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ORGANIZATIONAL AND PROCEDURAL MATTERS

Draft report of the Council*

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I. Resolutions and decisions adopted by the Council at its seventh session

A. Resolutions

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

The Human Rights Council,

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

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

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

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

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

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

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

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

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

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

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

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

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

10th meeting

6 March 2008

[Adopted by a recorded vote of 33 to 1,
with 13 abstentions. See chap. VII.]

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

The Human Rights Council,

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

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

Taking note also of the report of the United Nations High Commissioner for Human Rights on the composition of the staff of the Office of the United Nations High Commissioner for Human Rights,¹

Taking note further of the reports of the Joint Inspection Unit on the follow-up to the management review of the Office of the United Nations High Commissioner for Human Rights² and on the funding and staffing of the Office of the United Nations High Commissioner for Human Rights,³

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

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

¹ A/HRC/7/57.

² A/59/65-E/2004/48 and Add.1.

³ JIU/REP/2007/8.

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

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

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

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

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

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

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

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

*39th meeting
27 March 2008*

[Adopted by a recorded vote of 34 to 10,
with 3 abstentions. See chap. II.]

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

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions

of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,¹ for enhancing genuine cooperation among Member States in the field of human rights,

Recalling the adoption by the General Assembly of the United Nations Millennium Declaration on 8 September 2000² and Assembly resolution 62/160 of 18 December 2007, and bearing in mind Council decision 4/104 of 30 March 2007,

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

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

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

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

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

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

¹ A/CONF.157/24 (Part I), chap. III.

² See resolution 55/2.

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;
2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;
3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;
4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;
5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;
6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;
7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Takes note* of the report of the United Nations High Commissioner for human rights on the enhancement of international cooperation in the field of human rights;³

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

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

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

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

*39th meeting
27 March 2008*

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

³ A/HRC/7/31.

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

The Human Rights Council,

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

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

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

Taking into account the report¹ presented by the outgoing holder of the mandate of the independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights,

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

2. *Decides* to redefine the mandate of the special thematic procedure and rename it “independent expert on the effects of foreign debt and other related international financial

¹ A/HRC/7/9.

obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights”, so as to allow the mandate-holder to pay particular attention to:

- (a) The effects of foreign debt and the policies adopted to address them on the full enjoyment of all human rights, in particular, economic, social and cultural rights in developing countries;
- (b) The impact of foreign debt and other related international financial obligations on the capacity of States to design and implement their policies and programmes, including national budgets that respond to vital requirements for the promotion of the realization of social rights;
- (c) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;
- (d) New developments, actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to economic reform policies and human rights;
- (e) Quantification of minimum standards to support the realization of the Millennium Development Goals;
- (f) Enhancement of consultations with all relevant stakeholders in the fulfilment of this mandate;

3. *Also decides* that the mandate of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, will be extended for a period of three years;

4. *Requests* the independent expert to explore further, in his/her analytical annual report to the Human Rights Council, the interlinkages with trade and other issues, including HIV/AIDS, when examining the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural

rights, and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development,² with a view to bringing to its attention the broad scope of his/her mandate;

5. *Also requests* the independent expert to seek the views and suggestions of States, international organizations, United Nations agencies, funds and programmes, regional economic commissions, international and regional financial institutions and non-governmental organizations on the draft general guidelines with a view to improve it, as appropriate, and to present updated draft general guidelines to the Council in 2010;

6. *Further requests* the independent expert to cooperate, in accordance with his/her mandate, with the Committee on Economic, Social and Cultural Rights, as well as with the Advisory Committee, special procedures, mechanisms and relevant working groups of the Council related to economic, social and cultural rights and the right to development, in his/her work towards the improvement of the above-mentioned draft general guidelines;

7. *Requests* the Secretary-General to provide the independent expert with all necessary assistance, in particular the staff and resources required to carry out his/her functions, as well as to facilitate his/her participation in and contribution to the follow-up process of the International Conference on Financing for Development;

8. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his/her mandate;

9. *Requests* the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights to submit an analytical report on the

² *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

implementation of the present resolution to the Council in 2009 in accordance with its annual programme of work, and to submit a progress report on this issue to the General Assembly at its sixty-third session;

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

*39th meeting
27 March 2008*

[Adopted by a recorded vote of 34 to 13.
See chap. III.]

**7/5. Mandate of the independent expert on human rights
and international solidarity**

The Human Rights Council,

Reaffirming all previous resolutions adopted by the Commission on Human Rights and the Human Rights Council on the issue of the human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005,

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

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

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

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

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

1. *Decides* to extend the mandate of the independent expert on human rights and international solidarity for a period of three years:

(a) To promote the realization of the right of peoples and individuals to international solidarity, inter alia, through the further development of guidelines, standards, norms and principles enhancing the enjoyment of this fundamental right and the adoption of measures at the regional and international levels, to promote and consolidate international assistance to developing countries in their endeavours in development and the promotion of conditions that make the full realization of all human rights possible;

(b) To seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his/her mandate, taking into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields;

(c) To examine ways and means of overcoming existing and emerging obstacles to the realization of the right of peoples and individuals to international solidarity;

(d) To make recommendations on possible steps with a view to attaining progressively the full realization of the right of peoples and individuals to international solidarity, and suggestions to address the increasing challenges of international cooperation;

(e) To work in close cooperation with all States and intergovernmental and non-governmental organizations, as well as with other relevant actors representing the broadest

possible range of interests and experiences, within their respective mandates, to mainstream fully the effective realization of the right of peoples and individuals to international solidarity in the activities of the United Nations;

(f) To continue participating in and contributing to relevant international conferences and events with the aim of promoting the realization of the right of peoples and individuals to international solidarity;

2. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity in their activities, and to cooperate with the independent expert in his/her mandate, to supply all necessary information requested by him/her and to give serious consideration to responding favourably to the requests of the independent expert to visit their countries, and to enable him/her to fulfil his/her mandate effectively;

3. *Requests* the United Nations High Commissioner for Human Rights to provide all necessary human and financial resources for the effective fulfilment of the mandate of the independent expert;

4. *Requests* the independent expert to continue work on the preparation of a draft declaration on the right of peoples and individuals to international solidarity and to submit a report on the implementation of the present resolution to the Council, in accordance with its annual programme of work;

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

*39th meeting
27 March 2008*

[Adopted by a recorded vote of 34 to 13.
See chap. III.]

7/6. Mandate of the independent expert on minority issues

The Human Rights Council,

Recalling the International Covenant on Civil and Political Rights and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Recalling also all previous resolutions on the rights of persons belonging to national or ethnic, religious and linguistic minorities adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, including Commission resolution 2005/79 of 21 April 2005 and Council resolution 6/15 of 28 September 2007,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, as well as full and effective participation in matters affecting them, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Expressing concern at the frequency and severity of disputes and conflicts involving minorities in many countries and their often tragic consequences, and that persons belonging to minorities often suffer disproportionately the effects of conflict, resulting in the violation of their human rights, and are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

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

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

Taking note of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities submitted to the Council at its fourth session,¹ in which he recommended that the Council should maintain and improve existing mechanisms, including a special procedure,

1. *Commends* the independent expert on minority issues for the work that she has undertaken so far, for the important role that she has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious

¹ A/HRC/4/109.

and linguistic minorities, and for her ongoing efforts to promote and protect their rights in order to ensure equitable development and peaceful and stable societies, including through close cooperation with Governments, relevant United Nations bodies and mechanisms and non-governmental organizations;

2. *Expresses its appreciation* to Governments and intergovernmental and non-governmental organizations that have given special attention to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and have supported the work of the independent expert;

3. *Decides* to extend the mandate of the independent expert on minority issues for a period of three years and requests the independent expert:

(a) To promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultations with Governments, taking into account existing international standards and national legislation concerning minorities;

(b) To identify best practices and possibilities for technical cooperation with the Office of the United Nations High Commissioner for Human Rights, at the request of Governments;

(c) To apply a gender perspective in his/her work;

(d) To cooperate closely, while avoiding duplication, with existing relevant United Nations bodies, mandates and mechanisms and with regional organizations;

(e) To take into account the views of non-governmental organizations on matters pertaining to his/her mandate;

(f) To guide the work of the Forum on Minority Issues, as decided by the Council in its resolution 6/15;

(g) To submit annual reports on his/her activities to the Council, including recommendations for effective strategies for the better implementation of the rights of persons belonging to minorities;

4. *Calls upon* all States to cooperate with the independent expert in the performance of the tasks and duties mandated to him/her, and encourages specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop regular dialogue and cooperation with the mandate-holder;

5. *Requests* the Secretary-General and the High Commissioner for Human Rights to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the independent expert;

6. *Decides* to continue its consideration of this issue in accordance with the annual programme of work of the Council.

