

Chapter I

Promotion of human rights

In 2006, the General Assembly established a new subsidiary body—the Human Rights Council—as the Organization’s primary mechanism for promoting human rights and fundamental freedoms, in accordance with Member States’ resolve at the 2005 World Summit to reform the UN system’s human rights machinery. The Council, based in Geneva and comprising 47 members, replaced the 53-member Commission on Human Rights, which had shouldered that responsibility since 1946. All Commission mandates, mechanisms, functions and responsibilities were to be assumed by the Council, which would report directly to the Assembly and whose status and operation would be subject to review within five years.

The Council held its inaugural session in June, followed by two regular sessions to address substantive human rights questions and organizational and administrative matters. To facilitate the transition, the Council extended for one year the mandates and mandate-holders of all the Commission’s special procedures. Among them was the Subcommission on the Promotion and Protection of Human Rights, which held its fifty-eight and final session in August and made recommendations on its successor in offering future expert advice to the Council.

The Council also initiated further institutional reforms to improve the operation of the existing framework for promoting and protecting human rights as a whole. To that end, it established three working groups: one to develop the modalities of a universal periodic review mechanism for monitoring Member States’ fulfilment of their human rights obligations; the second, to make recommendations for reviewing, improving and rationalizing existing Commission mandates and mechanisms; and the third, to provide proposals on the Council’s agenda, annual programme of work, methods of work and rules of procedure.

In July, August, November and December, the Council held special sessions to address the situations in the Palestinian and other occupied Arab territories, Lebanon and the Darfur region of the Sudan.

The Office of the United Nations High Commissioner for Human Rights continued to support, coordinate and strengthen the Organization’s human rights programme and related reforms. The High

Commissioner made proposals for reforming and improving the operation of the treaty body system. The Office drew up a Strategic Management Plan 2006–2007, the first of its kind, highlighting its priorities and the means by which it hoped to realize the vision of its future direction.

The year also witnessed the entry into force of the Optional Protocol to the Convention against Torture, marking a significant progress in the United Nations efforts to combat torture and other cruel, inhuman or degrading treatment or punishment. In other measures intended to strengthen the legal framework for promoting action against racial discrimination, the Council established an Ad Hoc Committee to elaborate complementary standards, in the form of either a convention or additional protocol(s) to the International Convention on the Elimination of All Forms of Racial Discrimination, in order to fill any gaps in its provisions and provide new normative standards aimed at combating all forms of contemporary racism.

International human rights law was further advanced in 2006 by the Assembly’s adoption in December of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, and the International Convention for the Protection of All Persons from Enforced Disappearance.

UN machinery

Commission on Human Rights

Final session

The Commission convened its sixty-second and final session (Geneva, 13 to 27 March) [E/2006/23-E/CN.4/2006/122], during which it held four meetings. It had before it the Secretary-General’s notes transmitting its provisional agenda [E/CN.4/2006/1] and annotations thereto [E/CN.4/2006/1/Add.1, 2], and a note by the Secretariat [E/CN.4/2006/8] containing statistical data on its 2005 session, intended to assist with the organization of its work in 2006. The Economic and Social Council, in **resolution 2006/2** of 22 March, requested the Commission to conclude its work and submit its final report, pursuant

to General Assembly resolution 60/251 (see p. 757). As recommended by the Assembly, the Council decided to abolish the Commission, with effect from 16 June, thereby cutting short the Commission's session and resulting in the items on its agenda not being considered. On 27 March, the Commission adopted resolution 2006/1, a procedural action by which it concluded its work. The Commission expressed appreciation to those who had helped promote and protect human rights in its 60 years of existence and referred to the newly created Human Rights Council (see p. 757) the documents it had before it, a list of which was annexed to its final report, together with a compilation of all Commission mechanisms that submitted those documents.

The Economic and Social Council took note of the Commission's report on 27 July (**decision 2006/250**).

