Assembly at its sixty-first session, containing any concrete proposals for corrective action, if required, for the implementation of the relevant intergovernmental bodies' resolutions, including the present resolution;

30. *Decides* to consider this matter under the same agenda item at its sixty-second session.

*59th meeting
20 April 2005*

[Adopted by a recorded vote of 36 votes to 15,
with 2 abstentions. See chap. XVIII.]

ANNEX I

Staff of the Office of the United Nations High Commissioner for Human Rights

*Geographical distribution (by number of posts)**

Regional groups	Posts subject to geographical distribution					Posts not subject to geographical distribution					Total				
	2001	2002	2003	2004	2005	2001	2002	2003	2004	2005	2001	2002	2003	2004	2005
African States	10	12	10	9	6	21	22	24	25	22	31	34	34	34	28
Asian States	13	17	16	16	18	6	9	8	11	14	19	26	24	27	32
Latin America and Caribbean States	9	9	9	9	7	10	13	15	19	21	19	22	24	28	28
Eastern Europe States	5	5	6	7	7	6	6	7	7	6	11	11	13	14	13
Western Europe and Other States**	41	48	45	46	50	69	85	96	104	110	110	133	141	150	160
Total of posts	78	91	86	87	88	112	135	150	166	173	190	226	236	253	261

* Figures for 2005 were based on tables 1 and 2 of the report of the High Commissioner (E/CN.4/2005/109). The figures for the earlier years were based on the reports of the High Commissioner for those years.

** Includes Switzerland and Israel.

ANNEX II

Staff of the Office of the United Nations High Commissioner for Human Rights

*Geographical distribution**(Percentage)**

Regional groups	Posts subject to geographical distribution					Posts not subject to geographical distribution					Total				
	2001	2002	2003	2004	2005	2001	2002	2003	2004	2005	2001	2002	2003	2004	2005
African States	13	13	11.6	10.3	6.8	19	16	16	15.1	12.7	16	15	14.4	13.4	10.7
Asian States	17	19	18.6	18.4	20.4	5	7	5	6.6	8.1	10	11	10.1	10.7	12.3
Latin America and Caribbean States	11	10	10.5	10.3	8	9	10	10	11.4	12.1	10	10	10.1	11.1	10.7
Eastern Europe States	6	5	7	8.0	8	5	4	5	4.2	3.5	6	5	5.5	5.5	5
Western Europe and Other States**	53	53	52.3	52.9	56.8	62	63	64	62.7	63.6	58	59	59.8	59.3	61.3

* Percentages for 2005 were calculated based on tables 1 and 2 of the report of the High Commissioner (E/CN.4/2005/109). The figures for the earlier years were calculated based on the reports of the High Commissioner for those years.

** Includes Switzerland and Israel.

ANNEX III

Representation of developed and developing countries on the staff of the Office of the United Nations High Commissioner for Human Rights by categories of representation at the whole Secretariat and by type of posts: subject and not subject to equitable geographical distribution

*Distribution (by number of countries)**

	Developed countries					Developing countries					Total all countries
	Countries represented only in geographically distributed posts in the Office	Countries represented only in posts not subject to geographical distribution	Represented in both categories	No representation at all at the Office	Total	Countries represented only in geographically distributed posts in the Office	Countries represented only in posts not subject to geographical distribution	Represented in both categories	No representation at all at the Office	Total	
Unrepresented				2	2				13	13	15
Underrepresented		1	2		3	2		1	4	7	10
Overrepresented	2	3	3		8	1	5	3	4	13	21
Within ranges	2	9	8	11	30	11	15	8	81	115	145
Total	4	13	13	13	43	14	20	12	102	148	191

Note: The classification of countries by categories of representation in the staff is from the lists of the report of the Secretary-General (A/59/299) as at 30 June 2004. The classification of developing countries is based on the list of the Development Assistance Committee of the Organization for Economic Cooperation and Development.

2005/73. Regional arrangements for the promotion and protection of human rights

The Commission on human rights,

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

Recalling also General Assembly resolution 32/127 of 16 December 1977 and its subsequent resolutions in this regard,

Bearing in mind the relevant resolutions of the Commission concerning advisory services and technical cooperation in the field of human rights, including its most recent on that subject, resolution 2004/81 of 21 April 2004,

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,

Recalling that the World Conference recommended that more resources should be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

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,

Noting the progress achieved thus far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

Considering that cooperation between the United Nations and regional arrangements in the field of human rights continues to be both substantive and supportive and that possibilities exist for increased cooperation,

Welcoming the fact that the Office of the High Commissioner has been systematically pursuing a regional and subregional approach through a variety of complementary means and methods, in order to maximize the impact of the activities of the United Nations at the national level,

1. *Takes notes with satisfaction* of the report of the Secretary-General on regional arrangements for the promotion and protection of human rights (E/CN.4/2005/104);
2. *Welcomes* the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular through technical cooperation which is aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;
3. *Also welcomes*, in that respect, the close cooperation of the Office of the High Commissioner in the organization of regional and subregional training courses and workshops in the field of human rights, high-level governmental expert meetings and regional conferences of national human rights institutions, aimed at creating greater understanding in the regions of issues concerning the promotion and protection of human rights, improving procedures and examining the various systems for the promotion and protection of universally accepted human rights standards and identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;
4. *Recognizes*, therefore, that progress in promoting and protecting all human rights depends primarily on efforts made at the national and local levels, and that the regional approach should imply intensive cooperation and coordination with all partners involved, while bearing in mind the importance of international cooperation;
5. *Stresses* the importance of the programme of technical cooperation in the field of human rights, renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations under this programme of organizing information or training

courses at the national level on the application of international human rights standards and the experience of relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with Governments of all regions;

