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Agenda item 8

### ADOPTION OF THE REPORT ON THE FIFTY-EIGHTH SESSION TO THE HUMAN RIGHTS COUNCIL

**Draft report of the Sub-Commission on the Promotion and  
Protection of Human Rights\***

**Rapporteur: Mr. Mohammed Habib CHERIF**

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\* Documents A/HRC/Sub.1/58/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission as well as draft resolutions and decisions for action by, and other matters of concern to, the Human Rights Council, will be contained in documents A/HRC/Sub.1/58/L.11 and addenda.

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## **II. Resolutions and decisions adopted by the Sub-Commission at its fifty-eighth session**

### **A. Resolutions**

#### **2006/1. The universal implementation of international human rights treaties**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* that, in its decision 2004/123 of 21 April 2004, the Commission on Human Rights, “taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2003/25 of 14 August 2003, decided, without a vote, to approve the decision of the Sub-Commission to appoint Mr. Emmanuel Decaux special rapporteur to conduct a detailed study of the universal implementation of international human rights treaties”,

*Mindful* of General Assembly resolution 60/149 of 16 December 2005, in which the General Assembly stressed that “the international covenants on human rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the core of the International Bill of Human Rights”,

*Noting* that, in the same resolution, the General Assembly invited the United Nations High Commissioner for Human Rights “to intensify systematic efforts to encourage States to become parties to the international covenants on human rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the covenants and to the optional protocols to the International Covenant on Civil and Political Rights with a view to achieving universal adherence”,

*Recalling* Sub-Commission resolution 2002/31 of 15 August 2002, entitled “Tenth anniversary of the World Conference on Human Rights”, as well as its resolutions 2003/35 of 14 August 2003, 2004/26 of 12 August 2004 and 2005/4 of 8 August 2005,

*Welcoming* the work done by the special rapporteur following the working paper (E/CN.4/Sub.2/2003/37) submitted at the fifty-fifth session of the Sub-Commission, with the preliminary report (E/CN.4/Sub.2/2004/8) submitted and discussed at its fifty-sixth session, the

interim report (E/CN.4/Sub.2/2005/8 and Add.1) submitted and discussed at its fifty-seventh session and the final report (A/HRC/Sub.1/58/5 and Add.1) submitted at the current session,

1. *Welcomes* the final report of Mr. Emmanuel Decaux, special rapporteur to conduct a detailed study of the universal implementation of international human rights treaties, and thanks him for the work completed;

2. *Strongly encourages* all States to implement the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights (A/CONF/157/23), with a view to the universal and effective implementation of the international human rights instruments;

3. *Notes* that many States, including members of the Human Rights Council, have undertaken to ratify new instruments and welcomes this trend, which it hopes will be encouraged even more systematically;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to disseminate the final report widely, including by officially transmitting it to the treaty bodies and the International Law Commission;

5. *Recommends* that the Human Rights Council should take into consideration the recommendations in the final report in the light of the tables contained in the addendum to the report (A/HRC/Sub.1/58/5/Add.1), particularly with regard to the need to ensure that the status of the international human rights instruments is periodically and systematically monitored under the Council's universal periodic review procedure;

6. *Recommends* that technical assistance should be expanded, both within the United Nations and in the specialized agencies and regional organizations, so as to facilitate the universal ratification and effective implementation of the international human rights instruments, and that thought should be given to convening a seminar for this purpose with support from States and non-governmental organizations, as well as from the national human rights institutions that are directly concerned, in order to encourage dialogue with States on the ratification of universal treaties;

7. *Recommends* that the agenda should include a sub-item on the universal implementation of international human rights instruments and that collective discussions on the nature and scope of international human rights law should continue to be held within the Sub-Commission or the body that replaces it;

8. *Expresses the desire* that the Sub-Commission or the body that replaces it should be able to proceed with the questionnaire drawn up by the special rapporteur and should be in a position, with the help of the Office of the United Nations High Commissioner for Human Rights and with the cooperation of national human rights institutions, to produce a compilation of national legal precedents regarding the implementation of the international human rights instruments;

9. *Recommends* that a seminar should be organized on best practices, including the plans and programmes of action drawn up by States at the national level, and encourages further reflection on the legal and other obstacles to the universal implementation of the international human rights instruments.

*21st meeting  
24 August 2006*

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

## **2006/2. Right to an effective remedy**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

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

*Recalling* that the General Assembly in its resolution 60/251 of 3 April 2006 lay great emphasis on the issue of implementation by stating that the Human Rights Council shall “promote the full implementation of human rights obligations” undertaken by States,

*Bearing in mind* the relationship between the broader question of the implementation of human rights law and its particular manifestation in the right to an effective remedy,

*Recognizing* the importance of the implementation in practice of the right to an effective remedy and the role such a right plays in preventing human rights violations,

*Considering* the discussions during its fifty-seventh and fifty-eighth sessions in which the scope and content of the right to an effective remedy was clarified,

*Recalling* the working paper submitted at its fifty-seventh session by Mohamed Habib Cherif on the right to an effective remedy in criminal proceedings (E/CN.4/Sub.2/2005/13), the working paper submitted at its fifty-seventh session by Françoise Hampson on the implementation in domestic law of the right to an effective remedy in civil matters against violations of human rights by State agents (E/CN.4/Sub.2/2005/15) and the conference room paper on the implementation in practice of the right to an effective remedy for human rights violations submitted by Françoise Hampson and Mohamed Habib Cherif at its fifty-eighth session (A/HRC/Sub.1/58/CRP.4),

1. *Endorses* the conclusions and recommendations contained in the working papers and the conference room paper;
2. *Decides* to appoint Mohamed Habib Cherif as Special Rapporteur with the task of preparing a comprehensive study on the implementation in practice of the right to an effective remedy for human rights violations based on his working paper, the working paper of Françoise Hampson and the conference room paper presented by both of them, as well as the comments received and the discussions that took place at the fifty-seventh and fifty-eighth sessions of the Sub-Commission, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-ninth session or to the first session of any future expert advice mechanism and a progress report and final report in the following years;
3. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary to accomplish this task;
4. *Recommends* the following draft decision to the Human Rights Council for adoption:

“The Human Rights Council, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2006/2 of 24 August 2006, decides to endorse the decision of the Sub-Commission to appoint Mohamed Habib Cherif as Special Rapporteur with the task of preparing a comprehensive study on the implementation in practice of the right to an effective remedy for human rights violations based on his working paper on the right to an effective remedy in criminal proceedings (E/CN.4/Sub.2/2005/13), the working paper of Françoise Hampson on the implementation in domestic law of the right to an effective remedy (E/CN.4/Sub.2/2005/15), and the conference room paper by both of them (A/HRC/Sub.1/58/CRP.4), as well as the comments received and the discussions that took place at the fifty-seventh and fifty-eighth sessions of the Sub-Commission, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-ninth session or to the first session of any future expert advice mechanism, a progress report and a final report in the following years. The Council also decides to endorse the request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable him to accomplish his task.”;

5. *Decides* that if, for whatever reason, Mr. Cherif’s appointment is not endorsed by the Human Rights Council, to request Mr. Cherif to prepare an expanded working paper on the implementation in practice of the right to an effective remedy for human rights violations to be submitted to the fifty-ninth session of the Sub-Commission or the first session of any future expert advice mechanism;

6. *Decides* to continue consideration of this issue at its fifty-ninth session under the same agenda item or recommends consideration of this issue during the first session of any future expert advice mechanism.

*21st meeting  
24 August 2006*

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

**2006/3. Accountability of international personnel taking part in peace support operations**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

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

*Recognizing the importance of accountability as an end in itself and, in particular, in the context of international personnel taking part in peace support operations,*

*Concerned about the allegations of criminal behaviour and other misconduct by military and civilian personnel in peace support operations,*

*Recalling its decision 2002/104 of 12 August 2002 in which the Sub-Commission decided to entrust Françoise Hampson with the task of drafting, without financial implications, a working paper on the scope of the activities and accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations,*

*Recalling also the subsequent discussions during its fifty-fifth, fifty-sixth and fifty-seventh sessions in which the scope of peace support operations for the purposes of the paper was clarified,*

*Noting the recent publication of the report of the Redesign Panel on Administrative Justice,*

*Taking into account the working paper on the accountability of international personnel taking part in peace support operations submitted by Ms. Hampson at its fifty-seventh session (E/CN.4/Sub.2/2005/42), and the updated information provided in her conference room paper submitted at its fifty-eighth session (A/HRC/Sub.1/58/CRP.3),*

1. *Endorses the conclusions and recommendations contained in the working paper;*
2. *Decides to appoint Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on the accountability of international personnel taking part in*

peace support operations based on her working paper and conference room paper as well as the comments received and the discussions that took place at the fifty-seventh and fifty-eighth sessions of the Sub-Commission, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-ninth session or to the first session of any successor expert body and a progress report and final report in the following years;

3. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary to accomplish this task, including the possibility of visiting United Nations Headquarters;

4. *Recommends* the following draft decision to the Human Rights Council for adoption:

“The Human Rights Council, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2006/3 of 24 August 2006, decides to endorse the decision of the Sub-Commission to appoint Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on the accountability of international personnel taking part in peace support operations, based on her working paper (E/CN.4/Sub.2/2005/42) and her conference room paper (A/HRC/Sub.1/58/CRP.3), as well as the comments received and the discussions that took place at the fifty-seventh and fifty-eighth sessions of the Sub-Commission and its request to the Special Rapporteur to submit a preliminary report to the fifty-ninth session or to the first session of any successor expert body, a progress report and a final report in subsequent years. The Council also decides to endorse the request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task, including the possibility of visiting United Nations Headquarters.”

5. *Requests* Ms. Hampson, should she not be appointed Special Rapporteur, for whatever reason, to prepare an updated working paper on the accountability of international personnel taking part in peace support operations, to be submitted to the fifty-ninth session of the Sub-Commission or the first session of any successor expert body;

6. *Decides* to continue consideration of this issue at its fifty-ninth session under the same agenda item or recommends consideration of this issue during the first session of any successor body.

*21st meeting  
24 August 2006*

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

**2006/4. The difficulty of establishing guilt or responsibility with regard to sexual violence**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided* by the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the various legal instruments adopted at the national, regional and international levels,

*Reaffirming* that everyone has the right to life, liberty and security of person and to an effective remedy by the competent national tribunals for acts violating the inherent dignity and value of the human person, as well as the fundamental rights granted him by the constitution or by law,

*Reaffirming also* that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations or of any criminal charge against him,

*Noting with great concern* the constantly increasing number of victims of sexual violence,

*Concerned* by the laws and practices that make it even more difficult to adduce evidence in cases of sexual abuse and violence directed against women and children, and that threaten to constitute flagrant violations of the norms guaranteeing the right to a fair trial,

*Convinced* that the difficulty encountered in establishing evidence of sexual violence constitutes an impediment to the administration of justice and a basic obstacle to respect for victims' rights, and threatens to lead directly to impunity,

*Stressing, therefore,* the need to draw up principles and guidelines on the rules of evidence in cases of sexual violence,

*Recalling* its resolution 2004/29 of 12 August 2004 and Commission on Human Rights decision 2005/108 of 8 August 2005,

*Taking note* of the working papers prepared by Ms. Lalaina Rakotoarisoa (E/CN.4/Sub.2/2003/WG.1/CRP.1 and E/CN.4/Sub.2/2004/11) and her oral presentation on the subject at the fifty-seventh session of the Sub-Commission,

1. *Welcomes* her preliminary report (A/HRC/Sub.1/58/CRP.9);
2. *Requests* the Special Rapporteur to submit to it an interim report at its fifty-ninth session and a final report in the following year, or, failing that, to submit them to the Human Rights Council, or at the first session of the future expert advice mechanism;
3. *Requests* the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and non-governmental organizations to provide the Special Rapporteur with the information necessary for the preparation of her report;
4. *Also requests* the Secretary-General to provide the Special Rapporteur with any assistance she may require to carry out her mandate, including the assistance of a consultant with specialized knowledge in this field;
5. *Recommends* the following draft decision to the Human Rights Council for adoption:

“The Human Rights Council, taking note of resolution 2006/4 of 24 August 2006 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to confirm the mandate of the Special Rapporteur entrusted with preparing a detailed study on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence, and to approve the decision to request the Special Rapporteur to submit an interim report to the Sub-Commission at its fifty-ninth session or to the future expert

advice mechanism at its first session and a final report in the following year, or, failing that, to submit them to the Human Rights Council. The Council requests the Secretary-General to provide the Special Rapporteur with any assistance she may require to complete her mandate successfully.”

6. *Decides* to continue consideration of this issue at its fifty-ninth session under the same agenda item, or recommends that it be considered at the first session of the future expert advice mechanism.