Statements. Addressing the session, the High Commissioner noted that, despite the Commission's flaws, it was important to celebrate its accomplishments, which the Human Rights Council would have to build on. Among those accomplishments were the drafting by the Commission of the international bill of rights, comprising the Universal Declaration of Human Rights, adopted by General Assembly resolution 217 A (III) [YUN 1948-49, p. 535], and the International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights, adopted by Assembly resolution 2200 (XXI) [YUN 1966, pp. 419-423]. Together, those instruments built the framework for international human rights protection and established standards for a wide range of human rights issues. It was a revolutionary step then to assert that human rights constituted the foundation of freedom, justice and peace throughout the world. By recognizing in that context the inherent dignity of the human person and articulating what was necessary to realize and safeguard that dignity, the Commission had helped to redefine the individual's status vis-à-vis the State. The Commission's other accomplishments included: establishment of the system of special procedures, by which it became a human rights protector, in addition to being a promoter; consideration of the human rights situation in specific countries, which enabled it to marshal a global consensus on action to remedy the plight of victims of violations; creation of the first human rights complaints mechanism in the UN system (the "1503 procedure"); and its status as a global forum for dialogue on human rights issues.

The Commission's current Chairperson noted that those achievements had been overshadowed by shortcomings, weaknesses and problems that

undermined the Commission's credibility and legitimacy. The establishment of the Council was undoubtedly a positive step for the human rights community. However, its achievements and effectiveness would be assessed in the light of practical experience, which would, in turn, reflect the resolve of Council members and their interaction with non-governmental organizations (NGOs) and civil society. The outgoing Chairperson, who presided over the Commission's sixty-first (2005) session, also highlighted the body's strengths and achievements, noting in particular its role in the establishment of the Council through constructive contribution to preceding discussions and consultations.

Statements focusing on the role of the Commission were also made by regional groups: Morocco, on behalf of the African States; Saudi Arabia, on behalf of the Asian States; Azerbaijan, on behalf of the East European States; Brazil, on behalf of the Latin American and Caribbean States; the Netherlands, on behalf of the Western European and other States; and a representative of the Geneva-based International Service for Human Rights, on behalf of some 265 NGOs involved in the Commission's work.

Thematic procedures

In February, the Secretary-General provided a list of thematic and country-specific procedures and other Commission mechanisms for 2006 [E/CN.4/2006/1/Add.1]. In response to a 2004 Commission resolution [YUN 2004, p. 648], he also submitted a March report [E/CN.4/2006/99] containing references to the conclusions and recommendations of special procedures.

The thirteenth meeting of special rapporteurs/representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission and of the advisory services programme was held in June (see p. 769).

Human Rights Council

Establishment of Human Rights Council

The General Assembly, in follow-up action to its 2005 resolve to create a Human Rights Council [YUN 2005, p. 713] to replace the Commission on Human Rights as the primary mechanism for promoting universal respect for human rights and fundamental freedoms, by resolution 60/251 (see below) established the Council as one of its subsidiary organs. The Council was mandated to address situations of human rights violations and make recommendations thereon, promote the effective coor-

dination and incorporation of human rights within the UN system and undertake universal periodic reviews of Member States' fulfilment of their human rights obligations and commitments. The Assembly would review within five years the Council's work in the light of its mandate.

The Council, to be based in Geneva as had the Commission, would comprise 47 members, elected by the Assembly on the basis of equitable geographical distribution. It should meet regularly, for no less than three sessions a year, including a main session, and could hold special sessions at the request of a Council member if supported by one third of its membership. The Assembly recommended that the Economic and Social Council request the Commission to conclude its work at its sixty-second (2006) session and to abolish it thereafter; this was acted upon on 22 March (see p. 755).

(The details of the mandate and terms of reference for the newly created Human Rights Council are set out in resolution 60/251 below.)

GENERAL ASSEMBLY ACTION

On 15 March [meeting 72], the General Assembly adopted **resolution 60/251** [draft: A/60/L.48] by recorded vote (170-4-3) [agenda items 46 & 120].

