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

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Draft report of the Council*

* Document A/HRC/4/L.10 contains the chapters of the report relating to the organization of the session and the items on the agenda.

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I. Resolutions and decisions adopted by the Human Rights Council at its fourth session

A. Resolutions

4/1. Question of the realization in all countries of economic, social and cultural rights

The Human Rights Council,

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

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

Recalling also previous resolutions of the Human Rights Council, of the Commission on Human Rights and of the Sub-Commission for the Promotion and Protection of Human Rights on the realization of economic, social and cultural rights, and in particular Human Rights Council resolution 1/3 on the Open-ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights,

Welcoming ongoing efforts, including by this Council, towards the realization of economic, social and cultural rights and encouraging additional efforts to ensure the realization of economic, social and cultural rights and the removal of obstacles thereto at all levels,

1. *Affirms:*

(a) That, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights;

(b) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(c) The universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the obligation of all States to ensure the full promotion, protection and realization of all human rights;

(d) The importance of international cooperation in assisting Governments to fulfil their obligation to protect and promote all human rights, including economic, social and cultural rights, while emphasizing that the primary responsibility for promoting and protecting human rights lies with States;

(e) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

2. *Calls upon* all States:

(a) To give full effect to economic, social and cultural rights;

(b) To consider signing and ratifying, and the States parties to implement, the International Covenant on Economic, Social and Cultural Rights, as well as other international instruments related to the realization of economic, social and cultural rights;

(c) To guarantee that economic, social and cultural rights shall be exercised without discrimination of any kind;

(d) To secure progressively, through national development policies and with international assistance and cooperation, full realization of economic, social and cultural rights, giving particular attention to the individuals and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(e) To promote the effective and wide participation of representatives of civil society in decision-making processes related to the promotion and protection of economic, social and cultural rights, including through efforts to identify and strengthen good governance practices;

3. *Welcomes* the six recent ratifications of the International Covenant on Economic, Social and Cultural Rights and calls upon the States parties to the Covenant:

(a) To withdraw reservations incompatible with the object and purpose of the Covenant and to consider reviewing other reservations with a view to withdrawing them;

(b) To submit their reports to the Committee in a regular and timely manner;

(c) To promote a concerted national effort to ensure the participation of representatives of all sectors of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

(d) To ensure that the Covenant is taken into account in all of their relevant national and international policy-making processes;

4. *Recalls* that international cooperation in solving international problems of an economic, social and cultural character and in promoting and encouraging respect for human rights and fundamental freedoms for all is one of the purposes of the United Nations, and affirms that wider international cooperation would contribute to lasting progress in implementing economic, social and cultural rights;

5. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the development and adoption of general comments, in order to assist in clarifying the content and scope of the articles of the International Covenant on Economic, Social and Cultural Rights, and, in this regard, takes note of the recent adoption of general comments No. 16 on article 3 (the equal right of men and women to the enjoyment of all economic, social and cultural rights), No. 17 on article 15, paragraph 1 (c) (the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author) and No. 18 on article 6 (the right to work);

6. *Encourages* the Committee to continue its efforts towards the promotion, protection and full realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights, at the national and international levels, including by drafting further general comments to assist and promote the further implementation by States parties of the Covenant, by making the experience gained through the examination of States parties' reports available for the benefit of all States parties, and by organizing regional workshops to promote the follow-up to its concluding observations;

7. *Expresses its appreciation for and encourages* the continuation of the work related to the promotion, protection and full realization of economic, social and cultural rights carried out by other human rights treaty bodies working on issues that bear upon the Covenant and United Nations bodies, specialized agencies or programmes;

8. *Also expresses its appreciation for and encourages* the continuation of the work related to the promotion, protection and full realization of economic, social and cultural rights carried out by all relevant special procedures of the Human Rights Council;

9. *Encourages* enhanced cooperation and, as appropriate, increased coordination, between the Committee on Economic, Social and Cultural Rights and United Nations bodies, specialized agencies or programmes, mechanisms of the Human Rights Council, and other human rights treaty bodies whose activities bear upon economic, social and cultural rights, in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