*39th meeting
27 March 2008*

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

7/7. Protection of human rights and fundamental freedoms while countering terrorism

The Human Rights Council,

Recalling its decision 2/112 and its resolution 6/28, and also recalling Commission on Human Rights resolutions 2003/68, 2004/87 and 2005/80, as well as General Assembly resolutions 57/219, 58/187, 59/191, 60/158, 61/171 and 62/159,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Deeply deplores* the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them, and stresses the importance of providing them with proper assistance;

3. *Reaffirms* its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism, and in that regard

calls upon States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy,¹ which, inter alia, reaffirms respect for human rights for all and the rule of law to be the fundamental basis of the fight against terrorism;

4. *Also reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights,² to respect that certain rights are non-derogable in any circumstances, and recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations;³

5. *Calls upon* States to raise awareness of the importance of these obligations among national authorities involved in combating terrorism;

6. *Reaffirms* that counter-terrorism measures should be implemented in full consideration of the human rights of persons belonging to minorities and must not be discriminatory on grounds such as race, colour, sex, language, religion or social origin;

7. *Calls upon* States not to resort to profiling based on stereotypes founded on grounds of discrimination prohibited by international law, including on racial, ethnic and/or religious grounds;

8. *Urges* States, while countering terrorism, to fully comply with their obligations in respect of torture and other cruel, inhuman or degrading treatment or punishment, in particular the absolute prohibition of torture;

9. *Also urges* States to fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these

¹ General Assembly resolution 60/288.

² See General Assembly resolution 2200 A (XXI), annex.

³ See, for example, general comment No. 29 (2001), on article 4 of the Covenant (derogations during a state of emergency) adopted by the Human Rights Committee.

obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

10. *Calls upon* States to refrain from returning persons, including in cases related to terrorism, to their countries of origin or to a third State whenever such transfer would be contrary to their obligations under international law, in particular human rights law, international humanitarian law and international refugee law, including in cases where there are substantial grounds for believing that they would be in danger of subjection to torture, or where their life or freedom would be threatened in violation of international refugee law on account of their race, religion, nationality, membership of a particular social group or political opinion, bearing in mind obligations that States may have to prosecute individuals not returned;

11. *Also calls upon* States to ensure that guidelines and practices in all border control operations and other pre-entry mechanisms are clear and fully respect their obligations under international law, particularly refugee law and human rights law, towards persons seeking international protection;

12. *Urges* States, while countering terrorism, to ensure due process guarantees, consistent with all relevant provisions of the Universal Declaration of Human Rights,⁴ and their obligations under the International Covenant on Civil and Political Rights and of the Geneva Conventions and their additional Protocols,⁵ and the 1951 Convention relating to the status of refugees and the 1969 Protocol relating to the status of refugees, in their respective fields of applicability;

⁴ General Assembly resolution 217 A (III).

⁵ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

13. *Also urges* all States to take all necessary steps to ensure that persons deprived of liberty, regardless of the place of arrest or of detention, benefit from the guarantees to which they are entitled under international law, including the review of their detention and, if subjected to trial, fundamental judicial guarantees;

14. *Opposes* any form of deprivation of liberty that amounts to placing a detained person outside of the protection of the law, and urges States to respect the safeguards concerning the liberty, security and dignity of the person and to treat all prisoners in all places of detention in accordance with international law, including human rights law and international humanitarian law;

15. *Acknowledges* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 of 20 December 2006 and recognizes that its entry into force will be a significant event;

16. *Calls upon* States to ensure that their laws criminalizing terrorist conduct and/or activities are accessible, formulated with precision, non-discriminatory, non-retroactive and in accordance with international law, including human rights law;

17. *Urges* States while ensuring full compliance with their international obligations, to include adequate human rights guarantees in their national procedures for the listing of individuals and entities with a view to combat terrorism;

18. *Reaffirms* that it is imperative that all States work to uphold and protect the dignity of individuals and their fundamental freedoms, as well as democratic practices and the rule of law, while countering terrorism;

19. *Acknowledges with appreciation* the reports of the Special Rapporteur on the promotion and protection of human rights while countering terrorism submitted to the Council;⁶

20. *Also acknowledges with appreciation* the reports of the High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering

⁶ A/HRC/6/17 and Corr.1, A/HRC/4/26 and E/CN.4/2006/98.

terrorism submitted to the Council⁷ as well as the work to implement the mandate given to her by the Commission on Human Rights in its resolution 2005/80 and the General Assembly in its resolution 60/158, and requests the High Commissioner to continue her efforts in this regard;

21. *Calls upon* international, regional and subregional organizations to strengthen coordination and cooperation in promoting the protection of human rights and fundamental freedoms while countering terrorism;

22. *Encourages* States to make available to relevant national authorities the “Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism” and to take into account its content;

23. *Acknowledges with appreciation* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the relevant human rights bodies including the High Commissioner for Human Rights and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to develop and improve cooperation and dialogue with the Security Council and its Counter-Terrorism Committee, including its Executive Directorate;

24. *Also acknowledges with appreciation* the cooperation between the Special Rapporteur and all relevant procedures and mechanisms of the Council, United Nations human rights treaty bodies and the Office of the United Nations High Commissioner for Human Rights, and urges them to continue their cooperation, in accordance with their mandates, and to coordinate their efforts, where appropriate, in order to promote a consistent approach on this subject;

25. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to give due consideration to the recommendations of the special procedures and mechanisms of the Council and the relevant comments and views of human rights treaty bodies;

⁷ E/CN.4/2006/94 and A/HRC/4/88.

26. *Notes with appreciation* the issuance by the Counter-Terrorism Committee of the Security Council of its policy guidance number 2 regarding human rights and the Committee;

27. *Takes note* of the requests by the General Assembly addressed to the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, including by raising awareness about the necessity to respect human rights while countering terrorism;

28. *Requests* the High Commissioner to report regularly on the implementation of the present resolution to the Council, in accordance with its annual programme of work, and to the General Assembly;

29. *Decides* to continue consideration of this issue in the 2008-2009 cycle of the Council, in accordance with its annual programme of work.

*39th meeting
27 March 2008*

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

7/8. Mandate of the Special Rapporteur on the situation of human rights defenders

The Human Rights Council,

Recalling General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

Recalling also the continued validity and application of all the provisions of the above-mentioned Declaration,

Recalling further all previous resolutions on this subject, in particular Commission on Human Rights resolution 2005/67 of 20 April 2005 and General Assembly resolution 62/152 of 18 December 2007,

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

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

Emphasizing the important role that individuals and civil society institutions, including non-governmental organizations, groups and national human rights institutions, play in the promotion and protection of all human rights and fundamental freedoms for all,

1. *Takes note with appreciation* of the work conducted by the Special Representative of the Secretary-General on the situation of human rights defenders;

2. *Decides* to extend the special procedure on the situation of human rights defenders as a Special Rapporteur for a period of three years, and requests the Special Rapporteur:

(a) To promote the effective and comprehensive implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms through cooperation and constructive dialogue and engagement with Governments, relevant stakeholders and other interested actors;

(b) To study, in a comprehensive manner, trends, developments and challenges in relation to the exercise of the right of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(c) To recommend concrete and effective strategies to better protect human rights defenders through the adoption of a universal approach, and to follow up on these recommendations;

(d) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(e) To integrate a gender perspective throughout the work of his/her mandate, paying particular attention to the situation of women human rights defenders;