Human Rights Council

The General Assembly,

Reaffirming the purposes and principles contained in the Charter of the United Nations, including developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and achieving 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,

Reaffirming also the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments,

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

Reaffirming that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Emphasizing the responsibilities of all States, in conformity with the Charter, to respect human rights and

fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Affirming the need for all States to continue international efforts to enhance dialogue and broaden understanding among civilizations, cultures and religions, and emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect for and freedom of religion and belief,

Recognizing the work undertaken by the Commission on Human Rights and the need to preserve and build on its achievements and to redress its shortcomings,

Recognizing also the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and the elimination of double standards and politicization,

Recognizing further that the promotion and protection of human rights should be based on the principles of co-operation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Acknowledging that non-governmental organizations play an important role at the national, regional and international levels, in the promotion and protection of human rights,

Reaffirming the commitment to strengthen the United Nations human rights machinery, with the aim of ensuring effective enjoyment by all of all human rights, civil, political, economic, social and cultural rights, including the right to development, and to that end, the resolve to create a Human Rights Council,

1. *Decides* to establish the Human Rights Council, based in Geneva, in replacement of the Commission on Human Rights, as a subsidiary organ of the General Assembly; the Assembly shall review the status of the Council within five years;

2. *Decides* that the Council shall be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner;

3. *Decides also* that the Council should address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon. It should also promote the effective coordination and the mainstreaming of human rights within the United Nations system;

4. *Decides further* that the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil,

political, economic, social and cultural rights, including the right to development;

5. *Decides* that the Council shall, inter alia:

(a) Promote human rights education and learning as well as advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of Member States concerned;

(b) Serve as a forum for dialogue on thematic issues on all human rights;

(c) Make recommendations to the General Assembly for the further development of international law in the field of human rights;

(d) Promote the full implementation of human rights obligations undertaken by States and follow-up to the goals and commitments related to the promotion and protection of human rights emanating from United Nations conferences and summits;

(e) Undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies; the Council shall develop the modalities and necessary time allocation for the universal periodic review mechanism within one year after the holding of its first session;

(f) Contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies;

(g) Assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the General Assembly in its resolution 48/141 of 20 December 1993;

(h) Work in close cooperation in the field of human rights with Governments, regional organizations, national human rights institutions and civil society;

(i) Make recommendations with regard to the promotion and protection of human rights;

(j) Submit an annual report to the General Assembly;

6. *Decides also* that the Council shall assume, review and, where necessary, improve and rationalize all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights in order to maintain a system of special procedures, expert advice and a complaint procedure; the Council shall complete this review within one year after the holding of its first session;

7. *Decides further* that the Council shall consist of forty-seven Member States, which shall be elected directly and individually by secret ballot by the majority of the members of the General Assembly; the membership shall be based on equitable geographical distribution, and seats shall be distributed as follows among regional groups: Group of African States, thirteen; Group of Asian States, thirteen; Group of Eastern European

States, six; Group of Latin American and Caribbean States, eight; and Group of Western European and other States, seven; the members of the Council shall serve for a period of three years and shall not be eligible for immediate re-election after two consecutive terms;

8. *Decides* that the membership in the Council shall be open to all States Members of the United Nations; when electing members of the Council, Member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto; the General Assembly, by a two-thirds majority of the members present and voting, may suspend the rights of membership in the Council of a member of the Council that commits gross and systematic violations of human rights;

9. *Decides also* that members elected to the Council shall uphold the highest standards in the promotion and protection of human rights, shall fully cooperate with the Council and be reviewed under the universal periodic review mechanism during their term of membership;

10. *Decides further* that the Council shall meet regularly throughout the year and schedule no fewer than three sessions per year, including a main session, for a total duration of no less than ten weeks, and shall be able to hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council;

11. *Decides* that the Council shall apply the rules of procedure established for committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council, and also decides that the participation of and consultation with observers, including States that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations, shall be based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of these entities;

12. *Decides also* that the methods of work of the Council shall be transparent, fair and impartial and shall enable genuine dialogue, be results-oriented, allow for subsequent follow-up discussions to recommendations and their implementation and also allow for substantive interaction with special procedures and mechanisms;

13. *Recommends* that the Economic and Social Council request the Commission on Human Rights to conclude its work at its sixty-second session, and that it abolish the Commission on 16 June 2006;

14. *Decides* to elect the new members of the Council; the terms of membership shall be staggered, and such decision shall be taken for the first election by the drawing of lots, taking into consideration equitable geographical distribution;

15. *Decides also* that elections of the first members of the Council shall take place on 9 May 2006, and that the first meeting of the Council shall be convened on 19 June 2006;

16. *Decides further* that the Council shall review its work and functioning five years after its establishment and report to the General Assembly.

