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REPORT TO THE GENERAL ASSEMBLY ON THE SECOND SESSION OF THE HUMAN RIGHTS COUNCIL*

Vice-President and Rapporteur: Mr. Musa Burayzat (Jordan)

Draft report of the Council**

[Note: The present addendum to the draft report only reflects the resolutions and decisions adopted by the Council when it resumed its second session, on Monday, 27 November 2006.]

* The format of the present report is based on the agenda and “draft framework for a programme of work” for the second session as adopted by the Council in its decision 1/105 of 30 June 2006. It should therefore not serve as a precedent for future sessions of the Council.

** Document A/HRC/2/L.10 and addenda contains the chapters of the report relating to the organization of the session and the items on the agenda. Resolutions and decisions adopted by the Council are contained in document A/HRC/2/L.11 and addenda.

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II. Resolutions and decisions adopted by the Council at its resumed second session

A. Decisions

2/104. Human rights and access to water

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Noting general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water,

Taking note of the draft guidelines for the realization of the right to drinking water and sanitation contained in the report of the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/2005/25),

Recalling the relevant provisions of declarations, resolutions and programmes of action adopted by major United Nations conferences, summits and special sessions and their follow-up meetings, in particular the Mar del Plata Action Plan of 1977, Agenda 21 of the United Nations Conference on Environment and Development of 1992, the Programme of Action of the International Conference on Population and Development of 1994, the International Decade for Action “Water for Life” 2005-2015, General Assembly resolution 54/175 of 17 December 1999 on the right to development and the Millennium Development Goals,

Decides to request the Office of the United Nations High Commissioner for Human Rights, taking into account the views of States and other stakeholders, to conduct, within existing resources, a detailed study on the scope and content of the relevant human rights obligations

related to equitable access to safe drinking water and sanitation under international human rights instruments, which includes relevant conclusions and recommendations thereon, to be submitted prior to the sixth session of the Council.

31st meeting
27 November 2006
[Adopted without a vote. See chap. IV.]

2/105. Right to the truth

The Human Rights Council, recalling Commission on Human Rights resolution 2005/66 of 20 April 2005 and taking note of the study on the right to truth prepared by the Office of the United Nations High Commissioner for Human Rights (E/CN.4/2006/91), decides to request the Office of the High Commissioner for Human Rights to prepare a follow-up report on the study on the right to the truth, which shall include best national and international practices, in particular legislative, administrative or any other measures, as well as individual and societal dimensions of this right, taking into account the views of States and relevant intergovernmental and non-governmental organizations, to be examined at its fifth session in June 2007.

31st meeting
27 November 2006
[Adopted without a vote. See chap. IV.]

2/106. Incompatibility between democracy and racism

The Human Rights Council decides to adopt the following text:

“The Human Rights Council recalls all the resolutions concerning the incompatibility between democracy and racism that were adopted by the Commission on Human Rights;

“Considers paragraph 6 of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council;

“Invites the Office of the United Nations High Commissioner for Human Rights, in collaboration with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, to continue to analyse further the issue of incitement and promotion of racism, racial discrimination, xenophobia and related intolerance in the politic debate;

“Requests the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, within his mandate, when submitting his report to the Council at any session after its fourth session, to include the issue of political participation and representation of groups that are vulnerable to racism, racial discrimination, xenophobia and related intolerance in the decision-making process in national Governments, parties, parliaments and civil society in general, taking into consideration their possible contribution to reinforcing the anti-discrimination perspective in political and social life with a view to strengthening democracy.”

*31st meeting
27 November 2006*

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

**2/107. Access to medication in the context of pandemics
such as HIV/AIDS, tuberculosis and malaria**

The Human Rights Council decides to adopt the following text:

“The Human Rights Council recalls all the resolutions concerning access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria that were adopted by the Commission on Human Rights;

“Considers paragraph 6 of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council;

“Notes the report of the World Health Organization Commission on Intellectual Property Rights Innovation and Public Health;

“Also notes the World Health Assembly resolution 59.24 of 27 May 2006 establishing the Intergovernmental Working Group on Public Health, Innovation, Essential Health Research and Intellectual Property Rights;