*21st meeting  
24 August 2006*

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

### **2006/5. Sessional working group on the administration of justice**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Firmly convinced* that the rule of law is an essential factor in the protection of human rights, as stressed in the Universal Declaration of Human Rights, and should continue to attract the attention of the international community,

*Convinced* that, through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

*Convinced also* that international tribunals and national judicial systems can work in a complementary manner to provide appropriate remedies for violations of human rights,

*Recalling* the numerous international standards in the field of the administration of justice,

*Emphasizing* that the right to access to justice as contained in applicable international human rights instruments forms an important basis for strengthening the rule of law through the administration of justice,

*Mindful* of the importance of ensuring respect for the rule of law and human rights in the administration of justice as a crucial contribution to ensuring peace and justice and ending impunity,

*Recalling* the recommendation of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, that a comprehensive programme should be established within the United Nations with a view to helping States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

*Recalling* the United Nations Millennium Declaration of 8 September 2000 which, inter alia, called upon States to strengthen respect for the rule of law in international as well as in national affairs, to consider signing and ratifying the Rome Statute of the International Criminal Court and to ensure implementation, by States parties, of treaties in areas such as international humanitarian law and human rights law,

1. *Welcomes with satisfaction* the report of the sessional working group on the administration of justice (A/HRC/Sub.1/58/8) and takes note of its discussions on the subjects of international criminal justice, women and children in prison, the right to an effective remedy, and transitional justice;

2. *Notes with interest* the increasing number of States, non-governmental organizations and other observers actively participating in the sessional working group;

3. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

4. *Reiterates its call* to Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

5. *Reaffirms* the importance of combating impunity as a fundamental obstacle to the observance of human rights and recalls Commission on Human Rights resolution 2005/35 of

19 April 2005 by which it adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, and welcomes the efforts of States and the United Nations international criminal tribunals to work in a complementary manner to ensure that violations of human rights do not go unpunished;

6. *Convinced* that the issue of amnesty as a means of settling conflicts remains a continuing concern because of the possibility that perpetrators of serious human rights will escape accountability for their actions and also notes the need for further study in this area;

7. *Emphasizes* the importance of the accountability of United Nations staff in peace support operations and underlines the importance of further study in this area;

8. *Reaffirms* the importance of reaching a better understanding through further study and debate of the relationship between human rights law and international humanitarian law, including issues relating to the loss by civilians of their right to protection during conflicts and the circumstances in which a party can open fire under international humanitarian law and human rights law;

9. *Emphasizes* the importance and urgency of national and international efforts to restore justice and the rule of law in conflict and post-conflict situations and, where relevant, in the context of the transitional process, to ensure accountability and justice, to promote and achieve reconciliation and to restore confidence in the institutions of the State, in accordance with international human rights standards and the principle of non-discrimination;

10. *Recalls* Commission on Human Rights resolution 2005/70 of 20 April 2005 on human rights and transitional justice and the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616), and notes with interest the study on the right to the truth and the study on human rights and transitional justice activities undertaken by the human rights components of the United Nations system, (E/CN.4/2006/93) both by the Office of the United Nations High Commissioner for Human Rights;

11. *Welcomes* the recent publication by the Office of the High Commissioner of five publications in the series Rule-of-law tools for post-conflict States which focus respectively on prosecution initiatives, truth and reconciliation commissions, mapping the justice sector, an operational framework for vetting, and legal systems monitoring;

12. *Notes* that the right to an effective remedy in practice remains a significant goal that has yet to be obtained in many States, and emphasizes the need for further conceptual analysis and study in this regard;

13. *Invites* States, competent bodies of the United Nations, specialized agencies and intergovernmental and non-governmental organizations to provide or continue to provide information to the working group, or its successor entity, at its future sessions;

14. *Decides* to recommend to the Human Rights Council that the activity of the working group on the administration of justice be continued in the framework of any future expert advice mechanism.

*21st meeting  
24 August 2006*

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

**2006/6. Corruption and its impact on the full enjoyment of human rights,  
in particular economic, social and cultural rights**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

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

*Recalling* Human Rights Council decision 2006/102 of 30 June 2006 in which the Council decided to extend exceptionally for one year the mandate of the Sub-Commission, among other mandates, mechanisms, functions and responsibilities of the Commission on Human Rights,

*Deeply concerned* that the enjoyment of human rights, be they economic, social and cultural or civil and political, is seriously undermined by the phenomenon of corruption,

*Taking account* of standards adopted against corruption at the national, regional and international levels, in particular the United Nations Convention against Corruption adopted by the General Assembly by its resolution 58/4 of 31 October 2003, which entered into force on 14 December 2005,

*Convinced* that corruption has become a major international concern, taking many forms, from routine cases of bribery or petty abuse of power to the amassing of personal wealth through embezzlement or other dishonest means,

*Taking into account* the second progress report (A/HRC/Sub.1/58/CRP.10), submitted by the Special Rapporteur, Christy Mbonu,

1. *Expresses its warm appreciation* to the Special Rapporteur for her second progress report containing a detailed questionnaire on the fight against corruption to be transmitted to Member States of the United Nations and other stakeholders, including the specialized agencies, relevant non-governmental organizations, relevant members of civil society, banks, etc.;
2. *Notes* the obstacles and challenges confronting States that have introduced national mechanisms to prevent and combat corruption and welcomes the achievements and successes recorded by these mechanisms, and their positive impact on human rights;
3. *Urges* States that have not done so to introduce independent national mechanisms to prevent and combat corruption through the adoption and implementation of specific anti-corruption legislation while safeguarding basic human rights, including due process;
4. *Encourages* political leaders in their respective countries to be national examples of probity, integrity and self-esteem;
5. *Calls upon* civil society, particularly the media and non-governmental organizations, to become more involved in the prevention and punishment of corruption;
6. *Decides* to endorse the questionnaire on the fight against corruption, contained in the report of the Special Rapporteur (A/HRC/Sub.1/58/CRP.10, annex), to the Human Rights Council;

7. *Also decides* to request the Secretary-General to transmit the questionnaire to Member States and other stakeholders, including the specialized agencies dealing with corruption issues, relevant non-governmental organizations, relevant members of civil society, international financial institutions, etc. to enable the Special Rapporteur to complete her mandate;

8. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable her to complete her mandate, including study visits to two interested countries to enable her to examine obstacles and challenges confronting national mechanisms and the best practices to prevent and combat corruption;

9. *Recommends* the following draft decision to the Human Rights Council for adoption:

“The Human Rights Council, recalling Commission on Human Rights decision 2005/104 of 15 April 2005 and taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2006/6 of 24 August 2006, endorses the request addressed by the Sub-Commission to the Secretary-General to transmit the questionnaire on the fight against corruption contained in the second progress report (A/HRC/Sub.1/58/CRP.10, annex) of the Special Rapporteur to Member States and other stakeholders, including the specialized agencies dealing with corruption issues, relevant non-governmental organizations, relevant members of civil society, international financial institutions, etc., and the request that the Secretary-General provide the Special Rapporteur with all the necessary assistance to enable her to complete her mandate, including study visits to two interested countries to enable her to examine obstacles and challenges confronting national mechanisms and the best practices to prevent and combat corruption.”

*21st meeting  
24 August 2006*

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

**2006/7. The effects of the working methods and activities of transnational corporations on the enjoyment of human rights**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* that, under the Charter of the United Nations, one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

*Reaffirming* the Declaration on Social Progress and Development adopted by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969, the Declaration and Programme of Action on the Establishment of a New International Economic Order adopted by the General Assembly in its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, the Declaration of the Principles of International Cultural Cooperation adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966, General Assembly resolution 1803 (XVII) of 14 December 1962, entitled “Permanent sovereignty over natural resources”, and General Assembly resolution 2625 (XXV) of 24 October 1970, entitled “Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations”,

*Mindful* that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights, reaffirmed that the human person was the central subject of development and underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

*Noting* that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

*Deeply concerned* at the preponderance of transnational corporations in all spheres of life and at the impact of their activities and working methods on human rights,

*Bearing in mind* the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy adopted by the Governing Body of the International Labour Organization in November 1977,

*Recognizing* that the activities of the various United Nations organizations should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

*Recalling in particular* its previous resolutions on the subject, the most recent being resolution 2005/6 of 8 August 2005,

*Recognizing* the work done by the sessional working group on the effects of the working methods and activities of transnational corporations on the enjoyment of human rights and by the Sub-Commission, including its draft “Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights” (E/CN.4/Sub.2/2003/12/Rev.2),

*Taking note* of Commission resolution 2005/69 of 20 April 2005 on human rights and transnational corporations and other business enterprises,

*Taking into account* the interim report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (E/CN.4/2006/97),

*Also taking into account* the working paper prepared by Ms. Chin-Sung Chung and Ms. Florizelle O’Connor on bilateral and multilateral economic agreements and their impact on the human rights of the beneficiaries (A/HRC/Sub.1/58/CRP.8) and the working paper prepared by Mr. Gáspár Bíró on the role of States in the guarantee of human rights with reference to the activities of transnational corporations and other business entities (A/HRC/Sub.1/58/CRP.12),

1. *Thanks* the Chairperson-Rapporteur of the sessional working group set up to examine the working methods and activities of transnational corporations, Mr. El Hadji Guissé, for his report on the work of the eighth session of the working group (A/HRC/Sub.1/58/11);

2. *Recommends* that the Human Rights Council should adopt the “Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights” and consider establishing a monitoring body;

3. *Also recommends* that the issue of the working methods and activities of transnational corporations should remain on the agenda of the Human Rights Council and on that of the future expert advice mechanism which will advise it;

4. *Further recommends* that activities within the United Nations system relating to multinational enterprises should be coordinated by this future expert body in order to ensure greater consistency among such activities.

*21st meeting  
24 August 2006*  
[Adopted without a vote. See chap. VI.]

## **2006/8. The Social Forum**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* the Universal Declaration of Human Rights and the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights, and the Proclamation of Teheran of the International Conference on Human Rights held in 1968 which states that full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible,

*Recalling also* Commission on Human Rights decision 2001/103 of 25 April 2001 authorizing the Sub-Commission to hold the Social Forum and decision 2003/107 of 22 April 2003 recommending to the Economic and Social Council that it authorize the Sub-Commission to convene in Geneva an annual intersessional forum on economic, social and cultural rights, to be known as the “Social Forum”, and Economic and Social Council decision 2003/264 of 23 July 2003,

*Recalling further* General Assembly resolution 60/251 of 15 March 2006, and in particular its paragraph 6, as well as Human Rights Council decision 2006/102 of 30 June 2006 extending the mandate of the Sub-Commission,

*Bearing in mind* that the reduction of poverty and the elimination of extreme poverty remain an ethical and moral imperative of humankind, based on respect for human dignity, and noting the report of the Chairperson-Rapporteur of the fourth Social Forum, held on 3 and 4 August 2006, which focused on “The fight against poverty and the rights to participation: the role of women”,

*Taking note* of the record of the past four Social Forums, which focused on questions related to the eradication of poverty in the context of human rights that were rarely tackled by other mechanisms,

*Bearing in mind* the pending decision of the Human Rights Council on its future expert advice mechanism,

1. *Expresses its satisfaction* at the holding of the fourth Social Forum on 3 and 4 August 2006 and welcomes the report of its Chairman-Rapporteur (A/HRC/Sub.1/58/15);

2. *Draws special attention* to the significant contribution made to the debate by individuals with experience related to the feminization of poverty and individuals who live and work alongside the poor on a daily basis;

3. *Takes note with satisfaction* of the conclusions and recommendations of the 2006 Social Forum and of the innovative nature of many of them, and calls upon States, international organizations - in particular those with a mandate for poverty eradication - non-governmental organizations, civil society organizations, trade unions and other relevant actors, to take them into account when designing and implementing poverty-eradication programmes and strategies;

4. *Calls upon* the General Assembly to take into account the conclusions and recommendations of the 2006 Social Forum within the framework of the review of the first United Nations Decade for the Eradication of Poverty;

5. *Reaffirms* the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of people living in poverty, Member States, civil society and intergovernmental organizations, and stresses that

the current reform of the United Nations should take into account the contribution of the Social Forum as a space for dialogue that can be found nowhere else in the United Nations human rights system;

6. *Recommends* that the Human Rights Council preserve the Social Forum, as a unique space for interactive dialogue between the United Nations human rights system and various stakeholders, especially the poor and most vulnerable people, which plays a special and indispensable role in the United Nations human rights system;

7. *Reaffirms*, without prejudice to General Assembly resolution 60/251 and Human Rights Council decision 2006/102, its decision that the Social Forum shall meet every year, with the mandate laid down in previous Sub-Commission resolutions, requests that the next meeting of the Social Forum be held during 2007 in Geneva on dates suitable for the participation of the broadest possible range of other stakeholders, and decides that at its next meeting the Social Forum should focus on:

- (a) Questions relating to the eradication of poverty in the context of human rights;
- (b) Capturing best practices in the fight against poverty in the light of grass-roots presentations to the Social Forum;
- (c) Sharing and discussing the relevant guidelines and reports prepared by the Sub-Commission (or its successor), or other human rights bodies, with civil society;

8. *Recommends* that the Human Rights Council extend the meeting of the Social Forum to five days, as is the practice with certain working groups of the Sub-Commission, in order that it may devote two days of thematic discussions on poverty and human rights, in line with the current format of the Social Forum; devote two days of discussion to the work of the international human rights mechanisms in the field of economic, social and cultural rights and the right to development in relation to poverty, in order to receive feedback from civil society to provide to different mechanisms; and devote one day to an interactive debate with mandate holders on issues related to the topic of the Social Forum and to formulating conclusions and recommendations to be presented to relevant bodies;

9. *Reiterates* its invitation to participate in and contribute to the Social Forum to non-governmental organizations in consultative status with the Economic and Social Council and other non-governmental organizations outside Geneva, and in particular newly emerging actors, such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, youth associations, community organizations, trade unions and associations of workers, representatives of the private sector, United Nations organizations and specialized agencies, the regional economic commissions, intergovernmental organizations - in particular the United Nations Development Programme, the World Bank, the International Monetary Fund and the World Trade Organization - regional banks, financial institutions and international development agencies;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights to seek effective means of ensuring consultation and the broadest possible participation in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

11. *Invites* the Social Forum to submit to the future expert advice mechanism of the Human Rights Council a separate report containing a comprehensive and detailed summary of the discussions, including recommendations and draft resolutions;

12. *Requests*, subject to the decision of the Human Rights Council on its future expert advice mechanism, that the Secretary-General adopt the appropriate measures to disseminate information about the Social Forum, invite the relevant individuals and organizations to the Social Forum and take all practical measures required for the success of this initiative.