6. *Welcomes* the growing exchanges between the United Nations and the United Nations human rights treaty bodies, on the one hand, and regional organizations, such as the Council of Europe, the Organization for Security and Cooperation in Europe, the League of Arab States, the Inter-American Commission on Human Rights, the African Commission on Human and Peoples' Rights, the International Organization of la Francophonie and other regional institutions, on the other;

7. *Also welcomes* the placement by the Office of the High Commissioner of regional representatives in subregions and in regional commissions, in particular the placement of a senior human rights adviser with the United Nations Country Team in Fiji to cover the Pacific region as well as the deployment of a regional adviser for Central Asia;

8. *Further welcomes* the progress achieved in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and in this regard, notes with interest:

(a) The positive experience of the regional and subregional presences of the Office of the High Commissioner in southern, central and eastern Africa aiming at the strengthening of national and subregional human rights capacities;

(b) The support provided by the Office to the African Union for the strengthening of its human rights system, and welcoming in this regard the entry into force of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights;

(c) The holding of African Dialogue III, "Strengthening human rights protection systems in Africa: the role of the judiciary and parliaments", organized by the Office, in Addis Ababa from 6 to 8 December 2004;

(d) The increased, valuable sharing of concrete national experiences at the twelfth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the

Asian-Pacific Region, held in Doha in 2004, including the adoption of a two-year plan of action for 2004-2006, regarding the implementation of the Framework of Regional Technical Cooperation for the Asia and Pacific Region, which contributes to the enhancement of the promotion and protection of human rights in the region, and welcomes in this regard the offer by the Government of Qatar to host a United Nations centre for human rights in South-West Asia and the Arab region in order to support the development of national human rights capacities and infrastructures;

(e) The ongoing consultations aimed at the possible establishment of regional human rights arrangements held in the context of the Framework among Governments with the support and advice of national human rights institutions and civil society organizations of the Asian-Pacific Region;

(f) Activities undertaken in the framework of the regional project of the Office for the promotion and protection of human rights in Latin America and the Caribbean and the strengthening of the cooperation between the Office, the Organization of American States and the Inter-American Commission on Human Rights;

(g) Activities undertaken in the framework of cooperation between the Office and the League of Arab States and the intention to develop a broader technical cooperation programme in cooperation with the League of Arab States following the recent adoption of the Arab Charter on Human Rights;

(h) The continued cooperation towards the realization of universal standards between the Office and regional organizations in Europe and Central Asia, namely the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union, in particular for activities at the country level, as well as the agreements between the European Commission and the Office for financing technical cooperation projects;

9. *Invites* States in areas in which regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to establishing, within their respective regions, suitable regional machinery for the promotion and protection of human rights;

10. *Requests* the Secretary-General to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to make available adequate resources from within the regular budget of technical cooperation to the activities of the Office of the High Commissioner to promote regional arrangements;

11. *Requests* the Office of the High Commissioner to continue to pay special attention to the most appropriate ways of assisting countries of the various regions, at their request, under the programme of technical cooperation and to make, where necessary, relevant recommendations, and in this regard welcomes the decision of the Office to strengthen national protection systems in accordance with Action 2 of the reform programme of the Secretary-General;

12. *Invites* the Secretary-General, in the report he will submit to the General Assembly at its sixty-first session, to provide information on progress made since the adoption of the Vienna Declaration and Programme of Action on reinforcing the exchange of information and extending collaboration between the organs of the United Nations dealing with human rights and regional organizations in the field of the promotion and protection of human rights;

13. *Requests* the Secretary-General to submit to the Commission at its sixty-third session a report on the state of regional arrangements for the promotion and protection of human rights, to formulate concrete proposals and recommendations on ways and means to strengthen cooperation between United Nations and regional arrangements in the field of human rights and to include therein the results of action taken in pursuance of the present resolution;

14. *Decides* to consider this question further at its sixty-third session.

*59th meeting
20 April 2005*

[Adopted without a vote. See chap. XVIII.]

**2005/74. National institutions for the promotion and protection
of human rights**

The Commission on Human Rights,

Recalling the relevant resolutions of the General Assembly, notably resolution 48/134 of 20 December 1993, and its own resolutions concerning national institutions for the promotion and protection of human rights,

Welcoming international recognition of the importance of establishing and strengthening independent, pluralistic national institutions for the promotion and protection of human rights consistent with the Principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 (the Paris Principles),

Convinced of the important role such national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that it is the prerogative of each State to choose, for the establishment of a national institution, the legal framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards,

Recalling the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which reaffirmed the important and constructive role played by national human rights institutions and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Recalling also the Programme of Action (A/CONF.157/NI/6) adopted by national institutions meeting in Vienna during the World Conference on Human Rights, which recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee of National Institutions,

Noting the outcomes of the seventh International Conference for National Institutions held in Seoul from 14 to 17 September 2004, the positive contribution of non-governmental organizations and the Seoul Declaration on upholding human rights during conflict and while countering terrorism,

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums,

Noting efforts to strengthen regional human rights networks, including the fifth European meeting of national institutions for the promotion and protection of human rights and the third Round Table of National Human Rights Institutions held in Berlin from 25 to 26 November 2004, organized jointly by the German Institute for Human Rights and the Commissioner for Human Rights of the Council of Europe, the First African Union Conference of National Human Rights Institutions held in Addis Ababa from 18 to 21 October 2004, the continuing work of the Network of National Human Rights Institutions of the Americas, the Network's Third General Assembly held in Buenos Aires from 9 to 11 June 2004 and its seminar on irregular migration and trafficking of people: human rights and national institutions, held in Campeche, Mexico, from 10 to 11 March 2005, and the work of the Asia Pacific Forum of National Human Rights Institutions, including the holding of their ninth annual meeting in Seoul in September 2004,