“Requests the Secretary-General to continue to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to improve access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria and to submit a report thereon to the Council at any session after its fourth session;

“Requests the Secretary-General, when submitting his report to the Human Rights Council at any session after its fourth session, based on consultations with Governments, United Nations organs, programmes, specialized agencies, intergovernmental and non-governmental organizations and private sector, to include a study on the exploration of new and innovative financing mechanisms, bearing in mind the existing ones, which can help to improve the access to medication that fight those pandemics, from the perspective of human rights;

“Also requests the Secretary-General, when submitting his report to the Human Rights Council at any session after its fourth session, taking into consideration the discussions carried out in the WHO Intergovernmental Working Group on Public Health, Innovation, Essential Health Research and Intellectual Property Rights and in consultations with Governments, United Nations organs, programmes, specialized agencies, intergovernmental and non-governmental organizations and private sector, to include an assessment of the impacts of intellectual property rights on access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria from the perspective of human rights.”

31st meeting
27 November 2006
[Adopted without a vote. See chap. IV.]

2/108. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The Human Rights Council decides to adopt the following text:

“The Human Rights Council recalls all resolutions concerning the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health adopted by the Commission on Human Rights;

“Considers paragraph 6 of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council;

“Requests the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, within his existing mandate, when presenting his report to the Human Rights Council at any session after its fourth session on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, to include the possibility of identifying and exploring, bearing in mind the level of development of countries and from the perspective of the right to the highest attainable standard of physical and mental health, the key features of an effective, integrated and accessible health system.”

*31st meeting
27 November 2006*

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

2/109. Effects of economic reform policies and foreign debt on the full enjoyment of all human rights

The Human Rights Council, recalling resolution 2005/19 of 14 April 2005 of the Commission on Human Rights and taking note of the report of the independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights (E/CN.4/2006/46 and Add.1), decides to request the United Nations High Commissioner for Human Rights to convene an expert consultation to contribute to the ongoing process of drafting the draft general guidelines to be followed by States and by private and public, national and international financial institutions in the decision-making

on and execution of debt repayments and structural reform programmes, including those arising from foreign debt relief, and to invite the international financial institutions, notably the World Bank and the International Monetary Fund, as well as regional development banks, relevant United Nations agencies and national experts and stakeholders to contribute to the consultations.

31st meeting
27 November 2006
[Adopted by a recorded vote of 33 to 13,
with 1 abstention. See chap. IV.]

2/110. Integrity of the judicial system

The Human Rights Council, recalling Commission on Human Rights resolution 2005/30 of 19 April 2005, decides to request the Special Rapporteur on the independence of judges and lawyers to take full account of the aforementioned resolution and the relevant resolutions and decisions on the issue of administration of justice through military tribunals of the Sub-Commission on the Promotion and Protection of Human Rights in the discharge of his mandate and in his report to the Council at its fourth session (March/April 2007).

31st meeting
27 November 2006
[Adopted without a vote. See chap. IV.]

2/111. Human rights and arbitrary deprivation of nationality

The Human Rights Council, recalling resolution 2005/45 of 19 April 2005 of the Commission on Human Rights and taking note of the report of the Secretary-General on human rights and arbitrary deprivation of nationality (E/CN.4/2006/88), decides to call upon its relevant mechanisms as well as appropriate United Nations treaty bodies to continue to collect information on the question of human rights and arbitrary deprivation of nationality from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates and encourages the Office of the United Nations High Commissioner for Refugees to do the same. The Council

also decided to request the Secretary-General to collect information on the question of human rights and arbitrary deprivation of nationality from all relevant sources and to make this information available to the Council at its fifth session.

32nd meeting
27 November 2006
[Adopted without a vote. See chap. IV.]

**2/112. Persons deprived of liberty in the context
of counter-terrorism measures**

The Human Rights Council decides to adopt the following text:

“Reaffirming its unequivocal condemnation of terrorism;

“Drawing attention to the issue of the impact of terrorist acts on the victims of terrorism;

“Concerned with the human rights of persons deprived of liberty in the context of counter-terrorism measures;

“Recalls that States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and humanitarian law;

“Decides to urge all States to take all necessary steps to ensure that persons deprived of liberty, regardless of the place of arrest or of detention, benefit from the guarantees to which they are entitled to under international law, including, inter alia, protection against torture, cruel, inhuman or degrading treatment or punishment, protection against refoulement, the review of their detention and, if subjected to trial, fundamental judicial guarantees.”