*21st meeting  
24 August 2006*

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

**2006/9. Implementation of existing human rights norms and standards  
in the context of the fight against extreme poverty**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* that, in the Universal Declaration of Human Rights, the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want was proclaimed as the highest aspiration of the common people,

*Building* on the efforts relating to human rights and extreme poverty accomplished by the United Nations since 1987, and in particular the final report (E/CN.4/Sub.2/1995/13) of the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights, Mr. Despouy,

*Recalling* the resolutions of the General Assembly on the issue, particularly resolution 59/186 of 20 December 2004, which reaffirmed (a) that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, (b) that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them, (c) that it is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in the promotion of human rights and in efforts to combat extreme poverty,

*Recalling* that situations of extreme poverty, resulting from a combination of factors of insecurity and affecting several aspects of people's lives in a lasting manner, compromise the chances of people living in such situations to reassume their responsibilities and regain their rights in the foreseeable future,

*Considering* the Millennium Declaration, in which heads of State and government solemnly declared: "We will spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty, to which more than a billion of them are currently subjected",

*Considering also* the 2005 World Summit Outcome, in which heads of State and government stressed “the right of people to live in freedom and dignity, free from poverty and despair”, and recognized that “all individuals, in particular vulnerable people, are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and fully develop their human potential”,

*Bearing in mind* Commission on Human Rights resolution 2005/16 of 14 April 2005, in which the Commission expressed deep concern that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity and that it is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live and in the realization of human rights,

*Noting* that, in resolution 2005/16, the Commission also recalled that a better understanding is needed of what is endured by people living in poverty, including women and children, and that thought must be given to the subject, drawing on the experience and ideas communicated by the poorest themselves and by those committed to working alongside them,

*Taking note* of the reports of the independent experts on the question of human rights and extreme poverty, Ms. Lizin and Mr. Sengupta (in particular E/CN.4/2004/43, E/CN.4/2005/49 and E/CN.4/2006/43), especially the analysis carried out by Mr. Sengupta of social exclusion as a key and specific element of extreme poverty,

*Taking note* of Commission resolution 2001/31 of 23 April 2001, in which the Commission requested the Sub-Commission to consider the need to develop guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty,

*Recalling* its own resolution 2001/8 of 15 August 2001, in which it entrusted a group of experts from the Sub-Commission with the task of preparing a joint working paper, without financial implications, on the need to develop, on the basis of the various relevant international instruments, the ongoing work in other forums, the conclusions and

recommendations of the Expert Seminar on Human Rights and Extreme Poverty and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty,

*Also recalling* its own resolution 2005/9 of 8 August 2005, in which it requested the ad hoc group of experts to submit their final report to it at its fifty-eighth session,

*Noting with interest* the final report of Mr. José Bengoa, coordinator of the ad hoc group of experts, on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty (A/HRC/Sub.1/58/16),

1. *Welcomes* the draft guiding principles annexed to this resolution, in particular insofar as the guiding principles:

(a) Are addressed to all the countries of the world and are based on the universality, indivisibility and interdependence of all human rights;

(b) Are directed towards the effective realization of all human rights for all human beings, including those suffering from the greatest poverty and the greatest exclusion, on the basis of close cooperation with the latter;

(c) Make a significant contribution to the realization of the right to development in all countries and to the implementation of the Millennium Declaration;

(d) Uphold an approach which links respect for human rights and the adoption of practical measures which offer the poor new opportunities;

2. *Thanks* all those who contributed to the drafting of the guiding principles, in particular during the regional seminars held in Bangkok, Pierrelaye, France, Pune, India and Sao Paulo, Brazil, as well as the sessions of the Social Forum, and especially the persons in situations of extreme poverty, with the hope that these principles will encourage them in their daily efforts to preserve their dignity and regain their rights, and will foster the changes to which those persons legitimately aspire;

3. *Approves* the final report of the ad hoc group of experts as well as the draft guiding principles annexed to this resolution;
4. *Requests* the Human Rights Council to study these guiding principles, in consultation with experts, persons in situations of extreme poverty and associations committed to working alongside them, with a view to adopting them and forwarding them to the General Assembly.

*21st meeting  
24 August 2006*

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

## **Annex**

### **Draft guiding principles**

#### **“Extreme poverty and human rights: the rights of the poor”<sup>a</sup>**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Reaffirming* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the other human rights instruments adopted by the United Nations,

*Considering* the relevant provisions of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, and of the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development, adopted by the World Summit on 12 March 1995, resolution 46/121 adopted by the General Assembly on 17 December 1991 and the Assembly’s subsequent resolutions on the issue, the Millennium Declaration, adopted by the General Assembly on 8 September 2000, and the development objectives set out in the Declaration, whereby States solemnly undertook to do their utmost to eliminate poverty,

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<sup>a</sup> The terms “poor” and “poverty” as used in this draft refer to the situation of persons living in extreme poverty.

*Also considering* the 2005 World Summit Outcome, in which heads of State stressed “the right of people to live in freedom and dignity, free from poverty and despair”, and recognized that “all individuals, in particular vulnerable people, are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and fully develop their human potential”,

*Recalling* that, in its resolution 54/232 of 22 December 1999 and several subsequent resolutions on the matter, the General Assembly expressed its deep concern that women and children for the most part constitute the group most affected by the phenomenon of extreme poverty, and that, in its resolution 59/186 of 20 December 2004, the Assembly expressed deep concern that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation,

*Also recalling* that, since adopting its resolution 47/134 on 18 December 1992, the General Assembly has repeatedly reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity, and stressed the need for a complete and in-depth study of the phenomenon of extreme poverty, based on the experience and ideas of the poorest sectors of the population, a task that has been accomplished, in particular, by the Sub-Commission’s ad hoc group of experts,

*Considering* that those living in poverty, and particularly in extreme poverty, are the first to act to change their situation and that of their families, and that their efforts should be identified and supported as a matter of priority,

*Recognizing* that, as the General Assembly has emphasized, the eradication of extreme poverty constitutes a major challenge in the process of globalization, which can be met only by means of a coordinated policy stemming from continuous international cooperation and decisive action at the national level,

*Reaffirming*, after the General Assembly, that widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile,

*Considering* that the inherent dignity of all the members of the human family and their equal and inalienable rights demand that priority attention should be given to those suffering most from poverty and exclusion,

*Reaffirming* that extreme poverty persists throughout the world, that it constitutes a negation of human rights and might, in some situations, threaten the right to life, and that the international community must continue to regard its immediate alleviation and eventual elimination as a major priority,

*Taking into account* the relevant decisions and resolutions of the Commission on Human Rights, which has repeatedly condemned the situation of poverty in the world and emphasized that it represents a negation of the fundamental rights of the individual, as well as the declaration on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on Economic, Social and Cultural Rights on 4 May 2001, and recalling that, in that context, the Commission, in its resolution 2001/31 of 23 April 2001 and its other resolutions on the matter, requested the Sub-Commission, with the help of an ad hoc group of experts, to draw up guiding principles on the implementation of human rights norms and standards in the context of the fight against extreme poverty,

*Adopts* the following guiding principles, which it submits to the Human Rights Council for consideration, expressing the hope that all the interested parties will engage in an in-depth discussion with a view to their adoption.

### **Human rights and extreme poverty: the rights of the poor**

1. Poverty is a human condition characterized by sustained or chronic deprivation of resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.<sup>b</sup>

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<sup>b</sup> Declaration by the Committee on Economic, Social and Cultural Rights on poverty and the International Covenant on Economic, Social and Cultural Rights (*Official Records of the Economic and Social Council, 2002, Supplement No. 2* [E/2002/22-E/C.12/2001/17], annex VII), para. 8.

2. Extreme poverty and exclusion from society constitute a violation of human dignity; consequently, the inclusion in national and international plans of measures to eliminate them is a priority.
3. Persons living in extreme poverty are fully entitled to demand that policies and programmes at the national and international level aimed at the eradication of extreme poverty should be drawn up and effectively implemented in accordance with the principles of human rights and the present guiding principles.
4. Persons living in extreme poverty are entitled to the full enjoyment of all human rights, including the right to participate in the adoption of decisions which concern them, and to contribute to the well-being of their families, their communities and humankind.
5. States, as well as all the organs of society at the local, national, regional and international level, have an obligation to take effective action to eliminate extreme poverty; to that end they must act in a structured and accountable manner, in partnership with persons living in extreme poverty, and must periodically report on their actions at all levels, especially the local and national levels, in accordance with applicable legal norms. At the international level, States must account for their actions in the periodic reports they submit to the bodies monitoring compliance with treaties, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
6. States, intergovernmental organizations, national and transnational enterprises and non-governmental organizations, inter alia, have a responsibility to take into account and fully respect human rights, in particular the principles set out in the present document. Infringements of these rights by the above-mentioned entities, whether arising from negligence or from a deliberate decision, should be regarded as violations of human rights and their perpetrators should be held responsible, with the corresponding legal consequences.

## **Section 1**

### **A. Participation by the poor**

7. Persons living in extreme poverty have the right to participate in all activities which concern them, particularly programmes for the eradication of extreme poverty. The

implementation of such policies and programmes without the participation of the persons concerned and their associations and organizations constitutes a violation of the right to participate in public affairs.

8. States should foster and promote participation by the poorest people in the decision-making process in the societies in which they live, in the promotion of human rights and in efforts to combat extreme poverty. They should also empower people living in poverty and vulnerable groups to organize themselves and to participate in all aspects of political, economic and social life, in particular the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development.<sup>c</sup>

8 bis. States should take action in every sphere to combat the feminization of poverty and ensure the participation of women in all their anti-poverty programmes. Every programme or piece of legislation aimed at eliminating extreme poverty should seek to take into account the different situations of women and men and to rectify inequalities between girls and boys and between women and men with regard to the use of resources, access to rights, the exercise of responsibilities and support for family life.

9. Programmes to combat poverty should be publicly available, and should set specific targets and specify indicators to facilitate evaluation of their implementation as well as mechanisms for monitoring and accountability. The State and public and private agencies which implement poverty reduction and eradication policies and programmes should encourage the establishment of forums for evaluation and monitoring in which persons living in extreme poverty participate.

## **B. Discrimination and stigmatization**

10. Discrimination affecting persons living in extreme poverty must be punished as a violation of human rights. The stigmatization of the poor and their associations, groups, neighbourhoods or places of residence, and their representation as persons without rights who

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<sup>c</sup> General Assembly resolution 55/106, dated 14 March 2001.

are dangerous, violent and display other negative characteristics, must be regarded as forms of discrimination. Discrimination against the poor based on their image, their dress, their physical appearance or any other grounds related to their situation of extreme poverty constitutes a human rights violation. The State, international agencies and other parties concerned have an obligation to criticize and combat stigmatization of the poor and to promote a balanced and fair image of persons who are in a situation of extreme poverty.

11. The media and education systems play a key role in the processes of discrimination and stigmatization, and hence in efforts to combat those phenomena.

12. Public officials, those of international organizations, personnel in humanitarian organizations and all those working for the elimination of poverty are expected to maintain relations of respect for the dignity and the fundamental rights of persons living in extreme poverty, particularly in human relations, in humanitarian services and in project formulation and implementation. The personnel of social welfare schemes have these obligations, and the right to freedom from discrimination based on the circumstance of poverty is a right which must be guaranteed to the poor.

