



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/Sub.2/2005/L.44
8 August 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-seventh session
Agenda item 6 (c)

SPECIFIC HUMAN RIGHTS ISSUES

**NEW PRIORITIES, IN PARTICULAR TERRORISM AND
COUNTER-TERRORISM**

**Mr. Alfredsson, Mr. Bíró, Mr. Casey, Mr. Chen Shiqu, Ms. Chung,
Mr. Decaux, Ms. Hampson, Ms. Koufa, Ms. Mbonu, Ms. Motoc,
Ms. O'Connor, Ms. Rakatoarisoa, Mr. Salama, Mr. Tuñón Veilles
and Ms. Warzazi: draft resolution**

**2005/... 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 decision 2004/109 of 12 August 2004 entitled “Guidelines and principles for the promotion and protection of human rights when combating terrorism” in which it decided to establish at its fifty-seventh session a sessional working group of the Sub-Commission with the mandate to elaborate detailed principles and guidelines, with relevant commentary, concerning the promotion and protection of human rights when combating terrorism, based, inter alia, on the preliminary framework draft of principles and guidelines contained in the working paper prepared by Kalliopi Koufa (E/CN.4/Sub.2/2004/47),

1. *Expresses its deep appreciation and thanks* to Ms. Koufa for her comprehensive expanded working paper entitled “A preliminary framework draft of principles and guidelines concerning human rights and terrorism” (E/CN.4/Sub.2/2005/39);
2. *Also express its deep appreciation and thanks* to all those who participated in the first 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 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, including the request to Ms. Koufa to update her preliminary framework draft of principles and guidelines based on the discussions in the working group;
6. *Requests* the Office of the United Nations High Commissioner for Human Rights to disseminate, by all appropriate means, to States, organizations and bodies of the United Nations system, the specialized agencies, the treaty bodies and other United Nations human rights mechanisms, including the special procedures of the Commission on Human Rights, regional intergovernmental organizations, national human rights institutions and non-governmental organizations, information about the Sub-Commission’s working group and bring to their attention its recommendations;
7. *Invites* those mentioned in the preceding paragraphs to provide information and data to the working group that would assist it in carrying out its mandate;
8. *Decides* to reconvene the working group at the fifty-eighth session of the Sub-Commission.
