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10-14 December 2007

ORGANIZATIONAL AND PROCEDURAL MATTERS

Vice-President and Rapporteur: Mr. Alejandro Artucio (Uruguay)

Draft report of the Council*

Addendum

[Note: The present document contains the resolutions, decisions and President's statements adopted during the resumed sixth session, held from 10 to 14 December 2007. The resolutions, decisions and President's statements adopted during the first part of the sixth session, held from 10 to 28 September 2007, are contained in document A/HRC/6/L.11.]

* Documents A/HC/6/L.10/Add.1 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 Council at its resumed sixth session

A. Resolutions

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

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights,

Recognizing the importance of the core international human rights instruments,

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

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

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

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

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

1. *Decides* to initiate an open-ended intergovernmental process in order to elaborate, on a consensual basis, a set of human rights voluntary goals, to promote the realization and

implementation of the Universal Declaration of Human Rights in accordance with States' international human rights obligations and commitments to be launched on 10 December 2008 during the celebration of the sixtieth anniversary of the Universal Declaration of Human Rights;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33rd meeting

14 December 2007

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

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

The Human Rights Council,

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

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

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

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

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

Recalling further the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and by special sessions of the General Assembly and their follow up meetings, inter alia, the Istanbul Declaration on Human Settlements and the Habitat Agenda (A/CONF.165/14), and the Declaration on Cities and Other Human Settlements in the New Millennium adopted at the twenty-fifth special session of the General Assembly, and annexed to its resolution S-25/2 of 9 June 2001,

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

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

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

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

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

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

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

3. *Expresses concern* at the prevalence of homelessness and inadequate housing, the growth of slums worldwide, forced evictions, the increase in challenges faced by migrants in relation to adequate housing, as well as of refugees in conflict and post-conflict situations, challenges to the full enjoyment of the right to adequate housing caused by the impact of climate

change, natural disasters and pollution, insecurity of tenure, unequal rights of men and women to property and inheritance, as well as other violations of and impediments to the full realization of the right to adequate housing;

4. *Urges States:*

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

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

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

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

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

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

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

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

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

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

(a) Promote the full realization of adequate housing as a component of the right to an adequate standard of living;

(b) Identify best practices as well as challenges and obstacles to the full realization of the right to adequate housing, and identify protection gaps in this regard;

(c) Give particular emphasis to practical solutions with regard to the implementation of the rights relevant to the mandate;

(d) Apply a gender perspective, including through the identification of gender-specific vulnerabilities in relation to the right to adequate housing and land;

(e) Facilitate the provision of technical assistance;

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

(g) Submit a report on the implementation of the present resolution to the General Assembly at its sixty-third session and to the Council in 2008, in accordance with its annual programme of work;

6. *Takes note* of the work on the Basic principles and guidelines on development-based evictions and displacement and of the need to continue to work on them, including through consultations with States and other stakeholders;

7. *Also takes note* of the work on the development of indicators on adequate housing;

8. *Invites* the outgoing Special Rapporteur to submit to the Council at its seventh session a comprehensive final report on his findings, conclusions and recommendations;

9. *Requests* the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur receives the necessary resources to enable him/her to discharge the mandate fully;

10. *Calls upon* all Governments to cooperate with the Special Rapporteur, and to consider responding favourably to his/her requests to visit their countries and to provide him/her with all the necessary information related to the mandate to enable him/her to fulfil the mandate effectively;

11. *Decides* to continue its consideration of this matter under the same agenda item.