10. *Welcomes* the inclusion of the issue of the realization of economic, social and cultural rights in the Durban Declaration and Programme of Action (A/CONF.189/12 and Corr.1), in which States underscored, inter alia, the need to design, promote and implement at the national, regional and international levels, strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance;

11. *Welcomes and encourages* regional initiatives to promote the further realization of economic, social and cultural rights;
12. *Recognizes and encourages* the important contributions of National Human Rights Institutions and of non-governmental organizations to the question of the realization and enjoyment of economic, social and cultural rights;
13. *Expresses its appreciation* for the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, mainly through technical cooperation, the work of its field offices, its relevant reports to United Nations bodies, the development of in-house expertise and its publications and studies on related issues;
14. *Encourages* the Office of the High Commissioner:
 - (a) To continue to provide or facilitate practical support aimed at building capacities for the full realization of economic, social and cultural rights;
 - (b) To continue its cooperation with other United Nations agencies as part of the integration of economic, social and cultural rights within the United Nations system;
 - (c) To strengthen its research and analytical capacities in the field of economic, social and cultural rights and to share its expertise, inter alia through the holding of expert meetings;
 - (d) To strengthen the support for the Committee on Economic, Social and Cultural Rights;
 - (e) To continue its activities on the promotion and awareness-raising of economic, social and cultural rights, including by supporting regional initiatives related to the implementation of the International Covenant on Economic, Social and Cultural Rights;
15. *Takes note with interest* of the report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights (A/HRC/4/62), submitted

pursuant to Human Rights Council decision 2/102 and paragraph 16 of Commission on Human Rights resolution 2005/22, including the section of the report on economic, social and cultural rights in conflict and post-conflict societies;

16. *Requests* the Secretary-General to submit to the Council an annual report on the implementation of the present resolution;

17. *Decides* to remain seized of this issue and to consider taking further actions in order to implement the present resolution.

*21st meeting
23 March 2007*

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

4/2. Human rights situation in the Occupied Palestinian Territory: follow-up to Human Rights Council resolutions S-1/1 and S-3/1

The Human Rights Council,

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

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

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

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

*26th meeting
27 March 2007*

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

4/3. 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 an open-ended intergovernmental working group on the issue of reviewing and, where necessary, improving and rationalizing all human rights mandates, mechanisms, functions and responsibilities,

Recalling also its resolution 2/1 of 27 November 2006, in which it requested the Working Group to draft a code of conduct regulating the work of the special procedures, and also requested the Coordinating Committee of the special procedures to extend until the closure of the fourth session of the Human Rights Council the deadline for the submission of comments and inputs to the draft manual of special procedures,

Taking note of the draft manual of the United Nations human rights special procedures, revised by the Coordinating 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 Coordinating Committee of the special procedures to extend until the closure of the fifth session of the Human Rights Council, which will be held from 11 to 18 June 2007, the deadline for the submission of comments on and inputs to the draft manual of special procedures;

2. *Also requests* the Working Group to present to the fifth session of the Council the outcome of its deliberations on the code of conduct regulating the work of the special procedures.

*26th meeting
27 March 2007*

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

B. Decisions

4/101. Dates of the fifth session of the Human Rights Council

At its 5th meeting, on 14 March 2007, the Human Rights Council, recalling General Assembly resolution 60/251, in particular its provisions relating to the institution-building process of the Council, decided, without a vote, to convene its fifth session from 11 to 18 June 2007, in order to consider in particular the institution-building process of the Council and to request the Secretary-General to provide the necessary support for the holding of the fifth session of the Human Rights Council.

[See chap. II.]

4/102. Transitional justice

At its 21st meeting, on 23 March 2007, the Human Rights Council decided, without a vote, to commend the Office of the United Nations High Commissioner for Human Rights for its efforts in developing the issue of transitional justice and human rights, inter alia by expanding the presence of the Office in peacebuilding operations, and to encourage the Office to continue to strengthen its important practical and analytical work regarding this complex issue.

[See chap. III.]