## **Section 2**

### **C. Indivisibility and interdependence of rights**

13. All persons living in extreme poverty have the right to the enjoyment of all human rights, which are indivisible, interdependent and universal. The exercise of human rights is crucial to the elimination of extreme poverty, because the denial of one right has an adverse impact on the totality of the rights of the individual. However, the restoration of a right in isolation is not enough to ensure that individuals, their families and their communities will emerge from the situation of extreme poverty.<sup>d</sup>

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<sup>d</sup> See E/CN.4/Sub.2/1993, para. 178.

#### **D. Civil and political rights**

14. All persons living in extreme poverty have the right to be recognized everywhere as persons before the law. They have the right to participate fully in the life of the community in which they live, to have a domicile, to possess an identity document or any other document which constitutes evidence of their citizenship or their legal status, and to enjoy all the civil and political rights set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. They should enjoy full citizenship of the State of which they are nationals and have the right to participate without discrimination in the political life of that State and to take part in public affairs. Any denial of civil and political rights to the poor on the basis of their circumstances of extreme poverty, whether individual or collective, must be regarded as a case of serious discrimination.

15. Persons living in extreme poverty have the right to form a family, to support their children, to take care of them, to raise them, and to enjoy the fundamental dignity inherent in every human being, guaranteeing respect for privacy and family life.

16. Governments in particular have a duty to put an end to violence inflicted by State and non-State actors on persons living in extreme poverty, particularly women and children, and to provide adequate police protection. The State must draw up education programmes for the population in general, and the police forces in particular, in order to promote non-discrimination against persons living in poverty. Persons living in extreme poverty must enjoy the same rights as other persons and have access to justice free of discrimination. Any person responsible for an act of violence and discrimination against persons living in conditions of poverty must be brought to justice and punished.

17. The State must in particular ensure the protection of vulnerable population groups, including the homeless, street children, the disabled and the elderly, who are worst affected by extreme poverty. The State has an obligation to implement effective programmes for these particularly vulnerable groups.

18. States will adopt special measures to provide protection to the poor in respect of their dignity, their privacy, their integrity, their honour and their reputation. This protection must be effective and provided free of charge on an equal footing with other subjects of law.

### **E. Right to food**

19. Every human being has a right to adequate, appropriate, healthy food, and is entitled not to be exposed to the risk of hunger or starvation. The State and the international community are duty-bound to accord all human beings, individually or collectively, the right of physical and economic access to appropriate food.

20. Poor rural inhabitants are entitled, in order to feed themselves, to acquire effective ownership of their land and register that ownership in good and due form. States and the international community are duty-bound to uphold peasants' rights to the ownership of their land and to encourage agrarian reforms that will afford access to additional land and will protect and demarcate the lands belonging to indigenous population groups and the lands and territory belonging to minorities descended from slaves and protect fish resources and small-scale fishing communities' fishing grounds, nomadic herders' grazing rights, and the hunting rights of those who live by hunting.

21. In the event of hunger or famine and where welfare assistance is provided in the form of food, distributions of food or similar measures, peoples' dignity must be fully respected, organized arrangements being made for distribution that encourage active participation by the population groups concerned.

22. Corruption, food smuggling, theft of international humanitarian aid, wilful adulteration of food intended for the general public, distribution of perished foodstuffs and all other similar misconduct must be regarded as criminal behaviour of the gravest order - as a violation of poor peoples' and others' human rights in particular - and made subject to exemplary punishment.

### **F. Right to health**

23. Persons living in extreme poverty have a right to health, and the State must guarantee the appropriate exercise of that right.

24. All persons living in hardship have a right to be treated with dignity, respect and humanity by health-care systems. Health-care personnel must be acquainted with the day-to-day circumstances of highly underprivileged individuals and families and trained in forging partnerships with such people.

25. Poor people living in areas of extreme poverty where pandemics, epidemics and widespread illnesses such as HIV/AIDS, malaria, tuberculosis, leprosy or typhus occur have a right to health and to active involvement in the design and execution of eradication programmes. The State is under an obligation to uphold the right to health of the entire population, including those living in extreme poverty. Where situations overwhelm its capacity to respond, the State is under an obligation to seek assistance from the international community, and the international community must grant such assistance immediately.

26. The right to health is closely linked to the right to life. Those responsible, nationally and internationally, for any negligence in the execution of preventive or health-care programmes, or for any ill-informed, inappropriate or ill-intentioned planning that results in human deaths, must be put on trial and punished.

27. Theft, corruption, trafficking, black-marketeering and any other criminal activity involving vaccines, medical supplies, surgical or other equipment originally intended as medical aid must be severely punished and, depending on the scale of the activity, regarded as a crime of the utmost seriousness subject to prosecution and trial before the competent courts. Victims or their legal heirs and successors are entitled to reparation.

#### **G. Right to drinkable water**

28. Persons living in extreme poverty have a right to drinkable water, and the State is duty-bound to provide this service to them free of charge. In areas of widespread rural poverty, the State must provide drinkable water whenever climatic conditions culminate in drought. If the State cannot do so by itself, it is under an obligation to seek the assistance of the international community, and the international community is obliged to provide such assistance.

29. The right to drinkable water is directly linked to the right to life. Negligence, omission or planning that results in an absence of water distribution services must be regarded as action threatening human life. Likewise, the destruction of the means of supplying water, the sale of water rights and privatization or management of water resources that results in a lack of access to drinkable water for groups of the population must be regarded as an encroachment upon this right.

## **H. Right to housing**

30. Persons living in extreme poverty have the right to dignified housing affording suitable protection from the climate, enabling them to have a family life and to develop as individuals in dignity and decency.

31. All who live in extreme poverty have the right to private, individual, cooperative or collective ownership of their housing, furniture and utensils of every kind; in rural areas they have the right to collective or individual ownership of their land, housing, tools, animals and other daily necessities. The State is under an obligation to guarantee the poor access to housing in a manner that will spur improvements in their living conditions.

32. As part of their poverty eradication policies, States should place especial emphasis on housing policy and encourage the active involvement of those living in extreme poverty in the design, execution, management, administration and evaluation of housing policy. States should be especially attentive to the quality and suitability of any public housing that is built. Corruption, poor management of building materials and negligence must be severely punished by the judicial system and regarded as a kind of discrimination and a breach of the human rights of the poor.

## **I. Right to education and culture**

33. All who live in extreme poverty have a right to education. They and their children are entitled to have access to basic education and schooling at all the levels offered by the education system, without being exposed to segregation or discrimination of any kind. The State should most particularly ensure that children living in extreme poverty have access to education.

34. All who live in extreme poverty have a right of access to culture and the arts. Special programmes affording access to culture, instruction, reading, art and literature and resource-management and administration programmes should be set up in collaboration with, and with the active involvement of, the poor and their families as means of eradicating hardship. Cultural and instructive programmes, whether designed and executed by the State or by private entities, should seek to uphold the dignity of the poor, promote awareness of their rights, and accord due recognition to their experience.

## **J. Right to employment**

35. All who live in extreme poverty have a right to decent, dignified, productive, safe and appropriately remunerated employment. State policy should guarantee their right to employment, to labour rights, to appropriate welfare provision and to security systems enabling them to cope with unemployment and crises. Poverty-alleviation policies must take account of the right to work as a factor militating against extreme poverty.

36. On the matter of access to employment, the State and society must strive to abolish any form of discrimination based on external impressions, physical appearance, residence, living conditions, race, ethnic background, sex or any other consideration stemming from extreme poverty. Discrimination in employment on grounds relating to extreme poverty which are unrelated to good performance on the job should be duly penalized.

37. The State should ensure that there are fair labour codes so that wage earners, both permanent and, especially, temporary, and their families do not have to live in poverty despite going to work. The State must eradicate child labour, prostitution, forced labour, contemporary forms of slavery and other activities in which those living in extreme poverty are often constrained to engage.

## **K. Right to justice**

38. All who live in extreme poverty have the same right of access to justice as other citizens. The State and the judicial system must take care to uphold equality before the law and ensure the administration of justice without discriminating on grounds of physical appearance, residence or any other consideration stemming from extreme poverty.

39. The State and judicial administration must provide free, high-quality legal assistance for the protection of people living in extreme poverty. Judges must explain charges and proceedings in a clear, comprehensible manner and, when dealing with individuals who do not speak the language officially used in a particular court, must call in specialist translators and interpreters free of charge.

40. The State should set up educational and public-information programmes to help the poor learn about their rights and the legal and judicial proceedings which they are entitled to bring. The State and judiciary should also set up training programmes for judges, defence counsel and judiciary officials with a view to ensuring that the justice system works for the poor.

### **Section 3**

#### **L. State obligations and international cooperation**

41. Since human rights are universal, concerted action by the international community is required to give effect to them. International cooperation is, for States, developed countries in particular, a duty to which they must devote a significant proportion of their resources.

42. International cooperation over basic human rights must be developed with a view to the full realization of those rights. States and the international community are under an obligation to act immediately to end situations of widespread poverty, starvation and hardship. In the case of long-standing situations of dire poverty and situations resulting from natural disasters, armed conflict, etc. which require States to make appropriate resources available at short notice it is not just the State that must take immediate action: the international community must also set up ad hoc programmes. International bodies at the highest level must decide upon preventive measures, provide assistance and set medium- and long-term development objectives for dealing with such situations together and effectively.

43. International cooperation must be combined with appropriate action in international trade, market and investment promotion, weapons dealing and labour-market regulation to ensure that such cooperation yields results and does not accentuate the cycle of extreme poverty. Cancellation of foreign debt, reduced rates of interest and similar measures should be part of States' international cooperation policies and obligations.

#### **M. Duties and responsibilities of public and private entities in combating poverty**

44. Public and private bodies working to reduce extreme poverty (whether in industrialized or in developing countries), provide humanitarian aid or conduct international cooperation or

development, educational or other plans and programmes are duty-bound to make their programmes public, disclose their working methods and objectives as well as their funding, and account for their activities. Their duties and responsibilities must be consistent with the international human rights system and these guidelines.

45. The staff of public and private international organizations, non-governmental organizations and movements and organizations working to eradicate poverty do and must display a high level of professionalism and moral rectitude in their conduct, and must base their action on the principles of international human rights law and these guidelines. The duties and responsibilities of such staff, whatever their status and including those volunteering their services, must be subject to independent supervision and public scrutiny. Given the humanitarian nature of such organizations' activities (their staff often work without pay), and in order to display greater solidarity with the poor and their living conditions, the organizations should be held strictly to ethical standards of conduct and any breach of those standards should be duly punished.

46. The international community must accord due recognition to, back and finance voluntary work in support of the poor, especially efforts to combat poverty and establish, nationally, regionally and internationally, a climate of solidarity; it must encourage poor people's organizations and social movements seeking to eradicate poverty with a view to the attainment of human rights.

47. States and the international community should celebrate on 17 October the International Day for the Eradication of Poverty proclaimed by the General Assembly in resolution 47/196 of 22 December 1992, which affords an opportunity to give due recognition and lend weight to this campaign.

*21st meeting  
24 August 2006*

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

**2006/10. Promotion of the realization of the right to drinking  
water and sanitation**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Reaffirming* the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

*Mindful* that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and a wide range of other texts provide unequivocally that all persons are entitled to the full realization of economic, social and cultural rights,

*Recalling* the Declaration on the Right to Development,

*Recalling also* that in part I, paragraph 10, of the Vienna Declaration and Programme of Action, the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of human rights, and urged States and the international community to promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

*Taking account* of the results of the World Summit for Social Development, held in Copenhagen from 6 to 12 March 1995, especially the recommendations in its Programme of Action concerning the United Nations system to strengthen United Nations operational activities for development in order to ensure the implementation of the World Summit outcome, as well as the capacity of the United Nations system for gathering and analysing information and establishing indicators of social development, taking into account the work carried out by different countries, in particular by developing countries,

*Recalling* resolutions I (Assessment of water resources), II (Community water supply), III (Agricultural water use), IV (Research and development of industrial technologies), VIII (Institutional arrangements for international cooperation in the water sector) and IX (Financing arrangements for international cooperation in the water sector) adopted at the United Nations Water Conference, held in Mar del Plata, Argentina, from 14 to 25 March 1997,

*Bearing in mind* the International Drinking Water Supply and Sanitation Decade (1981-1990) and the observance, on 22 March of each year, of the World Day for Water, proclaimed by the General Assembly in its resolution 35/18 of 10 November 1980 and 47/193 of 22 December 1992, respectively,

*Bearing in mind also* the objectives of a “20:20”-type compact concerning in particular the access of all to drinking water supply and sanitation services, as stated in the *Human Development Report 1994*,

*Recalling* the Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes, adopted in London in 1999 under the auspices of the Economic Commission for Europe, and which refers to the principle of equitable access to water, which should be provided for all members of the population,

*Recalling also* the principles of the Madeira Declaration on the sustainable management of water resources, adopted by the European Council on Environment Law on 17 April 1999, and the resolution on drinking water adopted by the Council on 28 April 2000,