(f) To work in close coordination with other relevant United Nations bodies, offices, departments and specialized agencies, both at Headquarters and at the country level, and in particular with other special procedures of the Council;

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

3. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of his/her tasks, to provide all information and to respond to communications transmitted to them by the Special Rapporteur without undue delay;

4. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his/her recommendations so as to enable him/her to fulfil his/her mandate even more effectively;

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

6. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

*40th meeting
27 March 2008*

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

7/9. Human rights of persons with disabilities

The Human Rights Council,

Recalling the relevant resolutions of the General Assembly, the most recent of which are resolution 62/170 of 18 December 2007 on the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, and resolution 62/127 of 18 December 2007 on the implementation of the World Programme of Action concerning Disabled Persons,

Recalling also the relevant resolutions of the Commission on Human Rights, the most recent of which is resolution 2005/65 of 25 April 2005, as well as those of the Commission for Social Development of the Economic and Social Council,

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others,

Recognizing also the importance of accessibility to the physical, social, economic and cultural environment, to health, education, information and communication, in enabling persons with disabilities to enjoy all human rights and fundamental freedoms fully,

Recognizing further the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,

Recognizing that women and girls with disabilities are often subject to multiple discrimination, and emphasizing the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,

1. *Reaffirms* the need to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity, and in this regard, calls upon Governments to take active measures:

(a) To prevent and prohibit all forms of discrimination against persons with disabilities;

(b) To ensure, for persons with disabilities, full and effective participation and inclusion, respect for their individual autonomy, including the freedom to make one's own choices; independence; and equality of opportunity;

2. *Welcomes* the adoption by the General Assembly on 13 December 2006 of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and expresses the hope that they will enter into force at an early date;

3. *Also welcomes* the fact that, since the opening for signature of the Convention and Optional Protocol on 30 March 2007, 126 States have signed and 17 have ratified the Convention, and that 71 States have signed and 11 have ratified the Optional Protocol, and calls upon those States and regional integration organizations that have not yet done so to consider signing and ratifying the Convention and the Optional Protocol as a matter of priority;

4. *Further welcomes* the attention that several special rapporteurs have paid to the rights of persons with disabilities in carrying out their mandates, and requests special procedures, in carrying out their mandates, to take into account the full and equal enjoyment of all human rights by persons with disabilities;

5. *Encourages* the Human Rights Council Advisory Committee, and other mechanisms of the Council, to integrate the perspective of persons with disabilities, as appropriate, in carrying out their work and in their recommendations so as to facilitate the inclusion of persons with disabilities in the work of the Council;

6. *Urges* all stakeholders to give consideration to the rights of persons with disabilities at all stages of the universal periodic review, including during the consultations carried out by States at the national level for the preparation of information to be submitted for the review, so as to include national human rights institutions and non-governmental organizations representing persons with disabilities in such consultations;

7. *Welcomes* the attention paid to the rights of persons with disabilities in the work of several human rights treaty monitoring bodies and encourages all such bodies to further integrate the perspective of persons with disabilities in their work, including in their monitoring activities and through the issuing of general comments;

8. *Urges* Governments to address fully, in consultation with, inter alia, national human rights institutions and organizations of persons with disabilities, the rights of persons with disabilities when fulfilling their reporting obligations under the relevant United Nations human rights instruments, and welcomes the efforts of those Governments that have begun to do so;

9. *Welcomes* the report of the High Commissioner for Human Rights on progress in the implementation of the recommendations contained in the study on the human rights of persons with disabilities¹ and invites the High Commissioner to continue to provide adequate support for the integration of the perspective of persons with disabilities in the work of the Council and to continue the activities of her Office that contribute to raising awareness and understanding of the Convention on the Rights of Persons with Disabilities, including in cooperation with the Department for Economic and Social Affairs of the Secretariat;

10. *Encourages* States to raise awareness regarding the rights of persons with disabilities, including through public awareness campaigns and training programmes, to combat stereotypes, prejudices, harmful practices and attitudinal barriers relating to persons with disabilities and to promote positive perceptions and greater social awareness of persons with disabilities;

11. *Encourages* the High Commissioner for Human Rights to take fully into account the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines the need for the Council, including its Internet resources, to be fully accessible to persons with disabilities;

¹ A/HRC/7/61.

12. *Encourages* States to take appropriate measures to identify and eliminate obstacles and barriers to accessibility for persons with disabilities, in particular to ensure that persons with disabilities have access, on an equal basis with others, to the physical environment, transportation, information and communications, and to other facilities open or provided to the public, both in urban and rural areas;

13. *Welcomes* the important role played by national human rights institutions and civil society organizations, including organizations of persons with disabilities, in the negotiation of the Convention on the Rights of Persons with Disabilities, and encourages relevant institutions and organizations to continue their efforts to promote understanding of the Convention and, where appropriate, its implementation;

14. *Encourages* the Office of the United Nations High Commissioner to continue to strengthen its partnerships with and its outreach activities towards civil society organizations, with a particular emphasis on organizations representing persons with disabilities, so as to raise awareness among them about the work of the human rights system;

15. *Decides* to hold an annual interactive debate in one of its regular sessions on the rights of persons with disabilities and that the first such debate should be held at its tenth session, focusing on key legal measures for ratification and effective implementation of the Convention, including with regard to equality and non-discrimination;

16. *Requests* the Office of the High Commissioner to prepare a thematic study to enhance awareness and understanding of the Convention on the Rights of Persons with Disabilities, focusing on legal measures key for the ratification and effective implementation of the Convention, such as those relating to equality and non-discrimination, in consultation with States, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, and requests that the study be available on the website of the Office of the High Commissioner, in an accessible format, prior to the tenth session of the Council;

17. *Notes* that the General Assembly requested the Secretary-General to submit to the Assembly at its next session a report on the status of the Convention and the Optional Protocol

and on the implementation of resolution 62/170, and that it also requested the Secretary-General to submit that report to the Council as a contribution to its discussion of the rights of persons with disabilities;

18. *Invites* the Special Rapporteur on disability of the Commission for Social Development to continue cooperating with the Council and to address it on activities undertaken pursuant to his/her mandate, in accordance with its programme of work.

*40th meeting
27 March 2008*

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

7/10. Human rights and arbitrary deprivation of nationality

The Human Rights Council,

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

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality,

Reaffirming its decision 2/111 of 27 November 2006, as well as all previous resolutions adopted by the Commission on Human Rights on the issue of human rights and arbitrary deprivation of nationality, in particular resolution 2005/45 of 19 April 2005,

Recognizing the right of States to establish laws governing the acquisition, renunciation or loss of nationality, in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession,

Noting the relevant provisions of international human rights instruments and instruments on statelessness and nationality, inter alia, article 5, paragraph (d) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination; article 24, paragraph 3, of the International Covenant on Civil and Political Rights; articles 7 and 8 of the Convention on

the Rights of the Child; articles 1 to 3 of the Convention on the Nationality of Married Women; article 9 of the Convention on the Elimination of All Forms of Discrimination against Women; and the Convention on the Reduction of Statelessness,

Recalling that persons arbitrarily deprived of nationality are protected by international human rights and refugee law as well as instruments on statelessness, including, with respect to States parties, the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees and the Protocol thereto,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, as reaffirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993,¹ the 2005 World Summit Outcome² and General Assembly resolution 60/251 of 15 March 2006, by which the Assembly established the Human Rights Council,

Recalling General Assembly resolution 61/137 of 25 January 2007, in which, inter alia, the Assembly urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons,

Noting the important work of the Office of the United Nations High Commissioner for Refugees in seeking to address and prevent the problem of statelessness, including the adoption by its Executive Committee of the conclusion on identification, prevention and reduction of statelessness and protection of stateless persons No. 106 (LVII) - 2006,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their populations because of nationality, ethnicity, race, religion or language,

¹ A/CONF.157/23.

² General Assembly resolution 60/1.