33rd meeting

14 December 2007

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

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

**the promotion and protection of human rights and
fundamental freedoms while countering terrorism**

The Human Rights Council,

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

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

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

1. *Acknowledges with appreciation* the work and contributions of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;
2. *Decides* to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, for a period of three years and requests the Special Rapporteur:
 - (a) To make concrete recommendations on the promotion and protection of human rights and fundamental freedoms while countering terrorism, including, at the request of States, for the provision of advisory services or technical assistance on such matters;
 - (b) To gather, request, receive and exchange information and communications from and with all relevant sources, including Governments, the individuals concerned, their families, representatives and organizations, including through country visits, with the consent of the State concerned, on alleged violations of human rights and fundamental freedoms while countering terrorism, with special attention to areas not covered by existing mandate-holders;

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

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

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

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

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

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

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

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

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

33rd meeting
14 December 2007

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

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

The Human Rights Council,

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

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

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

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

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

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

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

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

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

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

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

Recalling its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human

Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. *Calls upon* all States:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. *Urges* all international organizations with mandates having a bearing on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to

take into account their members' national and international obligations related to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

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

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

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

33rd meeting

14 December 2007

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

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

The Human Rights Council,

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

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

Reaffirming further the Beijing Declaration and Platform for Action, the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality,

development and peace for the twenty-first century”, and the declaration adopted at the forty-ninth session of the Commission on the Status of Women,

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

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

Underscoring that the principle of equality between women and men is essential for the enjoyment of each of the specific rights enumerated in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as recognized by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights,

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

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

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

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

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

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

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

Methodology

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

2. *Encourages* Member States to promote gender balance by, inter alia taking all the necessary measures, including budgetary and institutional measures, to guarantee the full participation of women in medium- and high-level ranks, regularly nominating more women candidates for election and appointment to the human rights treaty bodies and mechanisms, international courts and tribunals, the specialized agencies and other organs, including the Human Rights Council subsidiary bodies;

3. *Calls upon* all relevant actors to implement General Assembly resolution 59/164 of 20 December 2004 on improvement of the status of women in the United Nations system, in

order to realize significant progress towards the goal of fifty/fifty gender distribution in the very near future and to guarantee the full participation of women in higher levels of decision-making in the Organization;

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

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

United Nations system

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

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

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

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

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

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

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

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

Cooperation between United Nations agencies

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

14. *Also welcomes* the work on the advancement of human rights of women and gender mainstreaming conducted by the recently established Women's Rights and Gender Unit within the Office of the High Commissioner for Human Rights and the continued commitment of the

High Commissioner for Human Rights to integrating the issue of women's enjoyment of human rights throughout the United Nations system, and also encourages her ongoing commitment to raise awareness and promote the universal ratification and implementation of the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol and further welcomes cooperation in the implementation of this resolution;

Human Rights Council

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

Universal periodic review

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

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

Special procedures and Advisory Committee

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

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

Programme of work

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

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

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

Follow-up

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

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

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

33rd meeting
14 December 2007

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

6/31. Advisory services and technical assistance for Liberia

The Human Rights Council,

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

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

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

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

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

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

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

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

33rd meeting

14 December 2007

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

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

The Human Rights Council,

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

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

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

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

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

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

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

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

3. *Expresses concern* at the persistent problems of large numbers of internally displaced persons worldwide, in particular the risk of extreme poverty and socio-economic exclusion, their

limited access to humanitarian assistance, vulnerability to human rights violations and difficulties resulting from their specific situation, such as lack of food, medication or shelter and issues pertinent during their reintegration, including, in appropriate cases, the need for the restitution of or compensation for property;

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

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

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

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

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

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

(a) To continue, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, the analysis of the reasons for internal displacement, the needs and human rights of those displaced, the development of benchmarks for assessing when displacement ends, measures of prevention and ways to strengthen protection, assistance and durable solutions for internally displaced persons, taking into account specific situations and relevant information, including in particular national data and statistics, and to include information thereon in his/her reports to the Human Rights Council;

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

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

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

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

(f) To continue to pay attention to the role of the international community in assisting affected States, upon request, in meeting the protection and assistance needs of internally displaced persons, including in implementing national strategies and to incorporate in his/her

advocacy activities an emphasis on the mobilization of adequate resources in response to the needs of affected countries;

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

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

8. *Encourages* all Governments, in particular Governments of countries with situations of internal displacement, to facilitate United Nations activities addressing the protection, assistance and development needs of internally displaced persons and to respond favourably to requests by the Representative for visits and information, and urges Governments and the relevant bodies of the United Nations system, also at the country level, to follow up effectively, where appropriate, on recommendations of the mandate-holder and to make available information on measures taken in this regard;