Noting the conclusions and programme of action adopted at the twelfth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region held in Doha from 2 to 4 March 2004 with regard to the role of national institutions (see E/CN.4/2004/89),

Noting also the creation of a francophone group of national institutions for human rights in cooperation with the International Organization of la francophonie,

Noting further the work of the Ibero-American Federation of Ombudsman as a forum for cooperation and exchanging of experience,

Welcoming the call of the twelfth Workshop for the Office for the United Nations High Commissioner for Human Rights to support the subregional workshop for the Arab Region on national human rights protection systems, including national human rights institutions, held in Cairo, from 6 to 8 March 2005 with the support of the Egyptian National Council for Human Rights,

Noting the valuable role played and contributions made by national institutions in United Nations meetings dealing with human rights and the importance of their continued appropriate participation,

1. *Reaffirms* the importance of the development of effective, independent, pluralistic national institutions for the promotion and protection of human rights consistent with the Paris Principles;
2. *Reiterates* the continued importance of the Paris Principles as a set of important recommended guidelines of practice for national institutions, recognizes the value of further strengthening their application and encourages States, national institutions and other interested parties to consider ways to achieve this;
3. *Welcomes* the decisions of a growing number of States to establish, or to consider establishing, national institutions consistent with the Paris Principles;
4. *Encourages* States to establish or, where they already exist, to strengthen such institutions, as outlined in the Vienna Declaration and Programme of Action;
5. *Recognizes* that national institutions have a crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights and calls upon all States to ensure that all human rights are appropriately reflected in the mandate of their national human rights institutions when established;

6. *Takes note with satisfaction* of the efforts of those States that have provided their national institutions with more autonomy and independence, including through giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

7. *Recognizes* the important and constructive role that individuals, groups and organs of society can play for the better promotion and protection of human rights and encourages efforts by national institutions to establish partnerships and increase cooperation with civil society;

8. *Welcomes* greater efforts by the Office of the High Commissioner to engage national institutions as partners and provide them with opportunities to exchange experiences and best practices amongst themselves, and in this context welcomes:

(a) The International Workshop of National Institutions for the Promotion and Protection of Human Rights: causes, effects and consequences of the migratory phenomenon and human rights protection held in Zacatecas, Mexico, from 14 to 15 October 2004 organized by the Mexican National Human Rights Commission of Mexico and the Human Rights Commission of Zacatecas;

(b) The Round Table of National Human Rights Institutions and National Machineries for the Advancement of Women held in Ouarzazate, Morocco, from 15 to 19 November 2004 with the Conseil consultatif des droits de l'homme of Morocco in cooperation with the United Nations Division for the Advancement of Women, Department of Economic and Social Affairs; and

(c) The International Round Table on National Institutions and Good Governance held in Suva from 13 to 15 December 2004 with the Fiji Human Rights Commission;

9. *Also welcomes* the engagement of the Office of the High Commissioner with concerned national institutions on a regional level in relation to conflict prevention as well as the prevention of torture;

10. *Further welcomes* the practice of national institutions and coordinating committees of such institutions that conform with the Paris Principles of participating in an appropriate manner in their own right in meetings of the Commission and its subsidiary bodies;

11. *Welcomes* the report of the Secretary-General (E/CN.4/2005/107) on enhancing the participation of national human rights institutions in the work of the Commission and its subsidiary bodies and, in accordance with its recommendations, decides to request the Chairperson of the sixty-first session, in consultation with all relevant stakeholders, to finalize, by the sixty-second session, the modalities for:

(a) Permitting national institutions that are accredited by the Accreditation Subcommittee of the International Coordinating Committee of National Institutions under the auspices of the Office of the High Commissioner, and coordinating committees of such institutions, to speak, as outlined in the report, within their mandates, under all items of the Commission's agenda, while stressing the need to maintain present good practices of management of the agenda and speaking times in the Commission, to allocate dedicated seating to national institutions for this purpose, and supporting their engagement with all the subsidiary bodies of the Commission;

(b) Continuing the practice of issuing documents from national institutions under their own symbol numbers;

12. *Welcomes* the continuation of the practice of national institutions convening regional meetings and encourages national institutions, in cooperation with the Office of the High Commissioner, to continue to organize similar events with Governments and non-governmental organizations in their own regions;

13. *Affirms* the important role of national human rights institutions, in cooperation with other mechanisms for the promotion and protection of human rights, in combating racial and related forms of discrimination and in the protection and promotion of the human rights of women and the rights of particularly vulnerable groups, including children and people with disabilities;

14. *Recognizes* the important and constructive role that national institutions can play in human rights education, including by the publication and dissemination of human rights material and other public information activities during the World Programme for Human Rights Education, and calls upon all existing national institutions to assist in the implementation of human rights education training programmes across all relevant sectors of society, including during the first phase of the Programme (2005-2007), which will focus on primary and secondary education;

15. *Commends* the High Commissioner for the priority accorded to the establishment and strengthening of national human rights institutions, including through technical cooperation, and calls upon the Office of the High Commissioner:

(a) To continue to strengthen its coordinating role in this field and to allocate the resources necessary for this work from both core and extrabudgetary sources;

(b) To continue to support technical cooperation projects focused on specific practical challenges faced by national institutions, including in the area of complaint handling;