Recalling General Assembly resolutions 55/153 of 12 December 2000 and 59/34 of 2 December 2004 on the nationality of natural persons in relation to the succession of States,

Recalling also the resolutions of the Sub-Commission on the Promotion and Protection of Human Rights on the rights of non-citizens, in particular of paragraph 7 of its resolution 2003/21 of 13 August 2003, and also of the final report of the Special Rapporteur of the Sub-Commission on the rights of non-citizens,³

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on racial, national, ethnic, religious, gender or political grounds,

Recalling that arbitrarily depriving a person of his or her nationality may lead to statelessness, and in this regard expressing concern at various forms of discrimination against stateless persons that violate the obligations of States under international human rights law,

Emphasizing that the human rights and fundamental freedoms of persons whose nationality may be affected by State succession must be fully respected,

1. *Reaffirms* that the right to a nationality of every human person is a fundamental human right;
2. *Recognizes* that arbitrary deprivation of nationality on racial, national, ethnic, religious, political or gender grounds is a violation of human rights and fundamental freedoms;
3. *Calls upon* all States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, colour, gender, religion, political opinion or national or ethnic origin, especially if such measures and legislation render a person stateless;

³ E/CN.4/Sub.2/2003/23 and Add.1-4.

4. *Urges* all States to adopt and implement nationality legislation with a view to avoiding statelessness, consistent with fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality and statelessness as a result of State succession;

5. *Calls upon* States that have not already done so to consider accession to the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons;

6. *Notes* that the full enjoyment of all human rights and fundamental freedoms of an individual might be impeded as a result of arbitrary deprivation of nationality, thereby hampering his or her social integration;

7. *Calls upon* States to ensure that an effective remedy is available to persons who have been arbitrarily deprived of their nationality;

8. *Urges* the appropriate mechanisms of the Council and the appropriate United Nations treaty bodies and encourages the Office of the United Nations High Commissioner for Refugees to continue to collect information on the issue of human rights and arbitrary deprivation of nationality from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates;

9. *Requests* the Secretary-General to collect information on this question from all relevant sources and to make it available to the Council at its tenth session;

10. *Decides* to continue its consideration of this matter at its tenth session under the same agenda item.

*40th meeting
27 March 2008*

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

**7/11. The role of good governance in the promotion
and protection of human rights**

The Human Rights Council,

Guided by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations applying to every individual and every organ of society, and also the Vienna Declaration and Programme of Action,¹ which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recalling Commission on Human Rights resolution 2005/68 of 20 April 2005 and all previous relevant resolutions on the role of the good governance in the promotion of human rights, as well as the United Nations Millennium Declaration,

Recognizing the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of human rights and fundamental freedoms and of the mutually reinforcing relationship between good governance and human rights,

Recognizing also that transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, including women and members of vulnerable and marginalized groups, is the foundation on which good governance rests and that such a foundation is an indispensable condition for the full realization of human rights, including the right to development,

Emphasizing that democracies have embedded institutional advantages incontestably favourable to sustainable development, and that when based on the respect for human rights, they provide political incentives to Governments to respond to the needs and demands of the people, allow for more informed and extensive policy dialogue, are more adaptable, and create necessary checks and balances on Government power,

Reaffirming the leading role played by the United Nations in developing and promoting democracy and human rights, and recognizing the role of other processes, including the International Conference of New or Restored Democracies and the Community of Democracies,

¹ A/CONF.157/23.

Reaffirming also the importance of international and regional cooperation, when required by the States in need, in order to facilitate the implementation of good governance and anti-corruption practices at all levels,

Stressing that good governance at the national and international levels is essential for sustained economic growth, sustainable development and the eradication of poverty and hunger, as reflected in the 2005 World Summit Outcome,

Noting with satisfaction the outcomes of the respective conferences of the Community of Democracies, held in Warsaw in 2000, in Seoul in 2002, in Santiago in 2005 and in Bamako in 2007, at which the States committed themselves to build on shared principles and goals to promote democracy in all regions of the world, to support the integrity of democratic processes in societies on the democratic path and to coordinate policies to enhance the effectiveness of democratic governance,

Realizing that the fight against corruption at all levels plays an important role in the promotion and protection of human rights and in the process of creating an environment conducive to their full enjoyment,

Recognizing the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights, through both the weakening of institutions and the erosion of public trust in government, as well as through the impairment of the ability of Governments to fulfil their human rights obligations, particularly the economic and social rights of the most vulnerable and marginalized,

Recognizing also that effective anti-corruption measures and the protection of human rights are mutually reinforcing and that the promotion and protection of human rights is essential to the fulfilment of all aspects of an anti-corruption strategy,

Noting with attention the outcome of the first and second sessions of the Conference of the States parties to the United Nations Convention against Corruption, held in Dead Sea, Jordan, in 2006, and in Bali, Indonesia, in 2008,

1. *Welcomes* the note by the United Nations High Commissioner for Human Rights transmitting the report on the United Nations Conference on anti-corruption, good governance

and human rights, held in Warsaw, on 8 and 9 November 2006, by the Office of the High Commissioner for Human Rights, and noting the main themes discussed during the seminar:

- (a) The impact of corruption on human rights;
- (b) Human rights and good governance in the fight against corruption;
- (c) The role of civil society, the private sector and the media;
- (d) Fighting corruption while safeguarding human rights;

2. *Invites* States to consider ratifying or acceding to the United Nations Convention against Corruption and to promote transparency, accountability, prevention and enforcement as key principles of anti-corruption efforts;

3. *Welcomes* the publication of the Office of the United Nations High Commissioner for Human Rights entitled “Good Governance Practices for the Protection of Human Rights”,² pursuant to Commission on Human Rights resolution 2005/68, and requests the Office of the High Commissioner to prepare a publication on anti-corruption, good governance and human rights, drawing on the results of the Warsaw conference;

4. *Decides* to continue its consideration of the question of the role of good governance, including the issue of the fight against corruption in the promotion and protection of human rights, at a future session.

*40th meeting
27 March 2008*

[Adopted by a recorded vote of 41 to none,
with 6 abstentions. See chap. III.]

² United Nations Publications, Office of the High Commissioner for Human Rights, Sales No. 07.XIV.10, February 2008.

7/12. Enforced or involuntary disappearances

The Human Rights Council,

Reaffirming the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which protect the right of life, the right of liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law,

Recalling resolution 20 (XXXVI) of 29 February 1980 of the Commission on Human Rights establishing a Working Group consisting of five members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearances as a body of principles for all States,

Acknowledging the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 of 20 December 2006, and recognizing that its entry into force as soon as possible through its ratification by 20 States will be a significant event,

Deeply concerned in particular by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Acknowledging the fact that acts of enforced disappearance are crimes against humanity, as defined in the Rome Statute of the International Criminal Court,¹

¹ A/CONF.183/9.

Recalling resolutions 2004/40 of 19 April 2004 and 2005/27 of 19 April 2005 of the Commission on Human Rights,

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

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

1. *Takes note* of the report submitted by the Working Group on Enforced or Involuntary Disappearances² and of the recommendations contained therein;

2. *Decides* to extend the mandate of the Working Group for a further period of three years, and encourages it, in fulfilling its mandate:

(a) To promote communication between families of disappeared persons and the Governments concerned, particularly when ordinary channels have failed, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

(b) To observe, in its humanitarian task, United Nations standards and practices regarding the handling of communications and the consideration of Government replies;

(c) To consider the question of impunity in the light of the relevant provisions of the Declaration on the Protection of All Persons from Enforced Disappearances, and having in mind the set of principles for the protection and promotion of human rights through action to combat impunity;³

² A/HRC/7/2.

³ E/CN.4/Sub.2/1997/20/Rev.1, annex II, and E/CN.4/2005/102/Add.1.