*Considering* that, in its resolution 55/196 of 20 December 2000, the General Assembly proclaimed the year 2003 as the International Year of Freshwater,

*Taking into account* general comment No. 15 (2002) on the right to water, adopted by the Committee on Economic, Social and Cultural Rights, which states that water is a public good fundamental for life and health and should be treated as a social and cultural good,

*Taking particular account* of the International Decade for Action, “Water for Life”, 2005-2015, proclaimed by the General Assembly in its resolution 58/217 of 23 December 2003, the goal of which is a greater focus on water-related issues at all levels and on the implementation of water-related programmes and projects, in order to help to achieve internationally agreed water-related goals contained in Agenda 21, the United Nations Millennium Declaration and the Johannesburg Plan of Implementation,

*Recalling* its resolution 1997/18 of 27 August 1997, in which it decided to entrust to Mr. El Hadji Guissé the task of drafting, without financial implications, a working paper on the question of the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services,

*Taking into consideration* the working paper on the promotion of the realization of the right of everyone to access to drinking water supply and sanitation services prepared by Mr. Guissé (E/CN.4/Sub.2/1998/7),

*Recalling* Commission on Human Rights decision 2002/105 of 22 April 2002, approving the appointment of Mr. Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation,

*Taking into consideration* the preliminary, interim and final reports on the promotion of the realization of the right to drinking water supply and sanitation prepared by the Special Rapporteur and submitted to the Sub-Commission at its fifty-fourth, fifty-fifth and fifty-sixth sessions, respectively (E/CN.4/Sub.2/2002/10, E/CN.4/Sub.2/2003/WP.3 and E/CN.4/Sub.2/2004/20),

*Bearing in mind* that water is the source of life,

*Bearing in mind also* that all persons have the right to sufficient supplies of water to meet their essential needs and to have access to culturally acceptable, accessible, secure and affordable sanitation facilities that take account of the requirements of hygiene, human dignity, public health and environmental protection,

*Considering* that water resources constitute a public good and that they must be used in an equitable manner and managed in cooperation with users in a spirit of solidarity,

*Deeply concerned* that more than 1 billion people in the world are still deprived of access to drinking water supply and that almost 4 billion are not living in decent conditions of sanitation,

1. *Welcomes with satisfaction* the report of the Special Rapporteur, Mr. El Hadji Guissé, on the realization of the right to drinking water and sanitation (E/CN.4/Sub.2/2005/25), which contains draft guidelines for the realization of the right to drinking water and sanitation;
2. *Re-emphasizes* that the right to water is an individual and collective human right and is closely linked to other rights, such as the rights contemplated in several international human rights instruments and in general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights;
3. *Reaffirms* that the access of everyone to drinking water supply must not be subject to any restriction but must be subject to regulation and control by the public authorities;
4. *Adopts* the guidelines for the realization of the right to drinking water and sanitation, referred to in paragraph 1 of the present resolution;
5. *Requests* all States and international organizations to give priority, in political decision-making at the national, regional and international levels, to the implementation of their international obligations in the area of drinking water and sanitation;
6. *Calls upon* all States to cooperate in the area of drinking water supply and sanitation for the realization of the right of everyone to water;
7. *Requests* the Secretary-General to bring to the attention of States, international organizations and non-governmental organizations concerned with questions relating to water and sanitation, the guidelines for the realization of the right to drinking water and sanitation, as well as general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights;
8. *Invites* Mr. Guissé to continue his work on the right to drinking water and sanitation and to submit a follow-up report to the fifty-ninth session of the Sub-Commission or to the first session of the future expert advice mechanism of the Human Rights Council;

9. *Decides* to submit the report of Mr. Guissé on the realization of the right to drinking water and sanitation, which contains draft guidelines for the realization of the right to drinking water and sanitation, to the Human Rights Council for consideration and adoption.

21st meeting  
24 August 2006

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

**2006/11. The rights of persons belonging to national or ethnic, religious and linguistic minorities**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Taking note* of the report of the Working Group on Minorities on its twelfth session (A/HRC/Sub.1/58/19),

*Welcoming* the increasing participation of minority representatives in sessions of the Working Group,

*Expressing appreciation* for the active participation of the independent expert on minority issues at the twelfth session of the Working Group,

*Concerned* about the continued violations of minority rights in all parts of the world,

1. *Emphasizes* the need to ensure adequate consideration of minority rights issues within the Human Rights Council and calls for the continuation of the Working Group on Minorities or a similar expert body to ensure the provision of specialized advice on minority rights issues to the Council, preferably through its subsidiary bodies in the future;

2. *Recommends* that such a future mechanism be convened intersessionally and for a duration of at least five working days, and recommends that the mechanism ensure access to and participation by minority representatives from all regions of the world and serve as a forum for dialogue and mutual understanding on minority rights issues;

3. *Stresses* the historical opportunity that the establishment of the mandate of the independent expert on minority issues and its ongoing interaction with the Working Group

represent in advancing the promotion and protection of the rights of minorities, in particular in the area of follow-up and thematic expertise where the complementarity with the open forum provided by the Working Group is of crucial relevance;

4. *Notes with appreciation* the proposal made by the independent expert to study and, when appropriate, take initiatives on the specific minority situations brought to the attention of the Working Group by minority representatives and Governments during its twelfth session;

5. *Endorses* the request of the Working Group and the independent expert for a two-year programme of work, which includes a series of regional seminars, one of them on the situation of Afro-descendants in the Americas, on integration of minority considerations resulting in diversity in security, policing and criminal justice as a follow-up to the study discussed during the twelfth session of the Working Group (E/CN.4/Sub.2/AC.5/2006/WP.1), as well as the preparation of three thematic studies to be followed by thematic seminars on positive country experiences on self-government for minorities; on ways and means of strengthening the application of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; and on double discrimination against women belonging to minorities;

6. *Welcomes* the progress made and the steps taken towards the establishment of a voluntary fund to support the participation of minority representatives, especially from developing countries, in United Nations meetings;

7. *Recommends* that the Office of the United Nations High Commissioner for Human Rights continue operating the fellowship programme for minorities, as it is an excellent tool for building capacity among minority representatives and minority organizations on the essence and working methods of the various human rights mechanisms and instruments, and encourages the Office to identify possible ways of further engaging with minority fellows once the programme has finished;

8. *Calls upon* the Office of the High Commissioner and the independent expert on minority issues, together with the Working Group on Minorities, through inter-agency

cooperation, to engage the various parts of the United Nations system, the international financial institutions, the regional banks, and regional and national development agencies in the effective implementation of the goals and objectives of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities so as to recognize the importance of mainstreaming minority issues as a tool for achieving equal rights, and to actively promote the mainstreaming of a minority perspective in the design, implementation, monitoring and evaluation of relevant policies and programmes.

*21st meeting*  
*24 August 2006*  
[Adopted without a vote. See chap. VII.]

## **2006/12. Second International Decade of the World's Indigenous People**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Bearing in mind* that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

*Recalling* General Assembly resolutions 48/163 of 21 December 1993 and 59/174 of 20 December 2004, in which the Assembly proclaimed, respectively, the International Decade of the World's Indigenous People and the Second International Decade of the World's Indigenous People,

*Recalling also* that the General Assembly established as the goal of the Second Decade the further strengthening of international cooperation for the solution of problems faced by indigenous people, by means of action-oriented programmes and specific projects, increased technical assistance and relevant standard-setting activities,

*Taking into account* that in resolution 59/174 the General Assembly requested the Secretary-General to appoint the Under Secretary-General for Economic and Social Affairs as the Coordinator for the Second Decade and to submit a report to the Assembly at its sixtieth session on a comprehensive programme of action for the Second Decade,

*Convinced* that the Second Decade and its programme of action should bring about positive changes in terms of achieving full respect and implementation of the rights and freedoms of indigenous people and a real improvement in their daily lives, since in spite of important achievements during the first Decade, the Commission on Human Rights, in its resolution 2005/51 of 20 April 2005, expressed its deep concern about the precarious levels of economic and social development that indigenous peoples continue to endure in many parts of the world and the disparities in their situation in comparison to the overall population and reaffirmed the need to recognize, promote and protect more effectively their rights and freedoms,

*Welcoming* the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the Human Rights Council by its resolution 2006/2 of 30 June 2006, one of the main objectives of the first Decade,

*Stressing* the importance of consultation and cooperation with indigenous peoples and their organizations in planning and implementing the programme of action for the Second Decade, as well as of the need to ensure full cooperation and consultation between the Coordinator for the Second Decade and other relevant bodies and mechanisms of the United Nations system such as the Working Group on Indigenous Populations, as recognized by the Commission on Human Rights in its resolution 2005/49 of 20 April 2005,

*Convinced* that the Working Group on Indigenous Populations is a most valuable forum in which for more than two decades States, indigenous peoples and their organizations and leaders, together with numerous United Nations specialized agencies and a large number of intergovernmental and non-governmental organizations, have fruitfully interacted annually, thus facilitating a growing awareness of international public opinion of the many aspects and the real dimension of the difficult situation of indigenous peoples in many parts of the world,

*Welcoming* the invitation extended to the Working Group on Indigenous Populations by the Commission on Human Rights in its resolution 2005/49 to submit to the Coordinator for the Second Decade, through the United Nations Office of the High Commissioner for Human Rights, a list of activities to be considered for possible inclusion as part of the human rights component of the comprehensive programme of action for the Second Decade, and the appropriate way in which the Working Group complied with the request at its twenty-third session,

*Having considered* the report of the Working Group on Indigenous Populations on its twenty-third session (E/CN.4/Sub.2/2005/26), in particular annex IV, in which the Working Group suggested to the Coordinator for the Second Decade a list of activities to be undertaken at the international, regional and national levels for possible inclusion in the programme of action for the Second Decade,

1. *Reiterates* that there is a need to continue giving particular attention to achieving the effective participation of indigenous peoples in the planning, organization and implementation of the activities of the Second International Decade of the World's Indigenous People in order to fully realize the Decade's goals;

2. *Requests* the United Nations High Commissioner for Human Rights to continue to take the necessary steps to ensure the participation of her Office in the activities of the human rights component of the programme of action of the Second Decade, in full cooperation with the Coordinator for the Second Decade;

3. *Requests* its Working Group on Indigenous Populations to follow closely the activities carried out as part of the human rights component of the programme of action of the Second Decade on the basis of the information to be submitted regularly by the Office of the High Commissioner to the members of the Working Group, so as to be able to contribute to the midterm and end-term reviews of the Second Decade, to be carried out by the General Assembly in 2010 and 2015;

4. *Expresses its view* that the conclusions and recommendations adopted annually by the Working Group and the experience accumulated by this body during its 24 years of

continuous work on the most diverse indigenous issues and in the evaluation of the implementation of the programme of action of the first Decade could be of particular value for the successful planning and implementation of the activities to be undertaken within the framework of the Second Decade;

5. *Welcomes* the observance of the International Day of the World's Indigenous People on 3 August 2006;

6. *Recommends* that the celebration of the International Day of the World's Indigenous People continue to be held in Geneva, as usual, on the fourth day of the annual session of the Working Group on Indigenous Populations, in order to ensure as large a participation as possible of representatives of indigenous peoples, Governments and intergovernmental and non-governmental organizations, as well as of staff of United Nations bodies and the specialized agencies;

7. *Reiterates* the recommendation that the Coordinator for the Second Decade appeal to Governments and other possible donors to contribute generously to the Voluntary Fund for the Second International Decade of the World's Indigenous People;

8. *Welcomes* the steps that have been taken and continue to be taken to establish and promote cooperation between the Permanent Forum on Indigenous Issues, the Working Group on Indigenous Populations and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, as was the case in the work to achieve a successful common approach that stressed the need for a second international decade.