32nd meeting
27 November 2006
[Adopted without a vote. See chap. IV.]

**2/113. Cooperation with the Office of the United Nations
High Commissioner for Human Rights: Afghanistan**

The Human Rights Council decides to adopt the following text:

“The Human Rights Council welcomes the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights (E/CN.4/2006/108), including the assessment of the human rights situation of Afghanistan contained therein, and the ongoing cooperation between the Government of Afghanistan and the Office of the High Commissioner, as well as with the special procedures of the Human Rights Council, to address the human rights situation in Afghanistan, and urges its continued cooperation. The Council requests the High Commissioner to continue, in cooperation with the United Nations Assistance Mission in Afghanistan, to monitor the human rights situation in Afghanistan, provide and expand advisory services and technical cooperation in the field of human rights and the rule of law, and report regularly to the Council on the situation of human rights in Afghanistan, paying special attention to the rights of women, and on the achievements of technical assistance in the field of human rights.”

*32nd meeting
27 November 2006*

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

**2/114. Cooperation with the Office of the United Nations
High Commissioner for Human Rights: Nepal**

The Human Rights Council decides to adopt the following text:

“The Human Rights Council takes note of the report of the United Nations High Commissioner for Human Rights (E/CN.4/2006/107) and her oral update of 18 September 2006, as well as the activities of her Office to address human rights violations in Nepal. The Council welcomes the significant improvements of the human rights situation in Nepal with the success of the democratic movement, the restoration of the democratic institutions as well as the conclusion of a comprehensive peace agreement, stressing the commitment to human rights and including the establishment of

a truth and reconciliation commission of 21 November 2006. The Council underlines the need to address the considerable challenges ahead, such as the consolidation of the rule of law and the strengthening of the protection due to the victims of human rights violations. The Council calls upon all stakeholders to ensure full respect for human rights in line with the recommendations of the Office of the United Nations High Commissioner for Human Rights and by remaining committed to the peace process. The Council also welcomes the ongoing cooperation between the Government of Nepal and the Office of the High Commissioner, the readiness of the Government of Nepal to extend the mandate of the Office in Nepal, as well as its cooperation with the special procedures of the Human Rights Council. The Council encourages continued cooperation in this regard by the Government of Nepal as well as by all stakeholders in order to address the situation of human rights in Nepal. The Council requests the High Commissioner to submit a report on the human rights situation in Nepal and the activities of her Office, including technical cooperation, to the Council at its fourth session.”

*32nd meeting
27 November 2006*

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

2/115. Darfur

The Human Rights Council decides to adopt the following text:

“1. The Human Rights Council welcomes the Darfur Peace Agreement signed in Abuja as well as the measures already taken towards its implementation. It calls on all parties that have not yet done so to sign the Agreement, in compliance with the relevant United Nations resolutions;

“2. The Council notes with concern the seriousness of the human rights and humanitarian situation in Darfur and calls on all parties to put an immediate end to the ongoing violations of human rights and international humanitarian law, with a special focus on vulnerable groups, including women and children, while not hindering the return of all internally displaced persons to their homes;

“3. The Council notes that the Darfur Peace Agreement stipulates the principles of enhancing accountability and preventing impunity. It calls on all parties to uphold the principles which are equally applicable to States and non-State actors and to cooperate fully in the implementation of the Agreement;

“4. The Council calls on all parties, whether they have signed the Darfur Peace Agreement or failed to do so, to ensure full and unfettered access by monitors of the Office of the United Nations High Commissioner for Human Rights deployed in the Sudan to all places where they have duties to discharge and to ensure the full, safe and unhindered delivery of humanitarian assistance to those in need in Darfur;

“5. The Council welcomes the cooperation established by the Government of the Sudan with the Special Rapporteur on the situation of human rights in the Sudan, and calls upon the Government to continue and intensify its cooperation with the Human Rights Council and its mechanisms;

“6. The Council calls upon the international community at large and donor countries and peace partners in particular to honour their pledges of support and to provide urgent and adequate financial and technical assistance to the Government of Sudan in the promotion and protection of human rights.”