(d) To pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned in searching for and identifying these children;

(e) To pay particular attention to cases transmitted to it that are most urgent from a humanitarian perspective and that refer to ill-treatment, serious threatening or intimidation of witnesses of enforced or involuntary disappearances or relatives of disappeared persons;

(f) To pay particular attention to cases of disappearance of persons working for the promotion and protection of human rights and fundamental freedoms, wherever they occur, and to make appropriate recommendations for preventing such disappearances and improving the protection of such persons;

(g) To apply a gender perspective in its reporting process, including in information collection and the formulation of recommendations;

(h) To provide appropriate assistance in the implementation by States of the Declaration and of the existing international rules;

(i) To continue its deliberations on its working methods and to include these aspects in its reporting process to the Council;

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

3. *Calls on* Governments that have not provided for a long period of time substantive replies concerning claims of enforced disappearances in their countries to do so and to give due consideration to relevant recommendations concerning this issue made by the Working Group in their reports;

4. *Urges* States:

(a) To promote and give full effect to the Declaration on the Protection of All Persons from Enforced Disappearances;

(b) To cooperate with the Working Group and help it to carry out its mandate effectively and, in that framework, give serious consideration to requests for visits to their countries;

(c) To prevent the occurrence of enforced disappearances, including by guaranteeing that any person deprived of liberty is held solely in officially recognized and supervised places of detention, guaranteeing access to all places of detention by authorities and institutions whose competence in this regard has been recognized by the concerned State, maintaining official, accessible, up-to-date registers and/or records of detainees, and ensuring that detainees are brought before a judicial authority promptly after detention;

(d) To work to eradicate the culture of impunity for the perpetrators of enforced disappearances and to elucidate cases of enforced disappearances as crucial steps in effective prevention;

(e) To prevent and investigate with special attention cases of enforced disappearance of persons belonging to vulnerable groups, especially children, and to bring the perpetrators of these enforced disappearances to justice;

(f) To take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

5. *Urges* the Governments concerned:

(a) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(b) To continue their efforts to elucidate the fate of disappeared persons and to ensure that competent authorities in charge of investigation and prosecution are provided with adequate means and resources to resolve cases and bring perpetrators to justice;

(c) To make provisions in their legal systems for victims of enforced or involuntary disappearances or their families to seek fair, prompt and adequate reparation and, in addition, where appropriate, to consider symbolic measures recognizing the suffering of victims and restoring their dignity and reputation;

(d) To address the specific needs of the families of disappeared persons;

6. *Reminds* States that:

(a) As proclaimed in article 2 of the Declaration on the Protection of All Persons from Enforced Disappearances, no State shall practise, permit or tolerate enforced disappearances;

(b) All acts of enforced or involuntary disappearance are crimes punishable by appropriate penalties, which should take due account of their extreme seriousness under criminal law;

(c) They should ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

(d) If there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction, all the perpetrators of that disappearance must be brought to justice;

(e) Impunity is simultaneously one of the underlying causes of enforced disappearances and a major obstacle to the elucidation of such cases;

(f) As proclaimed in article 11 of the Declaration, all persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability fully to exercise their rights are assured;

7. *Expresses*:

(a) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information and to the Governments that have accepted visits of

the Working Group to their countries, requesting them to give all necessary attention to the Working Group's recommendations and inviting them to inform the Working Group of any action they take on those recommendations;

(b) Its appreciation to the Governments that are investigating, cooperating at the international and bilateral levels, and have developed or are developing appropriate mechanisms to investigate any claims of enforced disappearance that are brought to their attention, and encourages all Governments concerned to expand their efforts in this area;

8. *Invites* States to take legislative, administrative, legal and other steps, including when a state of emergency has been declared, at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance, and to provide the Working Group with concrete information on the measures taken and the obstacles encountered in preventing enforced and involuntary disappearances and in giving effect to the principles set forth in the Declaration;

9. *Takes note* of the assistance provided to the Working Group by non-governmental organizations and their activities in support of the implementation of the Declaration, and invites those organizations to continue their cooperation;

10. *Requests* the Secretary-General to continue:

(a) To ensure that the Working Group receives all the assistance and resources it requires to perform its functions, including supporting the principles of the Declaration, carrying out and following up on missions and holding sessions in countries that are prepared to receive it;

(b) To provide the resources needed to update the database on cases of enforced disappearance;

(c) To keep the Working Group and the Council regularly informed of the steps taken for the wide dissemination and promotion of the Declaration;

11. *Decides* to continue consideration of the matter in accordance with its programme of work.

40th meeting
27 March 2008
[Adopted without a vote. See chap. III.]

**7/13. Mandate of the Special Rapporteur on the sale of children,
child prostitution and child pornography**

The Human Rights Council,

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

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

Recalling also all previous resolutions on the mandate on sale of children, child prostitution and child pornography, especially Commission on Human Rights resolution 1990/68 of 7 March 1990 and decision 2004/285 of the Economic and Social Council of 22 July 2004,

Bearing in mind the Convention on the Rights of the Child and its Optional Protocols and other instruments relating to this mandate,

Deeply concerned about the persistence of the practices of sale of children, child prostitution and child pornography in many parts of the world,

1. *Welcomes* the work and contributions of the Special Rapporteur on the sale of children, child prostitution and child pornography;
2. *Decides* to extend the mandate of the Special Rapporteur for a period of three years:
 - (a) To consider matters relating to the sale of children, child prostitution and child pornography;

- (b) To continue, through continuous and constructive dialogue with Governments, intergovernmental organizations and civil society, including non-governmental organizations concerned, the analysis of the root causes of sale of children, child prostitution and child pornography, addressing all the contributing factors, especially the demand factor;
- (c) To identify and make recommendations on preventing and combating new patterns of sale of children, child prostitution and child pornography;
- (d) To identify, exchange and promote best practices on measures to combat the sale of children, child prostitution and child pornography;
- (e) To continue, in consultation with Governments, intergovernmental organizations and civil society, including non-governmental organizations concerned, his/her efforts to promote comprehensive strategies and measures on the prevention of sale of children, child prostitution and child pornography;
- (f) To make recommendations on the promotion and protection of human rights of children actual or potential victims of sale, prostitution and pornography, as well as on the aspects related to the rehabilitation of child victims of sexual exploitation;
- (g) To integrate a gender perspective throughout the work of his/her mandate;
- (h) To work in close coordination with other relevant bodies and mechanisms of the United Nations, the Committee on the Rights of the Child and, in particular, with other special procedures of the Council, such as the Special Rapporteur on trafficking in persons, especially in women and children, the Special Rapporteur on violence against women, the Special Rapporteur on contemporary forms of slavery and the Special Representative of the Secretary-General on violence against children, bearing in mind their complementarity, in order to strengthen the work for the promotion and protection of human rights and fundamental freedoms while avoiding unnecessary duplication of efforts;
- (i) To submit a report on the implementation of his/her mandate to the Council in accordance with its annual programme of work;

3. *Requests* all Governments to cooperate with the Special Rapporteur in the performance of the task and duties mandated, to furnish necessary information requested in his/her communications and to react promptly to the Special Rapporteur's urgent appeals;
4. *Encourages* all Governments to respond favourably to the requests of the Special Rapporteur to visit their countries so as to enable him/her to fulfil the mandate effectively;
5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human, technical and financial assistance to the Special Rapporteur necessary for the effective fulfilment of his/her mandate;
6. *Decides* to continue the consideration of this question in accordance with its programme of work.

40th meeting
27 March 2008

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

7/14. The right to food

The Human Rights Council,

Recalling all previous resolutions on the issue of the right to food, in particular General Assembly resolution 62/164 of 18 December 2007 and Council resolution 6/2 of 27 September 2007, as well as all resolutions of the Commission on Human Rights in this regard,

Recalling also the Universal Declaration of Human Rights,¹ which provides that everyone has the right to a standard of living adequate for her or his health and well-being,

¹ General Assembly resolution 217 A (III).

including food, the Universal Declaration on the Eradication of Hunger and Malnutrition² and the United Nations Millennium Declaration,³

Recalling further the provisions of the International Covenant on Economic, Social and Cultural Rights,⁴ in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action⁵ and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,⁶

Reaffirming the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,⁷

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

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

² *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

³ See General Assembly resolution 55/2.

⁴ See General Assembly resolution 2200 A (XXI), annex.

⁵ Food and Agriculture Organization of the United Nations, *Report of the World Food Summit, 13-17 November 1996* (WFS 96/REP), part one, appendix.

⁶ Food and Agriculture Organization of the United Nations, *Report of the World Food Summit: five years later, 10-13 June 2002*, part one, appendix; see also A/57/499, annex.