*21st meeting  
24 August 2006*

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

### **2006/13. Working Group on Indigenous Populations**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Reaffirming* the urgent need to recognize, promote and protect more effectively the rights of indigenous peoples, including their human rights and fundamental freedoms,

*Mindful* of the relevant recommendations adopted by the World Conference on Human Rights in 1993, in particular those contained in Part I, paragraph 20, and Part II, paragraphs 28 to 32, of the Vienna Declaration and Programme of Action,

*Mindful also* of the relevant recommendations adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001,

*Recalling* Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a Working Group on Indigenous Populations,

*Taking note with deep appreciation* of the report of the Working Group on Indigenous Populations on its twenty-fourth session (A/HRC/Sub.1/58/22) and, in particular, of its conclusions and recommendations,

*Welcoming* the ample discussions in the Working Group during its twenty-fourth session under its twofold mandate: the review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous people, including the main theme, “Utilization of indigenous peoples’ lands by non-indigenous authorities, groups or individuals for military purposes”, and standard-setting, as well as on cooperation with other United Nations bodies in the sphere of indigenous issues,

*Stressing its deep concern* at the still visible sequels of the colonial era that continue to adversely affect the living conditions of indigenous peoples in various parts of the world,

*Recalling once again* Commission on Human Rights resolution 1993/30 of 5 March 1993, in which the Commission recommended to all thematic rapporteurs, special representatives, independent experts and working groups to pay special attention, within the framework of their mandates, to the situation of indigenous peoples,

*Taking note* of Commission on Human Rights resolutions 2005/49 and 2005/51 of 20 April 2005 and Economic and Social Council decisions 2005/268 and 2005/270 of 25 July 2005,

*Taking into account*, in the context of the ongoing process of reform of the United Nations human rights bodies recently launched at the initiative of the Secretary-General, the deep interest in the continuation of its Working Group on Indigenous Populations repeatedly expressed by a large number of Governments and the representatives and caucuses of indigenous peoples in a large number of meetings held both within and outside the United Nations system,

*Recalling* its resolution 2005/23 of 11 August 2005,

1. *Expresses its deep appreciation* to all members of the Working Group for the important and constructive work accomplished during the session and for the new working methods introduced, with the purpose of facilitating a more interactive dialogue during its annual sessions;

2. *Reiterates* its view, in the context of the ongoing process of reform of the United Nations human rights activities, bodies and mechanisms recently initiated by the Secretary-General, that in reviewing the activities, bodies and mechanisms relating to indigenous peoples, account should be taken of the fact that the mandates of the Working Group on Indigenous Populations, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Permanent Forum on Indigenous Issues are clearly distinct and complementary and that consequently none of these three bodies should be discontinued, and invites its superior bodies to endorse this view in the light of the already established cooperation among the three mechanisms;

3. *Recommends* that the item “indigenous issues” be automatically included in the agenda of the Human Rights Council and stresses the need for an expert body to provide the Council with advice on the promotion, protection and realization of the rights of indigenous peoples; also recommends that the principal functions of this body should be to produce in-depth, action-orientated reports and studies and to engage in the elaboration of norms and other international standards relating to the promotion, protection and realization of the rights of indigenous peoples; and further recommends that the expert body should report to the Sub-Commission or any future expert advice mechanism;

4. *Requests* the Secretary-General to transmit the report of the Working Group on its twenty-fourth session (A/HRC/Sub.1/58/22) to the United Nations High Commissioner for Human Rights, indigenous organizations, Governments and concerned intergovernmental and non-governmental organizations, to the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations, as well as to the Human Rights Council, all thematic rapporteurs, special representatives, independent experts and working groups existing as special procedures under the authority of the Human Rights Council, and to all the treaty bodies;

5. *Reiterates* its invitation to the treaty bodies and all thematic special procedures to advise the Working Group on how they take into account, in their work and in accordance with their respective mandates, the promotion and protection of indigenous peoples' rights and in this context further invites them to take duly into account paragraphs 3 and 4 of Commission on Human Rights resolution 2004/58 of 20 April 2004;

6. *Requests* the current Chairperson-Rapporteur of the Working Group to make an oral presentation to the fourteenth annual meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Human Rights Council to substantiate the need for further cooperation between the special procedures and the Working Group and to propose possible modalities for further developing this much-needed cooperation;

7. *Welcomes* the adoption by the Human Rights Council by its resolution 2006/2 of 29 June 2006 of the United Nations Declaration on the Rights of Indigenous Peoples and recommends its adoption by the General Assembly at its sixty-first session;

8. *Reiterates* its decision to authorize the Working Group to make available to the Permanent Forum on Indigenous Issues and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, upon their specific request, the information provided by representatives of Governments and indigenous peoples during the annual general debate on its agenda item 4 (Review of developments), as a specific step towards further cooperation with other bodies with specific mandates related to the situation of indigenous peoples;

9. *Requests* the Working Group to continue exploring ways and means to further strengthen its cooperation with the Permanent Forum and the Special Rapporteur;

10. *Requests* the Human Rights Council to endorse the participation, for one week, of the Chairperson-Rapporteur of the Working Group at the sixth session of the Permanent Forum on Indigenous Issues in 2007, as recommended by the Working Group in its report (A/HRC/Sub.1/58/22, para. 59), to enable him to present the report of the Working Group on its twenty-fourth session;

11. *Recommends* to the Human Rights Council and the Economic and Social Council that the Chairperson of the Permanent Forum on Indigenous Issues and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people be invited to participate in the twenty-fifth session of the Working Group;

12. *Decides* that the Working Group, at its twenty-fifth session, shall adopt as the principal theme “The impact of private sector initiatives on indigenous peoples’ rights”, and that the Office of the United Nations High Commissioner for Human Rights shall invite all relevant organizations, agencies and departments of the United Nations system to provide information on this subject and, if possible, to participate actively in the debates on this matter at the Working Group;

13. *Decides* that the Working Group’s agenda for its twenty-fifth session would be as follows: 1. Election of officers; 2. Adoption of the agenda; 3. Organization of work; 4. Review of developments: (a) General debate; (b) Principal theme: “The impact of private sector initiatives on indigenous peoples’ rights”; (c) “Utilization of indigenous peoples’ lands by non-indigenous authorities, groups or individuals for military purposes”; 5. Standard-setting: review and approval of the final drafts of the guidelines on cultural heritage and on free, prior and informed consent; 6. Other matters: (a) Second International Decade of the World’s Indigenous People; (b) Cooperation with other United Nations bodies; (c) State of the United Nations Voluntary Fund for Indigenous Populations; (d) The United Nations Declaration on the Rights of Indigenous Peoples (update); 7. The human rights situation of States and

territories threatened with extinction for environmental reasons, with particular reference to indigenous peoples; 8. Presentation of elements for conclusions and recommendations;  
9. Adoption of the report;

14. *Requests* the Secretary-General to prepare an annotated agenda for the twenty-fifth session of the Working Group on the basis of paragraph 13 of the present resolution;

15. *Invites* the Office of the High Commissioner for Human Rights, after consultation with the Chairperson-Rapporteur, to inform participants at the twenty-fifth session of the Working Group about the organization of issues under agenda item 4 in advance of the session, in order to facilitate a more active dialogue among the various participants;

16. *Requests* the Working Group to continue to review at its twenty-fifth session, under draft agenda item 5, the final drafts of the guidelines on the heritage of indigenous people and on free, prior and informed consent;

17. *Calls upon* all States to give specific attention to the promotion and protection of the traditional knowledge of indigenous peoples and to ensure that the principle of free, prior and informed consent is fully applied when protecting their traditional knowledge in their relations with non-indigenous sections of the population;

18. *Requests* Miguel Alfonso Martínez to submit to the twenty-fifth session of the Working Group under draft agenda item 4 (c), or to any future expert advice mechanism under the appropriate agenda item, the additional working paper requested by the Sub-Commission in its resolution 2004/15 of 15 April 2004 on the issue of indigenous peoples and conflict prevention and resolution;

19. *Invites* all States to submit to the Working Group at its twenty-fifth session any information they deem fit to provide on the mechanisms for conflict resolution and prevention available to indigenous peoples living under their jurisdiction, in case of existing or potential conflict situations based on the exercise of their rights in their relations with non-indigenous entities or individuals;

20. *Endorses* the recommendation of the Working Group to request the Office of the High Commissioner to organize two technical workshops, one to produce a final draft of the guidelines relating to indigenous peoples' heritage, and another to prepare guidelines on the principle of free, prior and informed consent based on the work undertaken by the Working Group during recent years, and to this effect, to take the necessary steps to include in the budget for 2007 the necessary appropriations to ensure that these workshops are held in Geneva not later than the end of 2007; and recommends that the Office publish and disseminate widely the guidelines on free, prior and informed consent;

21. *Decides*, in view of the discussions that took place under the principal theme of its twenty-fourth session, to invite the Office of the High Commissioner to organize in 2007, as a matter of priority and in consultation with the Chairperson-Rapporteur of the Working Group, a second workshop on indigenous peoples, mining and other private sector companies and human rights, with a view to preparing guidelines based on respect for the cultures, traditions and the cultural heritage of indigenous peoples, and for the principle of free, prior and informed consent;

22. *Reiterates its deep appreciation* to the Mascwachis Cree Nation's Elders and Chiefs for confirming their hosting of the United Nations seminar referred to in Sub-Commission resolution 2004/15 on possible ways and means to implement treaties, agreements and other constructive arrangements between States and indigenous peoples, to be held from 25 to 27 September 2006 in their traditional lands under Treaty 6 in Canada, in accordance with the invitation extended by them during the twenty-second session and already formally accepted by the Working Group (see E/CN.4/Sub.2/2004/28, para. 118), and welcomes the work that has already been done by the Mascwachis Cree Nation's Elders and Chiefs and the Office of the High Commissioner in preparation of that event;

23. *Expresses its thanks* to the Office of the High Commissioner for having extended the necessary cooperation to the indigenous organizers of this seminar so as to ensure the full organizational and technical preparation as well as the successful holding of this important event;

24. *Expresses its appreciation* to the Office of the High Commissioner for the organization of a seminar on “Indigenous peoples’ permanent sovereignty over natural resources and their relationship to land” in January 2006 and takes note of the report on this activity presented to the Working Group on Indigenous Populations (E/CN.4/Sub.2/AC.4/2006/3). It also requests the Office of the High Commissioner to implement the recommendations, where appropriate;

25. *Requests* the Office of the High Commissioner to provide technical cooperation to States that wish to elaborate national legislation on indigenous issues drawing upon existing human rights law, as well as the Declaration;

26. *Reiterates its request* to Mr. Alfonso Martínez to prepare, without financial implications, a working paper on the present-day effects of the colonial era that continue to adversely affect the living conditions of indigenous peoples in various parts of the world, to be submitted to the Working Group at its twenty-sixth session and to the Sub-Commission at its fifty-ninth session or to the first session of any future expert advice mechanism;

27. *Recommends* that the Office of the High Commissioner organize, if possible before the end of 2008, a seminar on the contemporary effects of colonialism for indigenous peoples;

28. *Appeals* to all Governments, indigenous peoples, governmental and non-governmental organizations and other potential donors in a position to do so to contribute generously in 2007 to the United Nations Voluntary Fund for Indigenous Populations and the Voluntary Fund for the Second Decade of the World’s Indigenous People;

29. *Recommends* that States consider asking the General Assembly to broaden the mandate of the Voluntary Fund so as to allow indigenous peoples to participate in the human rights treaty bodies and to provide funding for human rights projects to indigenous organizations;

30. *Requests* the Human Rights Council to authorize ten meetings for the Working Group on Indigenous Populations prior to the fifty-ninth session of the Sub-Commission or of the first session of any future expert advice mechanism in 2007;

31. *Recommends* to the Human Rights Council the following draft decision for adoption:

“The Human Rights Council, taking note of resolution 2006/13 of 24 August 2006 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the Sub-Commission’s request to authorize ten meetings for the Working Group on Indigenous Populations prior to the fifty-ninth session of the Sub-Commission or of the first session of any future expert advice mechanism in 2007.”

*21st meeting  
24 August 2006*

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

#### **2006/14. Discrimination based on work and descent**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolutions 2000/4 of 11 August 2000, 2003/22 of 13 August 2003, 2004/17 of 12 August 2004 and 2005/22 of 11 August 2005, and Commission on Human Rights decision 2005/109 of 19 April 2005,

*Welcoming* the progress report on discrimination based on work and descent (A/HRC/Sub.1/58/CRP.2) submitted by the Special Rapporteurs, Yozo Yokota and Chin Sung Chung,

*Regretting*, however, that more replies were not received from Governments, national human rights institutions and relevant organs and agencies of the United Nations system in response to the questionnaire issued by the Special Rapporteurs, and that the regional workshops proposed by the Special Rapporteurs and endorsed by the Sub-Commission in its resolution 2005/22 could not be held,

*Emphasizing* the importance of continuing and completing the study on discrimination based on work and descent and of finalizing draft principles and guidelines for the effective elimination of this form of discrimination,

1. *Requests* the Special Rapporteurs to continue and complete their study on discrimination based on work and descent, to finalize draft principles and guidelines for the effective elimination of this form of discrimination and to submit their final report in 2007 to the Sub-Commission or its successor body, or in the absence of either, to the Human Rights Council;

2. *Endorses* the Special Rapporteurs' proposals to organize (i) two regional workshops, one in Asia and one in Africa, before the end of the first quarter of 2007 by obtaining independent funding, in order to encourage the interactive participation of representatives of affected communities in discussions with the Special Rapporteurs on this topic; and (ii) a consultation meeting in Geneva during the second quarter of 2007, in order for the Special Rapporteurs to receive the views of Governments, United Nations bodies and agencies, non-governmental organizations and representatives of affected communities on the finalization of the draft principles and guidelines for the effective elimination of discrimination based on work and descent;

3. *Requests* the United Nations High Commissioner for Human Rights to provide adequate assistance and support to the Special Rapporteurs to enable them to complete their study, including with regard to the organization of the proposed workshops and consultation meeting;

4. *Recommends* the following draft decision to the Human Rights Council for adoption:

“The Human Rights Council, taking note of resolution 2006/14 of 24 August 2006 of the Sub-Commission on the Promotion and Protection of Human Rights, affirms the mandate of the Sub-Commission's Special Rapporteurs on discrimination based on work and descent and asks them to complete their study on this topic, including finalizing draft principles and guidelines for the effective elimination of discrimination based on work and descent, and to submit their final report in 2007 to the Sub-Commission or its successor body, or in the absence of either, to the Council. The Council also endorses the Special Rapporteurs' proposals to organize (i) two regional workshops, one in Asia and one in Africa, before the end of the first quarter of 2007

by obtaining independent funding, in order to encourage the interactive participation of representatives of affected communities in discussions with the Special Rapporteurs on this topic; and (ii) a consultation meeting in Geneva during the second quarter of 2007 in order for the Special Rapporteurs to receive the views of Governments, United Nations bodies and agencies, non-governmental organizations and representatives of affected communities on the finalization of the draft principles and guidelines for the effective elimination of discrimination based on work and descent. The Human Rights Council requests the United Nations High Commissioner for Human Rights to provide adequate assistance and support to the Special Rapporteurs to enable them to complete their study, including with regard to the organization of the proposed workshops and consultation meeting.”