16. *Welcomes* efforts, through the Secretary-General's action 2 programme (see A/57/387), to ensure effective engagement by all parts of the United Nations with national institutions and notes in this regard the importance of strengthening the National Institutions Unit within the Office of the High Commissioner, including with appropriate specialist expertise;

17. *Expresses its appreciation* to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions and their regional organizations;

18. *Welcomes* the important role of the International Coordinating Committee, in close cooperation with the Office of the High Commissioner, in assessing conformity with the Paris Principles and in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

19. *Requests* the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the International Coordinating Committee during the sessions of the Commission, under the auspices of, and in cooperation with, the Office of the High Commissioner;

20. *Also requests* the Secretary-General to continue to provide, from within existing resources and from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for international and regional meetings of national institutions;

21. *Further requests* the Secretary-General to report to the Commission at its sixty-second session on the implementation of the present resolution and on ways and means of enhancing participation of national human rights institutions in the work of the Commission;

22. *Requests* the Secretary-General to report to the Commission at its sixty-second session on the process currently utilized by the International Coordinating Committee to accredit national institutions in compliance with the Paris Principles and to ensure that the process is strengthened with appropriate periodic review;

23. *Decides* to continue its consideration of this question at its sixty-second session.

*59th meeting
20 April 2005*

[Adopted without a vote. See chap. XVIII.]

2005/75. Advisory services and technical assistance for Burundi

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms,

Mindful that Burundi is required to implement all the international and regional instruments to which it is a party,

Recalling its resolution 2004/82 of 21 April 2004,

Taking note of the report submitted by the assessment mission on the establishment of an international commission of inquiry for Burundi, which visited the country in May 2004 (S/2005/158) pursuant to Security Council decision of 23 January 2004 and at the request of the Transitional Government,

Acknowledging the efforts made by the United Nations, the African Union and the European Union to contribute to a peaceful settlement of the Burundi crisis,

Also acknowledging the Arusha Peace and Reconciliation Agreement for Burundi of 28 August 2000 and the duty of the Transitional Government to ensure the safety of all, civil population groups in particular, in Burundian territory, and hopeful that, during the electoral period and after the transition period, the issue of human rights will continue to receive special attention,

Mindful of the need to back efforts by the Government of Burundi to ensure the safety of humanitarian workers in accordance with the principles of international law,

Welcoming the progress achieved in the demobilization and reintegration programme,

Recognizing the important role of women in the reconciliation process and the search for peace,

Applauding the close cooperation between the Government of Burundi and the United Nations institutions in Burundi, in particular the United Nations Operation in Burundi and the Office of the United Nations High Commissioner for Human Rights, in consolidating the principles of human rights,

1. *Takes note* of the report of the independent expert (E/CN.4/2005/118) and of his first mission to Burundi, from 4 to 13 October 2004;

2. *Encourages* the Transitional Government to continue its actions aimed at associating all sectors of society in the work of national reconciliation through a structural dialogue and the restoration of an institutional order and a strong justice system that are safe and reassuring for everyone in order to restore democracy and peace in the interest of all elements of the population of Burundi;

3. *Welcomes* the adoption of laws concerning the establishment, organization, mandate and functioning of the National Defence Force and the National Police;
4. *Takes note with satisfaction* of the adoption of a law establishing the National Truth and Reconciliation Commission, as well as its promulgation by the President of the Republic on 5 January 2005, and encourages the Transitional Government to establish the Commission without delay;
5. *Requests* the Transitional Government to complete the electoral process while respecting freedom of opinion, expression and assembly in accordance with the Arusha Agreement;
6. *Encourages* the Transitional Government, with support from its partners, to continue the disarmament process as part of the national demobilization, disarmament and reintegration programme;
7. *Strongly condemns* all acts of violence and violations of human rights and international humanitarian law, and calls upon the Transitional Government to put an end, as soon as possible, to impunity within the context of the rule of law and ensure that those responsible for violence in general, and violence against women in particular, are brought to justice in accordance with international conventions and the law;
8. *Also condemns* the sale and illegal distribution of weapons and related materials, which hinder peace and security in the region;
9. *Demands* that the murderers of the Apostolic Nuncio, Mgr. Michael Courtney, be brought to justice;
10. *Takes note* of the recent statement by Agathon Rwasa's FNL movement, in which he declares an end to the armed struggle and a return to the negotiating table with a view to concluding a peace agreement with the Government, and hopes that the regional initiative and mediation for peace in Burundi will consider, as soon as possible, this movement's position, and encourages all parties to settle conflicts by peaceful means;

11. *Encourages* the continuing voluntary repatriation of refugees hosted in the United Republic of Tanzania, pursuant to the tripartite agreements between the Office of the United Nations High Commissioner for Refugees and the Governments of the United Republic of Tanzania and Burundi, calls upon the parties concerned to establish and promote conditions permitting voluntary, permanent return in full security, recommends to the Transitional Government and humanitarian partners that they provide the displaced persons with humanitarian assistance and facilitate their return and reintegration, and encourages the Transitional Government to continue the settlement of disputes relating to the property of repatriated and displaced persons;

12. *Takes note* of the ratification by the Government of Burundi of the Rome Statute of the International Criminal Court on 21 September 2004;

13. *Welcomes* the ratification by the Government of Burundi of the two optional protocols to the Convention on the Rights of the Child;

14. *Strongly encourages* the Transitional Government to continue to improve the status of women, promote the reintegration of female victims of armed conflict and violence, and improve their living conditions, while encouraging the parties that have not yet done so to stop using child soldiers;