⁷ Food and Agriculture Organization of the United Nations, *Report of the Council of the Food and Agriculture Organization of the United Nations, One Hundred and Twenty-seventh Session, Rome, 22-27 November 2004* (CL 127/REP), appendix D; see also E/CN.4/2005/131, annex.

Reaffirming also that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Recognizing that the problems of hunger and food insecurity have global dimensions and that there has been virtually no progress made on reducing hunger and that it could increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,⁸

Noting that environmental degradation, desertification and global climate change are exacerbating destitution and desperation, causing a negative impact on the realization of the right to food, in particular in developing countries,

⁸ See Food and Agriculture Organization of the United Nations, *Report on the State of Food Insecurity in the World 2006* (Rome, Food and Agriculture Organization of the United Nations, 2006).

Expressing its deep concern at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

Welcoming the theme “The right to food”, chosen by the Food and Agriculture Organization of the United Nations to mark World Food Day on 16 October 2007,

Taking note of the Final Declaration adopted at the International Conference on Agrarian Reform and Rural Development of the Food and Agriculture Organization of the United Nations in Pôrto Alegre, Brazil, on 10 March 2006,⁹

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Considers it intolerable* that more than 6 million children still die every year from hunger-related illness before their fifth birthday and that there are about 854 million undernourished people in the world and that, while the prevalence of hunger has diminished, the absolute number of undernourished people has been increasing in recent years when, according to the Food and Agriculture Organization of the United Nations, the planet could produce enough food to feed 12 billion people, twice the world’s present population;

⁹ Food and Agriculture Organization of the United Nations, *Report of the International Conference on Agrarian Reform and Rural Development, Pôrto Alegre, Brazil, 7-10 March 2006* (C 2006/REP), appendix G.

4. *Expresses its concern* that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

5. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water, to enable them to feed themselves and their families;

6. *Encourages* the Special Rapporteur on the right to food to continue mainstreaming a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms addressing the right to food and food insecurity to integrate a gender perspective into their relevant policies, programmes and activities;

7. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive and accessible to persons with disabilities;

8. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger, and recognizes in this regard the great efforts and positive developments with respect to the right to food in some developing countries and regions, including those highlighted in the report of the Special Rapporteur;¹⁰

9. *Stresses* that improving access to productive resources and public investment in rural development is essential for eradicating hunger and poverty, in particular in developing

¹⁰ See A/62/289.

countries, including through the promotion of investments in appropriate, small-scale irrigation and water management technologies in order to reduce vulnerability to droughts;

10. *Recognizes* that 80 per cent of hungry people live in rural areas, and 50 per cent are small-scale farm-holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of inputs, and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; and that support by States for small farmers, fishing communities and local enterprises is an element key to food security and provision of the right to food;

11. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and, in this regard, calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa;¹¹

12. *Also stresses* its commitments to promote and protect, without discrimination, the economic, social and cultural rights of indigenous peoples, in accordance with international human rights obligations and taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples,¹² and acknowledges that many indigenous organizations and representatives of indigenous communities have expressed in different forums their deep concerns over the obstacles and challenges they face for the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

13. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

¹¹ United Nations, *Treaty Series*, vol. 1954, No. 33480.

¹² General Assembly resolution 61/295, annex.

14. *Recognizes* the need to strengthen national commitment as well as international assistance, upon request and in cooperation with affected countries, towards a better realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger or natural or man-made disasters affecting the enjoyment of the right to food;

15. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

16. *Recognizes* the need for a successful conclusion of the Doha Development Round negotiations of the World Trade Organization as a contribution to creating international conditions that permit the realization of the right to food;

17. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

18. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

19. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, and invites once again all international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security⁵ and the United Nations Millennium Declaration;³

20. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

21. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

22. *Stresses* the importance of international development cooperation and assistance, in particular in activities related to disaster risk reduction and in emergency situations such as natural and man-made disasters, diseases and pests, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

23. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including Southern Africa;

24. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

25. *Encourages* the Special Rapporteur on the right to food and the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises to cooperate on the subject of the contribution of the private sector to the realization of the right to food, including the importance of ensuring sustainable water resources for human consumption and agriculture;

26. *Recognizes* the negative impact of massive rises in prices of food on the realization of the right to food, particularly on people in developing countries with a high level of dependence on food imports for the fulfilment of nutritional national requirements;

27. *Takes note* of the report of the Special Rapporteur on the right to food,¹³ and of his valuable work in the promotion of the right to food in all parts of the world and expresses its appreciation for the work and commitment of the first mandate-holder to achieving the realization of the right to food;

28. *Encourages* the new mandate-holder on the right to food to discharge his/her activities taking into account the important achievements in the fulfilment of the mandate in recent years;

29. *Supports* the realization of the mandate of the Special Rapporteur as extended for a period of three years by the Council in its resolution 6/2 of 27 September 2007;

30. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

31. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights),¹⁴ in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

¹³ A/HRC/7/5.

¹⁴ See *Official Records of the Economic and Social Council, 2000, Supplement No. 2 and corrigendum* (E/2000/22 and Corr.1), annex V.

32. *Recalls* general comment No. 15 (2002) of the Committee on the right to water (articles 11 and 12 of the Covenant),¹⁵ in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in the realization of the right to adequate food;

33. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,⁷ represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

34. *Requests* the Advisory Committee to consider potential recommendations for approval by the Council on possible further measures to enhance the realization of the right to food, bearing in mind the priority importance of promoting the implementation of existing standards;

35. *Welcomes* the continued cooperation of the High Commissioner, the Committee and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

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

37. *Decides* to convene a panel discussion on the realization of the right to food in the period of its main session of 2009;

38. *Recalls* the requests made by the General Assembly, in its resolution 62/164, that the Special Rapporteur submit to it an interim report at its sixty-third session on the implementation of that resolution and to continue his work, including by examining the emerging issues with

¹⁵ Ibid., 2003, *Supplement No. 2* (E/2003/22), annex IV.

regard to the realization of the right to food within his existing mandate, and by the Council that the Special Rapporteur submit to it a comprehensive report on the fulfilment of his/her mandate in 2009, in accordance with its annual programme of work;

39. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his/her mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

40. *Decides* to continue the consideration of this matter under the same agenda item in 2009 in accordance with its annual programme of work.

*40th meeting
27 March 2008*

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

7/15. Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the sixtieth anniversary of which we celebrate this year, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Commission resolutions 2004/13 and 2005/11 and Assembly resolution 62/167, and urging the implementation of those resolutions,

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

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

Bearing in mind the reports on the situation of human rights in the Democratic People's Republic of Korea submitted by the Special Rapporteur, including reports A/62/264 and A/HRC/7/20 and urging the implementation of the recommendations therein,

Having reviewed the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,

Deeply concerned at the continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea and at the unresolved questions of international concern relating to the abduction of foreigners, and urging the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms,

Deploing the grave human rights situation in the Democratic People's Republic of Korea,

Deeply regretting the refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur or to extend full cooperation to him,

Alarmed by the precarious humanitarian situation in the country,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,

1. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken so far and his continued efforts in the conduct of the mandate despite the limited access to information;
2. *Decides* to extend the mandate of the Special Rapporteur, in accordance with Commission on Human Rights resolutions 2004/13 and 2005/11, for a period of one year;
3. *Urges* the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and to respond favourably to his requests to visit the country and to provide him with all necessary information to enable him to fulfil his mandate;

4. *Also urges* the Government of the Democratic People's Republic of Korea to ensure safe and unhindered access of humanitarian assistance that is delivered impartially on the basis of need, in accordance with humanitarian principles;

5. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate-holders, interested institutions and independent experts and non-governmental organizations to develop regular dialogue and cooperation with the Special Rapporteur in the fulfilment of his mandate;

6. *Requests* the Secretary-General to provide the Special Rapporteur with all assistance and adequate staffing necessary to carry out his mandate effectively and to ensure that this mechanism works with the support of the Office of the United Nations High Commissioner for Human Rights;

7. *Invites* the Special Rapporteur to submit regular reports on the implementation of his mandate to the Council and the General Assembly.