*21st meeting  
24 August 2006*

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

**2006/15. Discrimination against leprosy-affected persons  
and their families**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* article 1 of the Universal Declaration of Human Rights, which stipulates that all human beings are born free and equal in dignity and rights,

*Recalling also* article 2 of the Universal Declaration, which provides that everyone is entitled to all the rights and freedoms set forth therein without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling further* article 5 of the Universal Declaration, which provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

*Concerned* that millions of people suffer from discrimination resulting from physical and mental illness or handicap,

*Concerned in particular* that tens of millions of people suffer not only from leprosy as a disease, which is scientifically and medically proven to be curable and manageable, but also from political, legal, economic or social discrimination and isolation as a result of misunderstanding and indifference, and lack of legislative or administrative measures to prohibit such discrimination and to protect and remedy the victims,

1. *Welcomes with appreciation* the working paper on discrimination against leprosy-affected persons and their families submitted by Yozo Yokota (A/HRC/Sub.1/58/CRP.7);
2. *Endorses* all the conclusions and recommendations contained in the working paper;
3. *Welcomes* the adoption of the Global Appeal to End Stigma and Discrimination against People Affected by Leprosy signed by the world's most renowned and respected political, cultural and religious leaders and formally proclaimed on 29 January 2006 in New Delhi on the occasion of World Leprosy Day;
4. *Also welcomes* the recent achievement by India and Angola of the elimination target of less than one case of leprosy per ten thousand population, and the fact that, according to the World Health Organization, the number of new leprosy cases reported during the year 2005 declined dramatically, part of the downward trend of newly detected cases of leprosy patients on the global level;
5. *Requests* Governments, if they have not yet done so, to abolish legislation that requires forced institutionalization of leprosy patients and to provide effective, prompt and free treatment to leprosy patients, on an outpatient basis if they so wish;
6. *Also requests* Governments to provide appropriate remedies to former patients forcibly hospitalized in a sanatorium, colony, hospital or community;
7. *Further requests* Governments to immediately prohibit and take effective measures to eradicate discrimination of any type against leprosy-affected persons and their families;

8. *Encourages* Governments to make every effort to include leprosy education in school curricula so as to give correct information about leprosy and leprosy-affected persons and their families and prevent discrimination against them;

9. *Endorses* the proposals made by Mr. Yozo Yokota to organize, if independent funding is available, (i) two regional workshops, one in Africa and one in Asia, in order to encourage representatives of leprosy-affected persons and their organizations to participate actively in the discussions on the topic of discrimination against leprosy-affected persons and their families; and (ii) a consultation meeting in Geneva in order for Mr. Yokota to hear the views of Governments, United Nations bodies and agencies, non-governmental organizations and representatives of leprosy-affected persons in drafting the text of principles and guidelines on discrimination against leprosy-affected persons and their families;

10. *Requests* the Human Rights Council to include the topic of discrimination against leprosy-affected persons and their families among the studies to be conducted by the Sub-Commission or a new body of experts to be created under the Council, and decides to appoint Yozo Yokota as Special Rapporteur with the task of conducting a full and comprehensive study on this issue and to submit in 2007 a preliminary report to the Sub-Commission or a new body of experts, or in the absence of either, to the Human Rights Council, and to produce a draft set of principles and guidelines to end discrimination against leprosy-affected persons and their families;

11. *Requests* Mr. Yokota to enter into a dialogue with the relevant entities, including the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund, the Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health and the Committee on Economic, Social and Cultural Rights;

12. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide Mr. Yokota with all the assistance necessary to enable him to accomplish his task, including with regard to the organization of the proposed workshops and consultation meeting;

13. *Recommends* the following draft decision to the Human Rights Council for adoption:

“The Human Rights Council, taking note of resolution 2006/15 of 24 August 2006 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the decision of the Sub-Commission to appoint Yozo Yokota as Special Rapporteur to undertake the task of conducting a full and comprehensive study on this topic and to submit in 2007 a preliminary report to the Sub-Commission or a new body of experts, or in the absence of either, to the Human Rights Council, and to produce a draft set of principles and guidelines to end discrimination against leprosy-affected persons and their families, and endorses the proposals to organize, if independent funding is available, (i) two regional workshops, one in Africa and one in Asia, in order to encourage representatives of leprosy-affected persons and their organizations to actively participate in the discussions on the topic of discrimination against leprosy-affected persons and their families; and (ii) a consultation meeting in Geneva in order for the Special Rapporteur to hear the views of Governments, United Nations bodies and agencies, non-governmental organizations and representatives of leprosy-affected persons in drafting the text of principles and guidelines on discrimination against leprosy-affected persons and their families. The Council requests the United Nations High Commissioner for Human Rights to provide adequate assistance and support to the Special Rapporteur to enable him to complete his study, including with regard to the organization of the proposed workshops and consultation meeting.”

*21st meeting  
24 August 2006*

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

**2006/16. The legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided by the Universal Declaration of Human Rights,*

*Recalling* its previous work on the question, in particular resolution 2003/24 of 14 August 2003 and resolution 2004/10 of 9 August 2004,

*Taking account* of Commission on Human Rights resolution 2004/122 of 21 April 2004 and decision 2005/112 of 20 April 2005,

*Recognizing* the importance and urgency of addressing, in a comprehensive fashion, the legal implications, including implications for the human rights of their residents, with particular reference to the rights of indigenous peoples, of the unprecedented phenomenon of disappearance of States and other territories,

*Recalling* the expanded working paper submitted at its fifty-seventh session by Françoise Hampson on the human rights situation of indigenous peoples in States and territories threatened with extinction for environmental reasons (E/CN.4/Sub.2/2005/28) and welcoming the updated information provided in her conference room paper submitted at its fifty-eighth session (E/CN.4/Sub.2/AC.4/2006/CRP.2),

1. *Endorses* the conclusions and recommendations contained in the conference room paper and reaffirms those in the working paper;
2. *Decides* to appoint Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on the legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples, based on her expanded working paper and her conference room paper, as well as the comments received and the discussions that took place at the fifty-seventh and fifty-eighth sessions of the Sub-Commission and the results of the questionnaire endorsed by the Commission in its decision 2005/112;
3. *Requests* the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-ninth session or to the first session of any future expert advice mechanism, and a progress report and a final report in subsequent years;

4. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary to accomplish this task, including the attendance of herself and the secretary to the Working Group on Indigenous Populations at the workshop on this topic to be organized in the first half of 2007 in the South Pacific;

5. *Requests* States to provide full and timely replies to the questionnaire authorized by the Commission;

6. *Decides* that if, for whatever reason, Ms. Hampson's appointment is not endorsed by the Human Rights Council, to request Ms. Hampson to prepare an expanded working paper on the legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples, to be submitted to the Working Group on Indigenous Populations at its twenty-fifth session and to the Sub-Commission at its fifty-ninth session or to the first session of any future expert advice mechanism;

7. *Recommends* the following draft decision to the Human Rights Council for adoption:

“The Human Rights Council, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2006/16 of 24 August 2006, decides to endorse the decision of the Sub-Commission to appoint Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on the legal implications of the disappearance of States and other territories for environmental reasons, including the implications for the human rights of their residents, with particular reference to the rights of indigenous peoples, based on her expanded working paper (E/CN.4/Sub.2/2005/28) and her conference room paper (E/CN.4/Sub.2/AC.4/2006/CRP.2), as well as the comments received and the discussions that took place at the fifty-seventh and fifty-eighth sessions of the Sub-Commission and the results of the questionnaire endorsed by the Commission in its decision 2005/112 of 20 April 2005, and its request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-ninth session or to the first session of any future expert advice mechanism and a

progress report and a final report in the following years. The Council also decides to endorse the request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task”;

8. *Decides* to continue consideration of this issue at its fifty-ninth session under the same agenda item or recommends consideration of this issue during the first session of any future expert advice mechanism.

*21st meeting  
24 August 2006*

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

### **2006/17. Report of the Working Group on Contemporary Forms of Slavery**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolution 2005/29 of 11 August 2005,

*Taking note* of Human Rights Council decision 2006/102 of 30 June 2006,

*Reaffirming* that slavery, in all its forms and practices, is a crime against humanity and that every woman, man and child has a fundamental right to be free from all forms of slavery and servitude,

*Recalling* that the priority theme of the thirty-first session was the human rights dimension of prostitution,

*Taking note* of the report of the Working Group on Contemporary Forms of Slavery on its thirty-first session (A/HRC/Sub.1/58/25) and in particular the recommendations contained in chapter VI,

*Expressing its appreciation* for the valuable contribution made by victims of slavery and slavery-like practices and their representatives, whose participation in the Working Group's session was facilitated by grants from the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, to authentic perspectives on the subsisting slavery and slavery-like practices,

*Having focused* on the mandate given to the Working Group by the Human Rights Council to contribute to the paper to be prepared by the Sub-Commission giving its vision and recommendations for future expert advice to the Council,

*Recalling* that the Working Group has played a leading role in focusing attention on the persistent need to ensure implementation of the slavery conventions, helped identify and compile new forms and manifestations of slavery and slavery-like practices, drawn attention to such practices as the sale of children, child prostitution and child pornography, forced marriage, violence against women, migrant workers and trafficking in persons, and drafted the Programme of Action for Prevention of Traffic in Persons and the Exploitation of the Prostitution of Others which was adopted by the Commission on Human Rights,

*Taking note* of the consensus view expressed in the Working Group, particularly among the participating non-governmental organizations engaged in the study, investigation and eradication of slavery and slavery-like practices, on the maintenance of the Working Group,

1. *Recommends* that the Human Rights Council recommend to the General Assembly to maintain and intensify efforts to persuade States to ratify the Slavery Convention of 1926, the Convention on the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others of 1949, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, the Worst Forms of Child Labour Convention, 1999 (Convention No. 182) of the International Labour Organization and other treaties on slavery-related issues;

2. *Recommends* that the Human Rights Council request the General Assembly to appeal to Member States to contribute more generously to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery to enable it to facilitate the participation of a larger number of victims of slavery and slavery-like practices and their representatives in meetings of the Working Group and to provide grants for projects that assist victims of slavery and slavery-like practices, and recommends that a member of the Working Group, designated by it, be invited to participate in the annual meeting of the Board of Trustees, in order to increase synergy between the two bodies;

3. *Commends* to the attention of the Human Rights Council the record of the Working Group's significant contribution to the identification of new forms and manifestations of slavery and slavery-like practices and to their eradication;

4. *Emphasizes* that the Working Group provides a unique platform for victims of slavery and slavery-like practices and non-governmental organizations to appear before an international forum attended by representatives of Governments and international organizations, and thus raises awareness of the persistent and new forms of slavery and slavery-like practices;

5. *Recommends* that the Working Group be maintained;

6. *Also recommends* that the Human Rights Council give consideration during the review of the system of expert advice to: (a) the possibility of entrusting a mandate to the Working Group for monitoring the implementation of slavery-related treaties in a framework of cooperation with parties to these treaties; and (b) the possibility of establishing a special rapporteur on contemporary forms of slavery, or merging this mandate with that of another special rapporteur whose reports are discussed with the future expert advice mechanism, under a permanent agenda item and submitted, with the recommendations of the future expert advice mechanism, to the Human Rights Council for consideration.