15. *Welcomes* the fact that the proportion of at least 30 per cent female membership of institutions advocated in the Arusha Agreement has been established in the Constitution promulgated by the President of the Republic on 18 March 2005;

16. *Expresses its appreciation* of the efforts by the mediators of the United Nations, the African Union and the European Union in the search for a lasting solution to the problems of Burundi and urges them to continue in this direction by calling for significant assistance to be provided by the Government of Burundi so that it can meet the various challenges of development;

17. *Welcomes* the recent International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, held at Dar es Salaam on 19 and 20 November 2004, and requests the international community to support the efforts of the Governments concerned to implement the conclusions and recommendations of that meeting;

18. *Urges* States and international, governmental and non-governmental organizations to coordinate planning initiatives so as to promote sustainable development with a view to encouraging national reconstruction and reconciliation, with due consideration given to the specificities of the crisis in Burundi;

19. *Exhorts* the Transitional Government to take the necessary steps to promote and protect all human rights in Burundi and to end violence against women and impunity in the country;

20. *Declares its profound concern* at the sexual violence against women and children and requests the Transitional Government to take, in cooperation with civil society, special measures to protect women and children;

21. *Calls upon* the Transitional Government to establish an independent national human rights commission, in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

22. *Expresses its concern* regarding the honouring of the pledges made in Brussels in January 2004 at the Forum of Partners for Development in Burundi and calls on all parties concerned to honour those pledges in order to give impetus to the new drive for peace and national reconciliation and reconstruction;

23. *Encourages* the international community to make greater assistance available to the judicial system and the National Commission for the Rehabilitation of *Sinistrés* (Survivors), and to increase the financial and human resources available to the field office of the Office of the United Nations High Commissioner for Human Rights in Burundi so that it can improve its work in the field and carry out its mandate effectively, and thanks all partners who have provided support in this area;

24. *Strongly condemns* the massacre committed against the civilian Banyamulenge refugee population at Gatumba on 13 August 2004 and demands that the perpetrators of these killings be brought to justice;

25. *Calls upon* all parties to take measures to prevent the proliferation of small arms among the civilian population;

26. *Requests* the United Nations High Commissioner for Human Rights, in close consultation with the Government of Burundi, to continue her programme of technical assistance;

27. *Also requests* the independent expert to continue to study the situation of human rights in Burundi, and requests him to submit an interim report to the General Assembly at its sixtieth session, and to report thereon to the Commission at its sixty-second session;

28. *Decides* to continue its consideration of this question at its sixty-second session, under the same agenda item.

*59th meeting
20 April 2005*

[Adopted without a vote. See chap. XIX.]

2005/76. Assistance to Sierra Leone in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the African Charter on Human and People's Rights,

Recalling all its previous resolutions on the situation of human rights in Sierra Leone as well as relevant resolutions of the Security Council,

Welcoming the essential work being carried out by the Special Court for Sierra Leone, including the establishment of a second trial chamber, to address justice and impunity, and

welcoming also recommendations of the Truth and Reconciliation Commission aimed at promoting reconciliation and national healing, and looking forward to the publication of the report and the Government White Paper on it,

Expressing concern that ex-combatants who were involved in fighting in Liberia and Côte d'Ivoire are now returning home to Sierra Leone and could threaten the progress achieved in Sierra Leone,

Expressing concern also at increasing reports of child trafficking, including external trafficking involving the moving of orphans outside of Sierra Leone,

Expressing concern further at the plight of amputees and other mutilated victims of the armed conflict,

Recognizing the importance of good governance and transparency in the promotion of human rights,

Recognizing also the importance of technical cooperation, advisory services and capacity-building for the promotion and protection of human rights which will contribute to peace, stability and sustainable development in Sierra Leone,

1. *Welcomes:*

(a) The report of the United Nations High Commissioner for Human Rights (E/CN.4/2005/113), including her conclusion that the reporting period had witnessed a continuing consolidation of progress in the field of political and civil rights in Sierra Leone, but noting however her conclusion that this progress remains at risk due to shortcomings in the area of economic, social and cultural rights, the report of the High Commissioner to the General Assembly (A/59/340), and the twenty-third and twenty-fourth reports of the Secretary-General on the United Nations Mission in Sierra Leone (S/2004/724 and S/2004/969), including the work of the Mission's Human Rights Section;

(b) The ongoing work of the Special Court for Sierra Leone to bring to justice those persons who bear the greatest responsibility for the commission of war crimes, crimes

against humanity and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone since 30 November 1996;

(c) The enactment in July 2004 of legislation establishing the National Human Rights Commission of Sierra Leone, the presentation to Parliament of bills for an Anti-Human Trafficking Act and a Child Rights Act, and the production by the Law Reform Commission of a draft bill on sexual offences;

(d) The activities undertaken by United Nations agencies, the National Commission for Social Action and non-governmental and other organizations to facilitate transition from relief to reconciliation, recovery and sustainable peace and development, including access to food, education and health;

(e) Legislative measures taken by the Government to promote and protect the human rights of women;

2. *Urges* the Government of Sierra Leone:

(a) To continue to promote and protect human rights in Sierra Leone, inter alia through the early constitution and effective functioning of the National Human Rights Commission of Sierra Leone, in accordance with the Paris Principles, further strengthening of its judicial system as well as continued efforts to promote good governance and transparency, and to continue to work closely and strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights;

(b) To continue to give priority attention, in cooperation with the international community, to programmes aimed at addressing the plight and special needs of all mutilated victims and their dependants, and of women and children in its care, in particular those sexually abused and gravely traumatized and displaced as a result of the conflict, and taking also into consideration the needs of female ex-combatants and female camp followers who did not benefit from disarmament, demobilization and reintegration;