*40th meeting
27 March 2008*

[Adopted by a recorded vote of 22 to 7,
with 18 abstentions. See chap. IV.]

7/16. Situation of human rights in the Sudan

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human 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 international human rights instruments,

Reaffirming also Commission on Human Rights resolution 2005/82 of 21 April 2005 and Council resolutions 6/34 and 6/35 of 14 December 2007,

Bearing in mind the report by the Special Rapporteur on the situation of human rights in the Sudan¹ and urging the implementation of the recommendations contained therein,

1. *Takes note* of the report of the Special Rapporteur;²
2. *Welcomes* the collaboration of the Government of the Sudan with the Special Rapporteur, including at ministerial level, and takes note with interest of its engagement with the international community on human rights issues;
3. *Urges* the Government of the Sudan to continue cooperating fully with the Special Rapporteur and to respond favourably to her requests to visit all parts of the Sudan and to provide her with all necessary information so as to enable her to fulfil her mandate even more effectively;
4. *Calls* on the Government of the Sudan to continue and intensify its efforts for the promotion and protection of human rights, by taking all possible concrete steps to improve the human rights situation;
5. *Acknowledges* the measures taken by the Government of the Sudan to address the human rights situation in the Sudan, but expresses its concern that, for various reasons, their implementation has not yet led to the desired positive impact on the ground;
6. *Expresses its deep concern* at the seriousness of the ongoing violations of human rights and international humanitarian law in some parts of Darfur, and reiterates its call to all parties to put an end to all acts of violence against civilians, with special focus on vulnerable groups including women, children and internally displaced persons, as well as human rights defenders and humanitarian workers;
7. *Stresses* the primary responsibility of the Government of the Sudan to protect all its citizens, including all vulnerable groups;

¹ A/62/354.

² A/HRC/7/22.

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

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

10. *Encourages* the Government of the Sudan to accelerate the progressive realization of economic, social and cultural rights in the Sudan;

11. *Invites* relevant United Nations bodies and agencies, including the Office of the United Nations High Commissioner for Human Rights, to continue providing support and technical assistance to the Sudan for the implementation of the recommendations of the Group of Experts, and calls upon donors to continue providing financial and technical assistance and required equipment for the improvement of human rights in the Sudan and to continue to provide support for the implementation of the Comprehensive Peace Agreement;

12. *Calls upon* the Government of the Sudan to accelerate the implementation of the Comprehensive Peace Agreement and to establish the remaining commissions, in particular the finalization of the establishment of the national human rights commission, in accordance with the Paris Principles;

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

14. *Decides* to review the situation of human rights in the Sudan at its session in September 2008.

40th meeting
27 March 2008
[Adopted without a vote. See chap. IV.]

7/17. Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights (A/CONF.157/23), and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Recalling further the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

Recalling the resolutions adopted in this regard by the Commission on Human Rights, the last of which was resolution 2005/1 of 7 April 2005,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and to establish a sovereign, independent, democratic and viable contiguous State;

2. *Also reaffirms* its support for the solution of two States living side by side in peace and security, Palestine and Israel;

3. *Stresses* the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination;

5. *Decides* to continue the consideration of this question at its session of March 2009.

*40th meeting
27 March 2008*

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

7/18. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

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

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,¹ the International Covenants on Human Rights and other applicable instruments,

Recalling relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly, most recently General Assembly resolution 62/108 of 17 December 2007 in which the Assembly reaffirmed, inter alia, the illegality of the Israeli settlements in the occupied territories,

Mindful that Israel is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,² which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I),³

¹ General Assembly resolution 217 A (III).

² United Nations, *Treaty Series*, vol. 75, No. 973.

³ Ibid., vol. 1125, No. 17512.

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,⁴ and its conclusion that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,

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

Affirming that the Israeli settlement activities in the Occupied Palestinian Territory constitute very serious violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts, including the Annapolis Peace Conference and the Paris International Donors’ Conference for the Palestinian State, aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

Recalling its attachment to the implementation by both parties of their obligations under the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,⁵ and noting specifically its call for a freeze on all settlement activity,

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

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

Expressing grave concern at the continuing construction, contrary to international law, by Israel of the wall inside the Occupied Palestinian Territory, including in and around

⁴ See A/ES-10/273 and Corr.1.

⁵ S/2003/529, annex.

East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudice future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

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

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

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967⁶ and calls upon the Government of Israel to cooperate with the Special Rapporteur to allow him to discharge his mandate fully;

2. *Deplores* the recent Israeli announcements of the construction of new housing units for Israeli settlers in and around occupied East Jerusalem, as they undermine the peace process and the creation of a contiguous, sovereign and independent Palestinian State, and are in violation of international law and pledges made by Israel at the Annapolis Peace Conference of 27 November 2007;

3. *Expresses its grave concern* at:

(a) The continuing Israeli settlement and related activities, in violation of international law, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the

⁶ A/HRC/7/17.

occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,⁷ and in particular article 49 of that Convention; settlements are a major obstacle to the establishment of a just and comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State;

(b) The Israeli so-called E-1 plan aimed at expanding the Israeli settlement of Maale Adumim and building the wall around it, thereby further disconnecting occupied East Jerusalem from the northern and southern parts of the West Bank and isolating its Palestinian population;

(c) The implications for the final status negotiations of the announcement by Israel that it will retain the major settlement blocks in the Occupied Palestinian Territory, including settlements located in the Jordan Valley;

(d) The expansion of Israeli settlements and the construction of new ones on the Occupied Palestinian Territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent and would be tantamount to de facto annexation;

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

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

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

⁷ United Nations, *Treaty Series*, vol. 75, No. 973.

4. *Urges* Israel, the occupying Power:

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

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

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

6. *Demands* that Israel implement the recommendations regarding the settlements made by the United Nations High Commissioner for Human Rights in her report to the Commission on Human Rights at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan;⁸

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

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

9. *Urges* the parties to give renewed impetus to the peace process in line with the Annapolis Peace Conference and the Paris International Donors’ Conference for the Palestinian State and to implement fully the road map endorsed by the Security Council in its resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Security Council, including

⁸ E/CN.4/2001/114.

resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

10. *Decides* to continue the consideration of this question at its session of March 2009.

*40th meeting
27 March 2008*

[Adopted by a recorded vote of 46 to 1.
See chap. VII.]

7/19. Combating defamation of religions

The Human Rights Council,

Recalling the 2005 World Summit Outcome adopted by the General Assembly in its resolution 60/1 of 24 October 2005, in which the Assembly emphasized the responsibilities of all States, in conformity with the Charter of the United Nations, to respect human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status, and acknowledged the importance of respect and understanding for religious and cultural diversity throughout the world,

Recalling also the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in September 2001,¹

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

¹ A/CONF.189/12 and Corr.1, chap. I.

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

Noting the Declaration adopted by the Islamic Conference of Foreign Ministers at its thirty-fourth session in Islamabad, in May 2007, which condemned the growing trend of Islamophobia and systematic discrimination against the adherents of Islam and emphasized the need to take effective measures to combat defamation of religions,

Noting also the final communiqué adopted by the Organization of the Islamic Conference at its eleventh summit, in Dakar, in March 2008, in which the Organization expressed concern at the systematically negative stereotyping of Muslims and Islam and other divine religions, and denounced the overall rise in intolerance and discrimination against Muslim minorities, which constitute an affront to human dignity and run counter to the international human rights instruments,

Recalling the joint statement of the Organization of the Islamic Conference, the European Union and the Secretary-General of 7 February 2006, in which they recognized the need, in all societies, to show sensitivity and responsibility in treating issues of special significance for the adherents of any particular faith, even by those who do not share the belief in question,

Reaffirming the call made by the President of the General Assembly in his statement of 15 March 2006 that, in the wake of existing mistrust and tensions, there is a need for dialogue and understanding among civilizations, cultures and religions to commit to working together to prevent provocative or regrettable incidents and to develop better ways of promoting tolerance, respect for and freedom of religion and belief,

Welcoming all international and regional initiatives to promote cross-cultural and interfaith harmony, including the Alliance of Civilizations and the International Dialogue on Interfaith Cooperation and their valuable efforts towards the promotion of a culture of peace and dialogue at all levels,

Welcoming also the report by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the situation of Muslims and Arabs in various parts of the world,²

Welcoming further the reports of the Special Rapporteur submitted to the Council at its fourth and sixth sessions,³ in which he draws the attention of Member States to the serious nature of the defamation of all religions and to the promotion of the fight against these phenomena by strengthening the role of interreligious and intercultural dialogue and promoting reciprocal understanding and joint action to meet the fundamental challenges of development, peace and the protection and promotion of human rights, as well as the need to complement legal strategies,

Reiterating the call made by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to Member States to wage a systematic campaign against incitement to racial and religious hatred by maintaining a careful balance between the defence of secularism and respect for freedom of religion and by acknowledging and respecting the complementarity of all the freedoms embodied in the International Covenant on Civil and Political Rights,⁴

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

Noting with concern that defamation of religions is among the causes of social disharmony and instability, at the national and international levels, and leads to violations of human rights,

Noting with deep concern the increasing trend in recent years of statements attacking religions, including Islam and Muslims, in human rights forums,

² E/CN.4/2006/17.