RECORDED VOTE ON RESOLUTION 60/251:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, Marshall Islands, Palau, United States.

Abstaining: Belarus, Iran, Venezuela.

Election of Council members

In accordance with General Assembly resolution 60/251 (see above), the Assembly, by **decision 60/416** of 9 May, elected 47 members of the Human Rights Council as follows: African group (13), Asian group (13), Eastern European group (6), Latin American and Caribbean group (8), and Western European group and other States (7).

Under the membership terms set out in resolution 60/251, those elected would serve for a period of three years, with effect from 19 June, and would not be eligible for immediate re-election after two consecutive terms. The terms would also be staggered by drawing lots, taking into account equitable regional distribution, in order to determine those who would serve for one, two or three years. By **decision 60/555**, also of 9 May, the Assembly approved the staggering of terms, by which one year was allocated to 14 members, with the African and

Asian groups accounting for four seats each, while the other three regional groups accounted for two seats each. The two-year term was approved for 15 members, comprising four each for the African and Asian groups, three for the Latin American and Caribbean group and two each for the Eastern European and Western European groups. Three-year terms were allocated to 18 members, including five each for the African and Asian groups, three for the Latin American and Caribbean group, as well as for the Western European group, and two for the Eastern European group.

In electing the members, the Assembly took into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments thereto. The elected members were expected to uphold the highest human rights standards, cooperate with the Council and be reviewed during their term of office, in accordance with a review mechanism to be established by the Council. Rights of membership were subject to suspension by the Assembly in the event that the Member State concerned committed gross and systematic violations of human rights.

Council sessions

During the year, the Human Rights Council held its first (19–30 June) [A/61/53], second (18 September–6 October; 27–29 November) and third (29 November–3 December) [A/62/53] sessions in Geneva. It adopted 14 resolutions, 22 decisions and 2 presidential statements. It also recommended two draft resolutions for adoption by the General Assembly. In addition, the Council held four special sessions (see below).

At its first session, the Council decided, on 19 June [A/61/53 (dec. 1/101)], that its officers would be known as President and Vice-President. It elected its President (Mexico) and four Vice-Presidents (Czech Republic, Jordan, Morocco, Switzerland), with Jordan also serving as Rapporteur. On the same day [A/61/53 (dec. 1/102) (formerly 2006/102)], the Council, to facilitate succession of the Commission and avoid any protection gap during the transitional period, decided to extend exceptionally for one year the mandates and mandate-holders of all the special procedures of the Commission, the Subcommission on the Promotion and Protection of Human Rights (see. p. 762) and the procedure established in accordance with Economic and Social Council resolution 1503(XLVIII) (1503 procedure). The extension would be subject to the review called for in Assembly resolution 60/251. Annexed to the Council's decision was a list of the 56 special procedures concerned.

The Council scheduled the Subcommittee's final session, lasting for up to four weeks (see below) to begin on 31 July, and called for a paper on its vision, recommendations for future expert advice to the Council, a detailed list of its ongoing studies and an overall review of its activities, for submission in 2006. The Council further decided that the working groups and the Social Forum of the Subcommittee should hold their annual sessions in accordance with current practices, in order to contribute to the Subcommittee paper, and that it would consider at its next session all outstanding reports referred to it.

Accordingly, on 6 October [A/62/53 (dec. 2/102)], during the first part of its second session, the Council addressed the status of those reports and asked the Secretary-General and High Commissioner to continue to fulfil their activities, in accordance with all previous decisions adopted by the Commission, and to update relevant reports and studies. On 8 December [A/62/53 (dec. 3/104)], the Council requested the Secretary-General to report to the sixty-first (2006) Assembly session on ways to guarantee the provision of conference services, regular webcast transmission for all Council sessions, timely translation of documentation in all official languages of the United Nations and adequate funding for timely financing of unforeseen and extraordinary expenses arising from the implementation of Council decisions.