(c) To continue to facilitate, in cooperation with the international community, the effective functioning of the National Commission for War-Affected Children;

(d) To fully implement the legislative measures taken to promote and protect the human rights of women and to consider developing further programmes aimed at combating discrimination against women;

3. *Decides:*

(a) To request the international community to continue its support and provide technical assistance to the judicial system in Sierra Leone, including the juvenile justice system; to assist in the early constitution and functioning of the National Human Rights Commission of Sierra Leone; and to support the Government of Sierra Leone in seeking durable solutions to the problem of international trafficking of persons, particularly children, orphans and juveniles;

(b) To request the High Commissioner and the international community to assist the Government of Sierra Leone in strengthening its capacity to continue to undertake, as a matter of urgency, the review, revision and updating of national legislation, in particular those areas of legislation that affect women, children and other vulnerable segments of society, and to continue to assist the Government of Sierra Leone in disseminating the report of the Truth and Reconciliation Commission and encourage timely publication of the Government White Paper and the implementation of the Commission's recommendations;

(c) To request the High Commissioner and the international community to continue to work closely with national protection institutions, including the National Human Rights Commission, the National Commission for Democracy and civil society organizations such as the National Forum on Human Rights, in monitoring the promotion and protection of human rights;

(d) To request the Secretary-General and the High Commissioner to continue to give full consideration to the maintenance of a United Nations human rights field presence when the activities of the United Nations Mission in Sierra Leone are completed;

(e) To urge all States to consider making pledges and/or to submit their outstanding pledged funds to meet the budget of the Special Court for Sierra Leone and to support requests by the Secretary-General to the General Assembly to consider further subvention for the functioning of the Special Court from the regular budget of the United Nations, and urges all States to cooperate fully with the Special Court;

(f) To request the High Commissioner to report to the General Assembly at its sixtieth session and to the Commission at its sixty-second session on assistance to Sierra Leone in the field of human rights, including with reference to the Human Rights Section of the Mission;

(g) To consider this question at its sixty-second session.

*59th meeting
20 April 2005*

[Adopted without a vote. See chap. XIX.]

2005/77. Technical cooperation and advisory services in Cambodia

The Commission on Human Rights,

Bearing in mind its resolution 2004/79 of 21 April 2004 and previous relevant resolutions,

Welcoming the report of the Special Representative of the Secretary-General for human rights in Cambodia (E/CN.4/2005/116), as well as the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion of human rights (E/CN.4/2005/111),

Recognizing that the tragic recent history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on the Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

Welcoming the address of His Majesty the King of Cambodia, Norodom Sihamoni, on the occasion of his coronation, which referred to the Universal Declaration of Human Rights,

I. KHMER ROUGE TRIBUNAL

1. *Welcomes* the ratification by Cambodia of the Agreement between the United Nations and the Government of Cambodia to establish the Extraordinary Chambers in the courts of Cambodia exercising their jurisdiction in accordance with international standards of justice, fairness and due process as set out in the Agreement;

2. *Urges* the Secretary-General and the Government of Cambodia to take all necessary measures for the early establishment of these Chambers, including the fulfilment of financial and legal obligations;

3. *Welcomes* the fact that a number of States have made commitments to provide assistance, including financial and personnel support, to the Extraordinary Chambers and appeals to other members of the international community to provide such support in accordance with General Assembly resolution 57/228 B of May 2003, and urges the Secretary-General to notify that the legal requirements for entry into force of the Agreement have been complied with;

II. DEMOCRACY AND SITUATION OF HUMAN RIGHTS

4. *Welcomes*:

(a) The formation of the new Government on 15 July 2004 based on the result of the general election held in July 2003;

(b) Cambodia's progress in improving its human rights situation for the past decade in a range of fields, in cooperation with the United Nations and non-governmental organizations, including freedom of media, freedom of religion, combating child labour and sexual exploitation, and progress to improve democratic institutions;

(c) Cambodia's agreement, through participation in the Consultative Group on Cambodia, to improve the good governance through the setting of benchmarks and regular review and actions, inter alia the passing of a draft anti-corruption law;

(d) The renewal of the Memorandum of Understanding between the Government of Cambodia and the Office of the United Nations High Commissioner for Human Rights for the implementation of a technical cooperation programme on human rights, and encourages both parties to cooperate constructively with each other for further improvement of the situation of human rights in Cambodia;

5. *Expresses concern*, while noting the efforts of the Government of Cambodia, that some human rights violations continue, especially those related to the rule of law, the judiciary, human trafficking, violence against political and civil activists, impunity and corruption;

6. *Urges* the Government of Cambodia:

(a) To continue to strengthen its efforts to establish the rule of law, including through the adoption and implementation of essential laws and codes for establishing a democratic society, and to continue to address as a matter of priority, inter alia the problem of impunity, and to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights;

(b) To continue to strengthen its efforts at judicial reform, especially to ensure the independence, impartiality, transparency and effectiveness of the judicial system as a whole and to combat corruption and impunity;

(c) To continue its efforts to improve human rights, especially those of women and children, and to make additional efforts, in concert with the international community, to combat key problems such as human trafficking, issues related to poverty, sexual violence, domestic violence and sexual exploitation of women and children;

(d) To strengthen its efforts for resolving equitably and expeditiously land ownership issues in a fair and open manner in accordance with the spirit of the Prime Minister's speech of 18 October 2004 as well as the Land Law;

(e) To take all steps to meet its obligations under international human rights instruments and to continue to cooperate with and support United Nations agencies, including the Office of the United Nations High Commissioner for Human Rights;