³ A/HRC/4/19 and A/HRC/6/6.

⁴ See resolution 2200 A (XXI), annex.

1. *Expresses deep concern* at the negative stereotyping of all religions and manifestations of intolerance and discrimination in matters of religion or belief;
2. *Also expresses deep concern* at attempts to identify Islam with terrorism, violence and human rights violations and emphasizes that equating any religion with terrorism should be rejected and combated by all at all levels;
3. *Further expresses deep concern* at the intensification of the campaign of defamation of religions and the ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001;
4. *Expresses its grave concern* at the recent serious instances of deliberate stereotyping of religions, their adherents and sacred persons in the media and by political parties and groups in some societies, and at the associated provocation and political exploitation;
5. *Recognizes* that, in the context of the fight against terrorism, defamation of religions becomes an aggravating factor that contributes to the denial of fundamental rights and freedoms of target groups and their economic and social exclusion;
6. *Expresses concern* at laws or administrative measures that have been specifically designed to control and monitor Muslim minorities, thereby stigmatizing them and legitimizing the discrimination that they experience;
7. *Strongly deplores* physical attacks and assaults on businesses, cultural centres and places of worship of all religions and targeting of religious symbols;
8. *Urges* States to take actions to prohibit the dissemination, including through political institutions and organizations, of racist and xenophobic ideas and material aimed at any religion or its followers that constitute incitement to racial and religious hatred, hostility or violence;
9. *Also urges* States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from the defamation of any religion, to take all possible measures to promote tolerance and

respect for all religions and their value systems and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance;

10. *Emphasizes* that respect of religions and their protection from contempt is an essential element conducive for the exercise by all of the right to freedom of thought, conscience and religion;

11. *Urges* all States to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties, respect all religions and beliefs and do not discriminate against persons on the grounds of their religion or belief, and that all necessary and appropriate education or training is provided;

12. *Emphasizes* that, as stipulated in international human rights law, everyone has the right to freedom of expression, and that the exercise of this right carries with it special duties and responsibilities, and may therefore be subject to certain restrictions, but only those provided by law and necessary for the respect of the rights or reputations of others, or for the protection of national security or of public order, or of public health or morals;

13. *Reaffirms* that general comment No. 15 of the Committee on the Elimination of Racial Discrimination, in which the Committee stipulates that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the freedom of opinion and expression, is equally applicable to the question of incitement to religious hatred;

14. *Deplores* the use of printed, audio-visual and electronic media, including the Internet, and of any other means to incite acts of violence, xenophobia or related intolerance and discrimination towards Islam or any religion;

15. *Invites* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to continue to report on all manifestations of defamation of religions, and in particular on the serious implications of Islamophobia, on the enjoyment of all rights to the Council at its ninth session;

16. *Requests* the High Commissioner for Human Rights to report on the implementation of the present resolution and to submit a study compiling relevant existing legislations and jurisprudence concerning defamation of and contempt for religions to the Council at its ninth session.

*40th meeting
27 March 2008*

[Adopted by a recorded vote of 21 to 10,
with 14 abstentions. See chap. IX.]

**7/20. Technical cooperation and advisory services
in the Democratic Republic of the Congo**

The Human Rights Council,

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

Recalling also its resolution 5/1 of 18 June 2007, by which it renewed the mandate of the independent expert on the situation of human rights in the Democratic Republic of the Congo until such time as it would be considered by the Council according to its programme of work,

Recalling further that, in its resolution 5/1, the Council decided that decisions to create, review or discontinue country mandates should also take into account the principles of cooperation and genuine dialogue aimed at strengthening the capacity of Member States to comply with their human rights obligations, and that any decision to streamline, merge or eventually discontinue mandates should always be guided by the need for improvement of the enjoyment and the protection of human rights,

Taking into account the discussions held at the present session of the Council on the mandate of the independent expert on the situation of human rights in the Democratic Republic of the Congo, in the context of the review, rationalization and improvement of the mandates of the Council,

Expressing its appreciation for the role undertaken by the international community, in particular by the African Union and the European Union in the Democratic Republic of the Congo, which contributed to improving the situation on the ground, including the holding of presidential elections in 2006, and bearing in mind the challenges still faced by the country,

Considering that the pertinent work undertaken by the Office of the United Nations High Commissioner for Human Rights and the human rights section of the United Nations Organization Mission in the Democratic Republic of the Congo is mutually reinforcing with that of the thematic special procedures,

Taking into consideration that the presence of the Office of the High Commissioner for Human Rights in the Democratic Republic of the Congo and the human rights section of the United Nations Organization Mission in the Democratic Republic of the Congo have been merged with a view to achieving more efficiency in their work on the human rights situation in the country,

Taking into consideration also the implementation of the new mechanism of cooperation between the Government of the Democratic Republic of the Congo, the human rights section of the United Nations Organization Mission in the Democratic Republic of the Congo, the Office of the United Nations High Commissioner for Human Rights and civil society, called the “Entité de liaison des droits de l’homme”,

Having reviewed the mandate of the independent expert on the situation of human rights in the Democratic Republic of the Congo,

1. *Welcomes* the cooperation established by the Democratic Republic of the Congo with the independent expert during the period of his mandate;
2. *Also welcomes* the cooperation of the Democratic Republic of the Congo with the thematic special procedures of the Council and its invitation to a number of them, including the Special Rapporteur on violence against women, the Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur on the independence of

judges and lawyers, the Special Rapporteur on the right to health, the Special Representative of the Secretary-General on the situation of human rights defenders, the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises and the Special Representative of the Secretary-General for children and armed conflict, to make recommendations, within their respective mandates, on how best to assist technically the Democratic Republic of the Congo in addressing the situation of human rights, with a view to obtaining tangible improvements on the ground, taking also into account the needs formulated by the Government of the Democratic Republic of the Congo;

3. *Invites* the Government of the Democratic Republic of the Congo to inform and update the Council, at its future sessions, on the human rights situation on the ground, identifying the challenges that it may still encounter as well as its needs in this regard;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights, through its presence in the Democratic Republic of the Congo, to increase and enhance its technical assistance activities and programmes in consultation with the authorities of the country;

5. *Calls on* the international community to support the implementation of the local mechanism of cooperation between the Government of the Democratic Republic of the Congo, the Office of the United Nations High Commissioner for Human Rights and the human rights section of the United Nations Organization Mission in the Democratic Republic of the Congo, called “Entité de liaison des droits de l’homme”;

6. *Invites* the High Commissioner to report to the Council at its session in March 2009 on the human rights situation in the Democratic Republic of the Congo, and the activities the Office of the High Commissioner has undertaken in the country;

7. *Requests* the above-mentioned thematic special procedures (see operative paragraph 2 above) to report to the Council no later than its session in March 2009 under agenda item 10;

8. *Calls on* the international community to provide the Democratic Republic of the Congo with the various forms of assistance that the Democratic Republic of the Congo requests, with a view to improving the human rights situation;

9. *Decides* to pursue this matter under the same agenda item at its session in March 2009.

*40th meeting
27 March 2008*

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