Programme of work

The Council held a high-level segment from 19 to 22 June and a general segment on 21 June, and heard statements relating to its mandate and work from Member States and observers. On 30 June [A/61/53 (dec. 1/105)], the Council adopted the draft framework for a programme of work for its first year, and on 6 October [A/62/53 (dec. 2/103)], decided to add to that draft a segment on "follow-up to decisions of the Human Rights Council". On 8 December [A/62/53 (res. 3/4)], it established an open-ended intergovernmental and intersessional working group to formulate recommendations on its agenda, annual programme of work, methods of work and rules of procedure, in accordance with General Assembly resolution 60/251. The Council further decided that the group should meet for 10 days, half of which should be scheduled before the Council's fourth session, and the other half before its fifth session, which should allow sufficient time and flexibility for the fulfilment of the group's mandate. It requested its President to chair the group, and the Office of the High Commissioner for Human Rights (OHCHR) to provide the group

with background information. The group should report on its progress at the Council's fourth session.

Special sessions. The Council held its first (5-6 July), second (11 August) [A/61/53], third (15 November) and fourth (12-13 December) [A/62/53] special sessions to consider, respectively, the escalation in 2006 of the situation in the Palestinian and other occupied Arab territories (see p. 969), gross human rights violations by Israel in Lebanon (see p. 964), further violations emanating from Israeli military incursions in the Occupied Palestinian Territory (see p. 969) and the human rights situation in the Darfur region of the Sudan (see p. 942). At each session, it dispatched a fact-finding mission to examine how best to tackle the human rights challenges being faced by the affected population.

On 22 December, the General Assembly took note of the Council's report on its work during the year (**decision 61/547**) and decided that the item on the report of the Council would remain for consideration at its resumed sixty-first (2007) session (**decision 61/552**).

In his report on budgetary implications, the Secretary-General indicated that the expenditure requirements resulting from the Council's resolutions and decisions adopted at its first session and first and second special sessions were estimated at \$6,033,300 [A/61/530]. Of that amount, provision had been made for \$4,328,600 in the programme budget for the 2006-2007 biennium, and it was anticipated that the balance of \$1,704,700 could be absorbed within the resources provided for the biennium. Requirements for the 2008-2009 biennium were estimated at \$2,639,300. In a related report [A/61/530/Add.1], he stated that further resolutions and decisions adopted at the Council's resumed second session, third session and third special session had resulted in additional expenditure requirements of \$1,571,600. It was envisaged that, to the extent possible, that amount would be accommodated in the existing appropriation for the 2006-2007 biennium and reported in the context of the second performance report for that programme budget cycle. On 18 December [A/C.5/61/SR.34], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) upheld those estimates.

The General Assembly, in Part V of **resolution 61/252** of 22 December (see p. 1615), took note of the Secretary-General's reports on revised estimates resulting from resolutions and decisions adopted by the Council and endorsed the related oral report of ACABQ.

Universal periodic review mechanism

Human Rights Council action. On 30 June [A/61/53 (dec. 1/103)], the Council established an intersessional open-ended, intergovernmental Working Group to develop the modalities of a universal periodic review (UPR) mechanism to examine the fulfilment by each Member State of its human rights obligations and commitments, as called for in General Assembly resolution 60/251. The Working Group, to be chaired by the Council President, should meet for 10 days and allow sufficient time and flexibility for the development of the mechanism. The Council requested OHCHR to provide the Group with background information on existing mechanisms for periodic review and compile the contributions of all stakeholders. The Group was asked to report regularly to the Council, effective September 2006, on progress made in developing modalities for the review. Following the Group's establishment, the Council held four series of intersessional consultations on the UPR between July and September and appointed Council Vice-President Mohammed Loulichki (Morocco) as the Group's facilitator.

Working Group activities. At its first session (20–23 November) [A/HRC/3/3], the intersessional open-ended Working Group held four meetings and discussed a programme of work based on six elements: terms of reference/basis of review, objectives and guiding principles, periodicity and order, process and modalities, outcome and follow-up. The Group focused its attention on the analysis of issues regarding each element and on its reaction to the different proposals and views expressed. It found that stakeholders were eager to establish a credible, effective and manageable UPR mechanism, aimed at improving the respect and promotion of human rights by all States, and that there was an obvious link between UPR and other review processes. However, many complex conceptual and practical issues remained to be addressed. In his preliminary conclusions, the facilitator outlined areas requiring further reflection and discussion, as well as emerging elements of convergence within the Group on each of the six elements. Delegations were invited to study the points raised by stakeholders and direct to the facilitator their comments and observations.