(f) To continue to create an environment conducive to the conduct of legitimate political activity as well as to support the role of non-governmental organizations in order to solidify democratic development in Cambodia;

(g) To continue its efforts to further improve good governance;

III. CONCLUSION

7. *Invites* the Secretary-General, agencies of the United Nations system present in Cambodia, as well as the international community, including non-governmental organizations, to continue to work with the Government of Cambodia in improving democracy as well as ensuring the protection and promotion of the human rights of all people in Cambodia, including by providing assistance, inter alia in the fields of:

(a) Drafting various laws necessary for protecting and promoting human rights;

(b) Capacity-building for strengthening legal institutions, including improving the quality of judges, prosecutors, lawyers and court staff;

(c) Capacity-building for strengthening national institutions for criminal investigation and law enforcement as well as providing equipment necessary for these ends;

(d) Assisting assessment of progress on human rights issues;

8. *Requests* the Secretary-General to report to the Commission at its sixty-second session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia on matters within his mandate;

9. *Decides* to continue its consideration of the situation of human rights in Cambodia at its sixty-second session.

2005/78. Technical cooperation and advisory services in Nepal

The Commission on Human Rights,

Recalling that Nepal, having ratified six major human rights treaties, has freely accepted the obligation to protect the human rights of the people of Nepal,

Recalling the importance of the implementation of Security Council resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 on the protection of civilians in armed conflict, 1325 (2000) of 31 October 2000 on women and peace and security and 1539 (2004) of 22 April 2004 on children and armed conflict,

Seriously concerned at the growing number of civilian victims of the ongoing conflict since the breakdown of the ceasefire on 27 August 2003,

Deeply concerned about the situation of human rights in Nepal, including violations attributed to the security forces, in particular unlawful killings, all forms of sexual violence, forced displacement and disappearances, and attacks against the physical integrity and safety of political leaders and party activists, human rights defenders, journalists and others and also deeply concerned about the prevailing situation of impunity,

Strongly condemning all acts of violence against civilians and other criminal acts such as attacks against life, physical integrity and personal liberty and safety, including unlawful killings, all forms of sexual violence and extortion, committed by members of the Communist Party of Nepal (Maoist),

Conscious of the fact that the Commission's appeals are mainly directed to the Government of Nepal as it is subject to international obligations; additionally gravely concerned at the serious breaches of humanitarian law committed by members of the Communist Party of Nepal (Maoist), which may constitute war crimes and crimes against humanity,

Recalling His Majesty's Government of Nepal's declaration of commitment on the implementation of human rights and international humanitarian law of 26 March 2004,

Bearing in mind the Chairperson's statement on human rights assistance to Nepal (E/2004/23-E/CN.4/2004/172, para. 716),

Taking note of the efforts of the Government of Nepal in establishing a Human Rights Promotion Centre in the Prime Minister's Office and human rights cells within the security forces,

Taking note of the report of the Working Group on Enforced or Involuntary Disappearances on its mission to Nepal (E/CN.4/2005/65/Add.1) and the report of the Office of the United Nations High Commissioner for Human Rights on its activities in Nepal, including technical cooperation (E/CN.4/2005/114),

Expressing its deep concern about the serious setback to multiparty democracy and the weakening of the rule of law through the royal proclamation and the declaration of a state of emergency of 1 February 2005,

Deeply concerned about the arbitrary arrests and secret detention, in particular of political leaders and activists, human rights defenders, journalists and others, and about continued enforced disappearances, as well as allegations of torture,

Welcoming the signing of the Agreement between the Government with the Office of the High Commissioner concerning the establishment of an office in Nepal on 10 April 2005, while also taking into account actions taken by the Government in some cases of human rights violations,

Taking note of the visit of the Representative of the Secretary-General on human rights of internally displaced persons and the invitation extended to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,

1. *Calls upon* the Government of Nepal urgently to restore the multiparty democratic institutions enshrined in the Constitution of Nepal and to respect the rule of law without exception;

2. *Requests* the Government of Nepal to bear in mind that, in accordance with article 4 of the International Covenant on Civil and Political Rights, certain rights, in particular

the right to life and the right to freedom from torture and other cruel, inhuman or degrading treatment or punishment, are recognized as non-derogable in all circumstances and that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations, as stated in general comment No. 29 (2001) on derogations to the Covenant during a state of public emergency of the Human Rights Committee;

3. *Calls upon* the Government of Nepal to reinstate immediately all civil and political rights, to cease all state of emergency-related and other arbitrary arrests, to lift the far-reaching censorship, to restore freedom of opinion, expression and the press as well as the freedom of association, to release immediately all detained political leaders and activists, human rights defenders, journalists and others, to allow all citizens to enter and exit the country freely and to respect all international and national obligations as well as the twenty-five points of the commitment of 26 March 2004, as freely undertaken by Nepal;

4. *Strongly condemns* the repeated practices of members of the Communist Party of Nepal (Maoist), such as:

(a) Unlawful killings, rape, extortions, forced displacement, mass abduction and forced recruitment and labour targeted at civilians;

(b) Persecution and attacks against the life, integrity and safety of political leaders and party members, human rights defenders, journalists, peace activists and others;

(c) Attempts to blockade Kathmandu and other urban areas with a view to cutting off supplies of food and other essential supplies to the civilian population;

5. *Firmly condemns* the recruitment and use of a large number of children in Maoist forces and urges the members of the Communist Party of Nepal (Maoist) to stop the recruitment of children as well as to demobilize immediately those currently participating in these groups, as set out in Security Council resolution 1539 (2004);