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

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

11. *Invites* the Representative of the Secretary-General to submit annual reports on the implementation of his/her mandate to the Human Rights Council and to the General Assembly,

making suggestions and recommendations regarding the human rights of internally displaced persons, including on the impact of measures taken at the inter-agency level;

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

34th meeting

14 December 2007

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

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

The Human Rights Council,

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

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

Deeply concerned at the situation of human rights in Myanmar,

1. *Welcomes* the recent visit to Myanmar by the Special Rapporteur on the situation of human rights in Myanmar, as requested by the Human Rights Council in its resolution S-5/1 and takes note with appreciation of the cooperation extended to him by the Government of Myanmar;
2. *Welcomes* the report of the Special Rapporteur (A/HRC/6/14) and expresses deep concern regarding its findings;
3. *Strongly urges* the Government of Myanmar to follow up and implement the recommendations contained in the report;

4. *Reiterates its call* to the Government of Myanmar to ensure full respect for human rights and fundamental freedoms and to investigate and bring to justice perpetrators of human rights violations, including for the recent violations of the rights of peaceful protesters;

5. *Notes with appreciation* the recent release of a large number of detainees, while observing that very few were political detainees;

6. *Reiterates its call* to the Government of Myanmar to release without delay those arrested and detained as a result of the repression of recent peaceful protests, to release all political detainees in Myanmar, including Daw Aung San Suu Kyi, and to ensure that conditions of detention meet international standards and include the possibility of visiting any detainee;

7. *Also reiterates its call* to the Government of Myanmar to lift all restraints on the peaceful political activity of all persons by, inter alia, guaranteeing freedom of peaceful assembly and association, and of freedom of opinion and expression, including for free and independent media, and to ensure unhindered access to media information for the people of Myanmar;

8. *Recalls its appeal* to the Government of Myanmar to engage urgently in a reinvigorated national dialogue with all parties with a view to achieving genuine national reconciliation, democratization and the establishment of the rule of law;

9. *Urges* the Government of Myanmar to cooperate fully with humanitarian organizations, including by ensuring full, safe and unhindered access of humanitarian assistance to all persons in need throughout the country;

10. *Requests* the Special Rapporteur on the situation of human rights in Myanmar to monitor the implementation of this resolution and to conduct, in this regard, a follow-up mission to Myanmar at his earliest convenience;

11. *Encourages* the Government of Myanmar and the Office of the High Commissioner for Human rights to continue to engage in a dialogue with a view to ensuring full respect for all human rights and fundamental freedoms;

12. *Invites* the Special Rapporteur to continue to discharge his mandate in a coordinated manner with the Special Envoy to Myanmar of the United Nations Secretary-General;
13. *Urges* the Government of Myanmar to cooperate fully with the Special Rapporteur and, upon request, other special procedures pertaining to the protection of vulnerable groups or the protection and promotion of civil and political or economic, social and cultural rights;
14. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur on the situation of human rights in Myanmar with adequate support, including expert human resources, to facilitate the fulfilment of the mandate entrusted to him by the present resolution;
15. *Requests* the Special Rapporteur on the situation of human rights in Myanmar to report to the Council at its seventh session;
16. *Decides* to remain seized of this matter.