34th meeting
28 November 2006
[Adopted by a recorded vote of 25 to 11,
with 10 abstentions. See chap. IV.]

B. Resolutions

2/1. Intergovernmental Working Group on the Review of Mandates

The Human Rights Council,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006 in which the Assembly decided that the Council should improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights in order to maintain a system of special procedures, expert advice and a complaint procedure,

Recalling its decision 1/104 of 30 June 2006, in which it decided to establish the Open-ended Intergovernmental Working Group on the issue of reviewing and, where necessary, improving and rationalizing all human rights mandates, mechanisms, functions and responsibilities,

Taking note of the draft manual of the United Nations human rights special procedures of June 2006, revised by the Coordination Committee of the special procedures, and the decision taken at the thirteenth meeting of the special procedures to submit the manual to Governments and other stakeholders for comments and inputs,

1. *Requests* the Open-ended Intergovernmental Working Group on the Review of Mandates to review the revised draft manual of the United Nations human rights special procedures of June 2006 and to make recommendations on possible additions or amendments thereto;

2. *Also requests* the Coordinating Committee of the special procedures to extend until the closure of the fourth session of the Human Rights Council, which will be held from 12 March to 6 April 2007, the deadline for the submission of comments and inputs to the draft manual of special procedures;

3. *Further requests* the Working Group to draft a code of conduct regulating the work of the special procedures, taking into account, inter alia, the suggestions made by the

members of the Council during the discussions at its second session on the reports of the special procedures mandate holders, as well as at previous formal and informal sessions of the Working Group;

4. *Invites* the Working Group to report to the Human Rights Council at its fourth session on the progress achieved in the implementation of the present resolution.

*31st meeting
27 November 2006*

[Adopted by a recorded vote of 30 votes to 15,
with 2 abstentions. See chap. IV.]

2/2. Human rights and extreme poverty

The Human Rights Council,

Deeply concerned that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations are particularly severe in developing countries,

Reaffirming in this regard the commitments made at relevant United Nations conferences and summits, including the commitments in the World Summit for Social Development, held in Copenhagen in 1995, in the United Nations Millennium Declaration adopted by the General Assembly in 2000 and the outcome document adopted by the Heads of State and Government at the 2005 World Summit,

1. *Affirms* that the fight against extreme poverty must remain a high priority for the international community;

2. *Takes note* of the draft guiding principles on extreme poverty and human rights: the rights of the poor annexed to Sub-Commission for the Promotion and Protection of Human Rights resolution 2006/9 of 24 August 2006;

3. *Requests* the United Nations High Commissioner for Human Rights to circulate the draft guiding principles, in order to obtain the views of States, relevant United Nations agencies, intergovernmental organizations, United Nations treaty bodies, special procedures including the independent expert on the question of human rights and extreme poverty, national

human rights institutions, non-governmental organizations, especially those in which people in situations of extreme poverty express their views, and other relevant stakeholders, and to report to the Council at its seventh session.

*31st meeting
27 November 2006*

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

2/3. Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the violation of their fundamental and human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 60/40 of 1 December 2005, in which the Assembly declared that Israel had failed so far to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of non-acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/60/380) of 26 August 2005 and, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace, and expressing its concern over the halt in the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of Security Council resolutions 242 (1967) and 338 (1973) with a view to establishing a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights, the most recent being resolution 2005/8 of 14 April 2005,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, in particular resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and have no legal effect;

5. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report on this matter to the Human Rights Council at its fourth session, due to be held in March/April 2007;

7. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its fourth session.

31st meeting

27 November 2006

[Adopted by a recorded vote of 32 to 1,
with 14 abstentions. See chap. IV.]