6. *Strongly urges* the members of the Communist Party of Nepal (Maoist) to comply with international humanitarian law and to respect the legitimate exercise of all human rights by the people of Nepal as well as immediately and unconditionally to cease

and renounce violence, disarm, and enter into negotiations with the genuine intention of rejoining the political process, thereby helping to ensure that the people of Nepal are free to choose their own Government;

7. *Calls upon* all parties to the conflict to respect human rights and international humanitarian law, in particular common article 3 of the Geneva Conventions of 12 August 1949, as well as to act in conformity with all other relevant standards relating to the protection of civilians, particularly of women and children, and to allow the safe and unhindered access of humanitarian organizations to those in need of assistance;

8. *Urges* the Government of Nepal:

(a) To take all necessary measures to prevent and put an end to extrajudicial and summary killings, all forms of sexual violence, enforced disappearances, arbitrary arrests, illegal incommunicado detention as well as torture and other cruel, inhuman or degrading treatment or punishment;

(b) To take all appropriate measures to clarify the fate of all cases of persons allegedly victims of enforced disappearance, including, where appropriate, taking into account the work of the national committee and international expert bodies in this field;

(c) To ensure that all anti-terrorism and security laws and measures are in accordance with all relevant international norms and standards as well as the Constitution of Nepal;

(d) To take appropriate measures to ensure the protection of the civil and political rights of political leaders and activists, human rights defenders, journalists and others;

(e) To take appropriate measures to protect women and girls from gender-based violence, as emphasized by the Security Council in resolution 1325 (2000), and to prevent and prosecute traffickers in women and children;

(f) To take all necessary measures to protect and respect the human rights of refugees, including the principle of non-refoulement;

(g) To combat impunity by ensuring that all allegations of violations of human rights and international humanitarian law are investigated promptly, independently and impartially and, as appropriate, prosecuted through the criminal justice system, in accordance with the Constitution of Nepal and international standards of justice, fairness and due process of law;

(h) To begin urgently a national dialogue with political parties to restore peace, stability, the promotion and protection of human rights and to safeguard democracy;

(i) To request the technical assistance of the international community and the United Nations in planning free and fair local elections, following their announcement;

9. *Calls upon* the Government of Nepal to provide urgent protection and assistance to internally displaced persons, taking account of the particular needs of women and children, to facilitate their safe return, reintegration and resettlement elsewhere in the country, as appropriate, and to develop appropriate policies and legislation in this regard, using the Guiding Principles on Internal Displacement;

10. *Also calls upon* the Government of Nepal to ensure the independence and effectiveness of the judiciary, and therefore urges the Government to safeguard effective judicial remedies, in particular respect of habeas corpus orders, and to comply fully and faithfully with all judicial orders;

11. *Further calls upon* the Government of Nepal:

(a) To ensure continued independence, institutional continuity and stability of the National Human Rights Commission of Nepal in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 of 20 December 1993 (the Paris Principles) and the Human Rights Commission Act, 2053 (1997);

(b) To ensure full and unimpeded access without prior notice of the National Human Rights Commission of Nepal, the Office of the United Nations High Commissioner for Human Rights and the International Committee of the Red Cross to all persons held in detention, including places of detention under the authority of the Royal Nepalese Army;

(c) To provide necessary support to the National Human Rights Commission of Nepal, including its regional offices, in carrying out its statutory mandate and to ensure the necessary protection by, and cooperation of, governmental entities, including the security forces, to enable the members of the National Human Rights Commission to promote and protect human rights in Nepal;

(d) To support the Office of the High Commissioner in its continued assistance to the National Human Rights Commission;

12. *Welcomes* the efforts of the Government of Nepal to comply with the obligation to submit periodic reports to the respective treaty bodies, in particular under the International Covenant on Civil and Political Rights, and urges the Government to implement their recommendations, particularly the recent recommendations of the Committee on the Elimination of Discrimination against Women of January 2004 and of the Committee on the Elimination of Racial Discrimination of March 2004;

13. *Encourages* the Government of Nepal to extend invitations to the special procedures of the Commission to visit Nepal, to cooperate fully with them and implement their relevant recommendations, in particular the recent recommendation of the Working Group on Enforced or Involuntary Disappearances, specifically the recommendation to enforce a complete prohibition on incommunicado detention in military barracks;

14. *Requests* the High Commissioner, in accordance with the Agreement signed with the Government of Nepal on 10 April 2005, to establish an office in Nepal with the mandate to assist the Nepalese authorities in developing policies and programmes for the promotion and protection of human rights, to monitor the situation of human rights and observance of international humanitarian law, including investigation and verification nationwide through international human rights officers and the establishment of field-based offices staffed with international personnel, to report in accordance with the Agreement and to work in cooperation with other United Nations and other international organizations based in Nepal in this regard;

15. *Calls upon* the Government of Nepal to implement promptly and fully the Agreement with the Office of the High Commissioner and to extend its full cooperation to the

office of the High Commissioner in Nepal, to assist the office in the discharge of its mandate and to take all necessary steps to ensure that its officials and experts on mission have free and unlimited access to any persons in Nepal whom they might wish to meet;

16. *Encourages* the international community to assist the Government of Nepal in implementing the present resolution;

17. *Requests* the High Commissioner to submit a report on the human rights situation and the activities of her Office, including technical cooperation, in Nepal to the General Assembly at its sixtieth session and to the Commission at its sixty-second session;

18. *Decides* to continue its consideration of the situation of human rights in Nepal at its sixty-second session under the same agenda item.

*59th meeting
20 April 2005*

[Adopted without a vote. See chap. XIX.]