34th meeting

14 December 2007

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

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

The Human Rights Council,

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

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

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

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

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

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

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

1. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in the Sudan, in accordance with Commission on Human Rights resolution 2005/82;
2. *Urges* the Government of the Sudan to continue cooperating fully with the Special Rapporteur and to respond favourably to her requests to visit the Sudan and to provide her with all necessary information so as to enable her to fulfil her mandate even more effectively;
3. *Requests* the Special Rapporteur to assess the needs of the Sudan in the context of her mandate and to mobilize the necessary international technical and financial support for the Sudan in the field of human rights, and invites relevant United Nations bodies and agencies, including the Office of the High Commissioner for Human Rights, to continue providing support and technical assistance to the Sudan in the field of human rights and calls upon donors to also continue providing financial and technical assistance and required equipment for the improvement of the human rights situation in the Sudan;
4. *Also requests* the Special Rapporteur to submit her outstanding annual report to the Council at its seventh session in March 2008 and her following report to the Council at its ninth session in September 2008;

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

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

34th meeting

14 December 2007

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

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

The Human Rights Council,

Recalling its resolution 4/8 of 30 March 2007,

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

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

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

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

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

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

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

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

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

34th meeting

14 December 2007

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

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

The Human Rights Council,

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

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

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

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

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

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

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

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

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

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

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

Rapporteur and a member of the Permanent Forum to attend and contribute to its annual meeting;

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

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

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

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

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

34th meeting

14 December 2007

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

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

The Human Rights Council,

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

Recalling also article 18 of the International Covenant on Civil and Political Rights,¹ article 18 of the Universal Declaration of Human Rights² and other relevant human rights provisions,

Reaffirming the recognition by the 1993 Vienna World Conference on Human Rights that all human rights are universal, indivisible, interdependent and interrelated, and its appeal to all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,³

Recalling the 2005 World Summit Outcome⁴ in which the Heads of State and Government reaffirmed the Declaration and Programme of Action on a Culture of Peace⁵ as well as the

¹ See resolution 2200 A (XXI), annex.

² Resolution 217 A (III).

³ See A/CONF.157/24 (Part I), chap. III, sect. II, para. 22.

⁴ General Assembly resolution 60/1.

Global Agenda for Dialogue Among Civilizations and its Programme of Action⁶ adopted by the General Assembly and the value of different initiatives on dialogue among cultures and civilizations, including the dialogue on interfaith cooperation and the Alliance of Civilizations, and committed themselves to taking action to promote a culture of peace and dialogue at the local, national, regional and international levels,

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

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

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

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

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

⁵ General Assembly resolutions 53/243 A and B.

⁶ See General Assembly resolution 56/6.

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

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

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

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

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

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

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

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

1. *Condemns* all forms of intolerance and of discrimination based on religion or belief as well as violations of the freedom of thought, conscience, religion or belief;

2. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

3. *Expresses concern* over the persistence of institutionalized or social intolerance and discrimination practiced against many in the name of or due to their religion or belief;

4. *Recalls* that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one's religion or belief;

5. *Emphasizes* that such procedures as described in paragraph 4 above, at the national or local levels, as and when legally required, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief either individually or in community with others and in public or private;

6. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual and electronic media or any other means;

7. *Encourages* the United Nations High Commissioner for Human Rights to continue to make efforts to coordinate in the field of human rights the activities of relevant United Nations organs, bodies and mechanisms dealing with all forms of intolerance and discrimination based on religion or belief;

8. *Emphasizes* that promoting tolerance and acceptance by the public of and its respect for diversity and combating all forms of intolerance and of discrimination based on religion and belief are substantial elements in creating an environment conducive to the full enjoyment by all

of the right to freedom of thought, conscience and religion, as enshrined in article 18 of the International Covenant on Civil and Political Rights;

9. *Urges States:*

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practice freely one's religion, including the right to change one's religion or belief, is violated;

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

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

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

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

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

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

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

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

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

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

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

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

10. *Stresses* the need to strengthen dialogue, inter alia through the Global Agenda for Dialogue among Civilizations and the Alliance of Civilizations, including through the recently appointed High Representative of the Secretary-General for the Alliance of Civilizations and the focal unit created by the General Assembly in its resolution 61/221 within the Secretariat to

interact with various entities in the United Nations system and coordinate their contribution to dialogue;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34th meeting

14 December 2007

[Adopted by a recorded vote of 29 to none, with 18 abstentions. See chap. III.]

B. Decisions

6/106. Alliance of Civilizations

The Human Rights Council,

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

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

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

[See chap. III.]