Review of mandates

Human Rights Council action. On 30 June [A/61/53 (dec. 1/104)], the Council, in response to General Assembly resolution 60/251, established an open-ended intergovernmental Working Group to make recommendations on reviewing, improving and rationalizing all mandates, mechanisms,

functions and responsibilities of the Commission, in order to maintain a system of special procedures, expert advice and a complaint procedure. The Council designated its President to chair the Group and requested OHCHR to provide it with background information on the functioning of existing mandates and mechanisms, and to compile the contributions of all stakeholders, including the inputs of the special procedures, the Subcommission and NGOs. The Group was asked to report regularly, starting in September 2006.

Prior to the Group's first meeting, the Council President appointed three facilitators to assist in its work: Tomas Husak (Czech Republic) to facilitate the components on special procedures, Mousa Burayzat (Jordan) on expert advice and Blaise Godet (Switzerland) on complaint procedure.

Working Group activities. At its first session (13–24 November), the Working Group on the review of mandates held nine meetings, during which it elaborated on the principles, objectives and structure of the review and held substantive dialogue with delegations and special procedure mandate-holders. Thereafter, the facilitators provided preliminary conclusions from the views expressed. On 30 November [A/HRC/3/4], the Facilitator for the special procedures component, Mr. Husak, reported that substantive discussions within his cluster had focused on: the selection and appointment of mandate-holders; priority areas of mandates; the general criteria for the review, rationalization and harmonization of mandates; ways to achieve coherence and coordination between mandates; relationship with the Council; cooperation by and with Governments; relation between mandate-holders and with other human rights mechanisms and actors; organizational and logistical support of OHCHR to the special procedures; and other issues relating to working methods. Under each topic, the facilitator delineated issues on which there was general agreement and those requiring further consideration.

Facilitator Blaise Godet of the complaint mechanism component, also in preliminary conclusions of the work of his cluster [A/HRC/3/5], highlighted the relevant topics that had been the basis of discussion. Among them were the objective of the mechanism, its scope, admissibility criteria, number of stages in the complaints process, confidentiality, participation of the author of a communication, composition, size and other key questions concerning the working groups examining communications/situations, the Council's consideration of situations, the duration of the process and possible measures to be taken by the Council. The report also highlighted areas on which consensus emerged and those for further

discussion. Most notably, consensus emerged in favour of retaining Economic and Social Council resolution 1503 (XVLI) (1530 procedure) [YUN 1970, p. 530] as a basis of work and to improve it, where necessary, particularly regarding the language of the resolution. Also in a 1 December report [A/HRC/3/6], Mr. Burayzat, facilitator for the cluster which considered the idea of an expert advisory body to assist the Council in its work, summarized seven areas that had received consensus, including the name of the new entity, its membership term and the range of possible tasks it could be assigned. Issues requiring further consultations related to the character, status and structure of the new entity, as well as its functions and size, and the process of selecting the experts that would serve on it.

Further Human Rights Council action. On 6 October [A/61/53 (dec. 2/102)], the Council decided to transmit to the Group the views of the Subcommission on the future expert advice mechanism. On 27 November [A/62/53 (res. 2/1)], the Council requested the Group to review the revised draft manual of the United Nations human rights special procedures of June 2006 and make recommendations on possible additions or amendments thereto, and to draft a code of conduct regulating the work of the special procedures and report thereon at the Council's fourth session.

Subcommission on the Promotion and Protection of Human Rights

In accordance with Council decision 1/102 (see p. 760), the Subcommission on the Promotion and Protection of Human Rights, at its fifty-eighth and final session (Geneva, 7–25 August) [A/HRC/2/2 & Corr.1], adopted 22 resolutions and 12 decisions and recommended 10 draft decisions for adoption by the Council.

It had before it an August note of the Secretariat [A/HRC/Sub.1/58/2] containing statistics relating to its fifty-seventh session [YUN 2005, p. 713]. On 7 August [dec. 2006/101], the Subcommission decided to utilize all three weeks of meeting time it had available to enable it to carry out its programme of work, including the tasks requested by the Council.