21st meeting  
24 August 2006

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

**2006/18. Systematic rape, sexual slavery and slavery-like practices  
during armed conflicts**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolution 2005/27 of 11 August 2005,

*Recalling also* Security Council resolution 1325 (2000) of 31 October 2000, which, inter alia, reaffirmed the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts, as well as the report

of the Secretary-General on the impact of armed conflict on women and girls, the role of women in peacebuilding and the gender dimensions of peace processes and conflict resolution (S/2002/1154) issued pursuant to that resolution,

*Noting* the reports of the United Nations High Commissioner for Human Rights on systematic rape, sexual slavery and slavery-like practices during armed conflicts (E/CN.4/Sub.2/2000/20, E/CN.4/Sub.2/2001/29, E/CN.4/Sub.2/2002/28, E/CN.4/Sub.2/2003/27, E/CN.4/Sub.2/2004/35 and E/CN.4/Sub.2/2005/33),

*Taking into consideration* resolutions of the Commission on Human Rights, including resolution 2005/41 of 19 April 2005 on the elimination of violence against women, resolution 2005/63 of 20 April 2005 on the protection of human rights of civilians in armed conflicts and resolution 2005/81 of 21 April 2005 on impunity, and the report of the Special Rapporteur on violence against women, its causes and consequences to the Commission on Human Rights at its sixty-second session (E/CN.4/2006/61 and Add.1-5).

*Taking also into consideration* the updated Set of Principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1) and the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law annexed to Commission resolution 2005/35 of 19 April 2005,

*Conscious* that, despite legal advances at the international level on the issues of systematic rape and sexual enslavement directed against civilian populations, women continue to face widespread sexual gender-based violence during conflicts,

1. *Welcomes* the work of the Secretary-General and notes once again with appreciation his report on women, peace and security (S/2002/1154);
2. *Also welcomes* the work of the United Nations High Commissioner for Human Rights on systematic rape, sexual slavery and slavery-like practices and takes note with great appreciation of her report (A/HRC/Sub.1/58/23);
3. *Deeply concerned* that systematic rape, sexual slavery and slavery-like practices are still being used to humiliate civilians and military personnel, to destroy society and to

diminish prospects for a peaceful resolution of conflicts and that the resulting severe physical and psychological trauma endangers not only personal recovery but post-conflict reconstruction of the whole society, as pointed out in the above-mentioned reports;

4. *Considers* that the verdicts of the International Criminal Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda and the Special Court for Sierra Leone acknowledging that rape and, more recently, sexual enslavement are crimes against humanity, and the special recognition in the Rome Statute of the International Criminal Court that sexual violence and sexual slavery committed in the context of either an internal or an international armed conflict may constitute crimes against humanity, war crimes and genocide falling within the jurisdiction of the Court, represent a significant step in the protection of women's human rights as they challenge widespread acceptance that torture, rape and violence against women are an integral part of war and conflict and hold the perpetrators of such crimes accountable;

5. *Reiterates* that States should provide effective criminal penalties and compensation for unremedied violations in order to end the cycle of impunity with regard to sexual violence committed during armed conflicts;

6. *Encourages* States to promote human rights education on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts, ensuring the accuracy of accounts of historical events in the educational curricula, in an effort to prevent the recurrence of such violations and to encourage better understanding among all peoples;

7. *Calls upon* the High Commissioner for Human Rights to submit an updated report to the Sub-Commission at its fifty-ninth session or to its successor body, or, in the absence of either, to the Human Rights Council on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts;

8. *Decides* to consider the issue at its fifty-ninth session under the same agenda item or request to consider at the first session of any successor body for expert advice.

21st meeting  
24 August 2006  
[Adopted without a vote. See chap. VIII.]

**2006/19. World Programme for Human Rights Education**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Recalling* its resolutions 2003/5 of 13 August 2003, 2004/18 of 12 August 2004 and 2005/26 of 11 August 2005,

*Reaffirming* article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

*Convinced* that human rights education is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies,

*Convinced* that human rights education is a long-term and lifelong process by which all people at all levels of development and in all strata of society learn respect for the dignity of others, and that human rights education significantly contributes to promoting equality and sustainable development, preventing conflict and human rights violations and enhancing participation and democratic processes, with a view to developing societies in which all human rights of all are valued and respected,

*Reaffirming* the need for continued actions at the international level to support national efforts to achieve the Millennium Development Goals by the year 2015, in particular universal access to basic education for all, including human rights education, and for human rights education as a means of empowering groups suffering discrimination, particularly women and the poor,

*Recognizing* the invaluable and creative role that non-governmental and community-based organizations play in the promotion and protection of human rights by disseminating public information and engaging in human rights education, especially at the grass-roots level and in remote and rural communities, and taking into account their concern regarding the continuation of activities undertaken during the United Nations Decade for Human Rights Education, 1995-2004,

*Recalling* the views expressed in the report of the United Nations High Commissioner for Human Rights to the Commission on Human Rights on the achievements and shortcomings of the Decade and on future activities in this area (E/CN.4/2004/93), and the views expressed in the report of the High Commissioner to the Commission on the follow-up to the Decade (E/CN.4/2003/101) as to the need to continue a global framework for human rights education beyond the Decade in order to ensure a priority focus on human rights education within the international agenda, provide a common collective framework for action for all relevant actors, support existing programmes and provide an incentive for the development of new ones, as well as enhance partnership and cooperation at all levels,

*Recalling* General Assembly resolution 58/181 of 22 December 2003, in which the Assembly decided to dedicate a plenary meeting during its fifty-ninth session on the occasion of Human Rights Day, 10 December 2004, to review the achievements of the Decade and to discuss possible future activities for the enhancement of human rights education,

*Recalling also* Commission on Human Rights resolution 2004/71 of 15 April 2004 and Economic and Social Council decision 2004/268 of 22 July 2004 recommending that the General Assembly proclaim at its fifty-ninth session a world programme for human rights education to begin on 1 January 2005, structured in consecutive phases, the first phase of which will focus on primary and secondary school systems on the basis of plan of action to be prepared by the Office of the High Commissioner for Human Rights, in cooperation with the United Nations Educational, Scientific and Cultural Organization and other relevant governmental and non-governmental actors,

*Noting with appreciation* that the overall objective of the world programme, as stated in paragraph 3 of Commission resolution 2004/71, is to maintain and develop the implementation of human rights education programmes in all sectors, and drawing attention to the fact that the development of innovative human rights education strategies in the formal education sector, with an indication of at least minimum action, as requested by the Commission, should not preclude lasting support for activities carried out in other sectors, in particular programmes developed at grass-roots level and aimed at promoting human rights education for vulnerable groups such as populations involved in post-conflict reconstruction, women and other groups suffering from discrimination, and the poor as actors of development and social change,

*Recalling with satisfaction* the proclamation by the General Assembly in its resolution 59/113A of 10 December 2004 of the World Programme for Human Rights Education, structured in consecutive phases, which began on 1 January 2005, and stressing that the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization should continue their work in the field of human rights education,

*Taking note with satisfaction* of General Assembly resolution 59/113B of 14 July 2005, in which the Assembly adopted the revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education (A/59/525/Rev.1), which focuses on primary and secondary school systems, and encouraged all States to develop initiatives within the World Programme for Human Rights Education and, in particular, within their capabilities, the revised draft plan of action;

1. *Welcomes* various positive activities carried out by the Office of the High Commissioner for Human Rights with a view to disseminating globally the Universal Declaration of Human Rights as well as the Plan of Action and its contribution and support to the implementation of the Plan;

2. *Welcomes also* the establishment of the Human Rights Council by the General Assembly in accordance with its resolution 60/251 of 3 April 2006 in which the General Assembly decided in paragraph 5 that “the Council shall, inter alia: (a) Promote human rights education and learning”;

3. *Recommends* that the human rights treaty bodies, when examining reports of States parties, devote attention specifically to human rights education, particularly in the framework of the World Programme for Human Rights Education, and that human rights education be included in the agenda of the annual meeting of the treaty bodies so that they can make recommendations on how human rights education can contribute to national capacity-building aimed at strengthening national human rights protection mechanisms.

*21st meeting  
24 August 2006*  
[Adopted without a vote. See chap. VIII.]

**2006/20. Working group to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Reaffirming* the purposes and principles of the Charter of the United Nations,

*Reaffirming also* the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

*Recalling* that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

*Acknowledging* the important contribution of measures at all levels against terrorism, consistent with international law, in particular international human rights, humanitarian and refugee law, for the functioning of democratic institutions, the maintenance of peace and security and thereby to the full enjoyment of human rights, as well as the need to continue this fight, including through international cooperation and the strengthening of the role of the United Nations in this respect,

*Deeply deploring* the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism,

*Recognizing* that the respect for human rights, democracy and the rule of law are interrelated and mutually reinforcing,

*Welcoming* the various initiatives to strengthen the promotion and protection of human rights in the context of counter-terrorism adopted by the United Nations and regional intergovernmental bodies, as well as by States,

*Reaffirming* its unequivocal condemnation of all acts, methods and practices of terrorism, in all their 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,

*Stressing* that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling* its resolution 2005/31 of 11 August 2005 in which it endorsed all of the recommendations contained in the report of the sessional working group mandated to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism (E/CN.4/Sub.2/2005/43), including the request to Kalliopi Koufa to update her preliminary framework draft of principles and guidelines based on the discussions in the working group, and decided to reconvene the working group at the fifty-eighth session of the Sub-Commission,

1. *Expresses its deep appreciation and thanks* to Ms. Koufa for her second expanded working paper, containing an updated framework draft of principles and guidelines concerning human rights and terrorism (A/HRC/Sub.1/58/30);
2. *Also expresses its deep appreciation and thanks* to Françoise Hampson for her working paper on international judicial cooperation (A/HRC/Sub.1/58/CRP.6) and to Emmanuel Decaux for his working paper on the rights of victims of terrorist acts (A/HRC/Sub.1/58/CRP.11), as well as to all those who participated in the second session of the working group of the Sub-Commission mandated to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism;
3. *Reaffirms* the importance of respecting international human rights, humanitarian and refugee law in the fight against terrorism;
4. *Welcomes with satisfaction* the report of the sessional working group (A/HRC/Sub.1/26) and takes note of its discussions and its agreed programme of work;
5. *Endorses* all the recommendations contained in the report of the sessional working group;

6. *Requests* Ms. Koufa to update the preliminary framework draft of principles and guidelines based on the discussions in the working group, as well as on the notes and comments to be submitted to her later, as recommended by the working group;

7. *Decides* to transmit to the Human Rights Council the updated framework draft of principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism, contained in document A/HRC/Sub.1/58/30, for its consideration, recognizing that this draft would necessitate further elaboration and work;

8. *Decides* to reconvene the working group at its fifty-ninth session, or during the first session of any future expert advice mechanism;

9. *Recommends* to the Human Rights Council that consideration be given, in its review of the system of expert advice, to the continuation of the working group in order to ensure the continuation of the work to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism.

*21st meeting*

*24 August 2006*

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

## **2006/21. The protection of civilians during armed conflicts**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the relevant human rights instruments and international humanitarian law, in particular the Hague Conventions of 1899 and 1907 on the Laws and Customs of War on Land and the Geneva Conventions of 1949 on the protection of the victims of war and the Additional Protocols thereto of 1977, which enshrine the principles prohibiting attacks against civilians and requiring that attacks against military objectives and combatants not cause disproportionate harm to civilians and civilian property,

*Recalling* that, in all circumstances, the human person remains under the protection of the principles of humanity and the dictates of public conscience,

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

*Reaffirming* that the right of people to struggle against foreign occupation and aggression and the activities of resistance groups should be exercised within the limits of international humanitarian law,

*Taking into account* its responsibility to examine and draw lessons from country-specific situations with a view to identifying gaps in both human rights protection and monitoring in time of armed conflict,

1. *Calls upon* the Human Rights Council to call upon Member States to consider holding a meeting of the High Contracting Parties to the Geneva Conventions of 1949 on possible options for enhanced monitoring of compliance with their obligations under international humanitarian law;
2. *Recommends* that regional preparatory expert meetings be held with a view to providing the conference of the High Contracting Parties with lessons learned from recent conflicts, both of a national and an international character, in different parts of the world and suggestions to remedy both the protection and monitoring gaps;
3. *Recommends* that the Sub-Commission, or a future expert advice mechanism, consider, as a matter of priority, ways of enhancing compliance by States with their obligations under international human rights law applicable in situations of armed conflict, in particular the rights of children;
4. *Requests* that guidelines be elaborated, in a professional and objective manner, by competent bodies to build on the experience of recent commissions of inquiry and fact-finding missions, with a view to establishing a culture of compliance and accountability and to provide Member States with reliable tools for victim-oriented commissions of inquiry;

5. *Emphasizes* the importance of distinguishing accountability for human rights violations from the political dimensions of a conflict and the need for human rights organs and bodies to address situations of gross and widespread violations of human rights on their own merits;

6. *Underlines* the need for relevant human rights special procedures, other experts in human rights law and experts in international humanitarian law to conduct a structured dialogue with a view to identifying how human rights mechanisms and mechanisms of international humanitarian law can produce, in a more coordinated manner, improved protection of human rights and international humanitarian law in situations of conflict;

7. *Recommends* that the Sub-Commission or any future expert advice mechanism include the issue of ensuring respect for human rights during armed conflict among its priorities and as a permanent item on its agenda, to build upon the ongoing work of the Sub-Commission in this area.

*21st meeting*

*24 August 2006*

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

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