2/4. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations and affirming the inadmissibility of the acquisition of territory by force,

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

Recalling relevant resolutions of the Commission on Human Rights, the Security Council and the General Assembly, most recently General Assembly resolution 60/106 of 18 January 2006 in which it reaffirmed, inter alia, the illegality of the Israeli settlements in the occupied territories,

Mindful that Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions of 12 August 1949,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and its conclusion that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law,

Recalling also General Assembly resolution ES-10/15 of 20 July 2004,

Recalling further its attachment to the implementation by both parties of their obligations under the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict (S/2003/529, annex), and noting specifically its call for a freeze on all settlement activity,

Expressing its grave concern about the continuation by Israel, the occupying Power, of settlement building and expansion in the Occupied Palestinian Territory, in violation of international humanitarian law and relevant United Nations resolutions, including plans to expand and connect Israeli settlements around Occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State,

Expressing its concern that continuing Israeli settlement activity undermines the realization of a two-State solution,

Noting the dismantlement of settlements in the Gaza Strip and parts of the northern West Bank,

Expressing grave concern about the continuing construction, contrary to international law, by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudge future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Expressing its concern at the failure of the Government of Israel to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/2006/29 and A/HRC/2/5) and calls upon the Government of Israel to cooperate with the Special Rapporteur to allow him fully to discharge his mandate;

2. *Expresses its grave concern* at:

(a) The continuing Israeli settlement and related activities, in violation of international law, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 of that Convention; settlements are a major obstacle to the establishment of a just and comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State;

(b) The Israeli so-called E1 plan aimed at expanding the Israeli settlement of Maale Adumim and building the wall around it, thereby further disconnecting occupied East Jerusalem from the northern and southern parts of the West Bank and isolating its Palestinian population;

(c) The new Israeli plans to construct more than 900 additional housing units in different Israeli settlements in the occupied West Bank;

(d) The implications on the final status negotiations of Israel's recent announcement that it will retain the major settlement blocs in the Occupied Palestinian Territory, including settlements located in the Jordan Valley;

(e) The expansion of Israeli settlements and the construction of new ones on the occupied Palestinian territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent, in which case, it would be tantamount to de facto annexation;¹

(f) The Israeli decision to establish and operate a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev in violation of international law and relevant United Nations resolutions;

(g) The continued closures of and within the Occupied Palestinian Territory and the restriction of the freedom of movement of people and goods, including the repeated closure of the crossing points of the Gaza Strip, which have caused an extremely precarious humanitarian situation for the civilian population as well as impaired the economic and social rights of the Palestinian people;

(h) The continued construction, contrary to international law, of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem;

¹ See International Court of Justice, Advisory Opinion in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, para. 121.

3. *Urges* Israel, the occupying Power:

(a) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of the existing settlements, including “natural growth” and related activities;

(b) To prevent any new installation of settlers in the occupied territories;

4. *Urges* the full implementation of the Access and Movement Agreement of 15 November 2005, particularly the urgent reopening of Rafah and Karni crossings, which is crucial to ensuring the passage of foodstuffs and essential supplies, as well as the access of the United Nations agencies to and within the Occupied Palestinian Territory;

5. *Demands* that Israel implement the recommendations regarding the settlements made by the then United Nations High Commissioner for Human Rights in her report to the Commission on Human Rights at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114);

6. *Calls upon* Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

7. *Demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice;

8. *Welcomes* the Palestinian truce initiative and its acceptance by the Israeli side that came into effect on 26 November 2006 and urges all parties to maintain this truce, which could pave the way for genuine negotiations towards a just resolution to the conflict;

9. *Urges* the parties to give renewed impetus to the peace process and to implement fully the road map endorsed by the Security Council in resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

10. *Decides* to continue the consideration of this question at its fourth session.

32nd meeting
27 November 2006
[Adopted by a recorded vote of 45 to 1,
with 1 abstention. See chap. IV.]

2/5. Effective implementation of international instruments on human rights

The Human Rights Council,

Recalling Commission on Human Rights resolution 2004/78 of 21 April 2004,

1. *Takes note with appreciation* of the continuing efforts of the Member States of the United Nations, the human rights treaty bodies, the United Nations High Commissioner for Human Rights and the Secretary-General to improve the effectiveness of the treaty body system, and encourages further such efforts;

2. *Encourages* the High Commissioner to undertake a study on various options for reforming the treaty body system, and to seek the views of States and other stakeholders in this regard and to report thereon to the Human Rights Council.

33rd meeting
28 November 2006
[Adopted without a vote. See chap. IV.]