On 9 August [dec. 2006/105], the Subcommission established a drafting group to prepare the paper requested by the Council in decision 1/102. The document, which was annexed to the Subcommission's report [A/HRC/2/2 & Corr.1], contained its recommendations for improving and strengthening the network of expert advice mechanisms established by the Economic and Social Council between 1946 and 2006 as part of a system of UN bodies dedicated

to promoting and protecting human rights under the primary authority of the Commission. The document also set out the Subcommission's general vision on any similar mechanism that might result from the review to be undertaken by the Council and established the functions to be carried out by such a body. It outlined the issues on which the Council would need advice, in order to facilitate its task of determining which existing or future mechanism was not suitable for providing the required advice. In addition, it addressed the characteristics of any such future mechanism.

Overall, the Subcommission was of the view that the Council's decisions that might imply the extinction of any of the components of the current system should be adopted only after the completion of the review of the status and usefulness of the mandate or mechanism in question, keeping in mind the need to avoid any gaps in the protection of human rights and prevent disruptions in standard-setting activities. It determined that all the mandates and mechanisms listed in the annex to Council decision 1/102 (see p. 759) should continue to exist with their current functions and responsibilities, pending the completion of the review process.

On 25 August [dec. 2006/112], the Subcommission requested its Chairperson to transmit to the Council President the document on its vision and recommendations, which also incorporated related papers called for in Council decision 1/102, including an overview of past and current contributions of the Subcommission, a list of studies it had undertaken between 1956 and 2006, and a list of ongoing studies and reports it had mandated.

Human Rights Council action. On 6 October [A/62/53 (dec. 2/102)], the Council decided to transmit the views of the Subcommission on the Council's future expert advice mechanism to the Working Group on the review of mandates (see p. 761). It also took note of the Subcommission's draft decisions on previously authorized activities, with a view to allowing their continuation, in accordance with decision 1/102 on the extension of mandates and mechanisms.

Report of Subcommission Chairperson. The Council had before it the 2005 report of the Subcommission's Chairperson, Vladimir Kartashkin (Russian Federation), which summarized the Subcommission's work during that year [E/CN.4/2006/82].

Office of the High Commissioner for Human Rights

Reports of High Commissioner. The UN High Commissioner for Human Rights, Louise Arbour

(Canada), in a 21 June report [E/2006/86] to the Economic and Social Council, focused on the legal protection of economic, social and cultural rights and described their relation to civil and political rights. Noting that, although modern conceptions of human rights perceived them in terms of rights of the individual to be free from State interference and abuse of State powers (freedom from the State), as well as rights to State intervention (freedom through the State), the High Commissioner pointed out that the similarity in their nature did not necessarily require the same strategy for protecting all human rights. Strategies to promote and protect human rights should be multidimensional, covering a range of legal, administrative, financial, budgetary, educational and social measures. In particular, the legal protection of economic, social and cultural rights should be an essential element in that strategy, given the recognition of those rights in legally binding treaties and owing to increasing proof that legal protection was effective.

The first step in legal protection was the recognition of economic, social and cultural rights in domestic law, through the incorporation of international norms into the national legal order, and the recognition of those rights in the constitution and legislation or by the judiciary. The second was the provision of legal remedies in cases of breaches of those rights through the courts, administrative tribunals, national human rights institutions and regional and international treaty bodies. In that context, the High Commissioner noted that the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, establishing an individual communications procedure, should stimulate stronger legal protection of those rights. The report concluded that the protection of all human rights, including through legal means, should be the ultimate goal of the international human rights community. Poverty and exclusion lay behind many of the security threats people faced and, even in prosperous economies, many individuals lived in conditions that amounted to a denial of rights. As such, to reduce economic, social and cultural rights to mere policy objectives or moral commitments rather than legally binding obligations would deny their status as human rights and lessen the likelihood of their realization. The High Commissioner stated that respect for human rights required national and international legal frameworks within which individuals and groups could claim their rights. Only that possibility would give human rights their full meaning.

On 27 July, the Economic and Social Council took note of the report of the High Commissioner (**decision 2006/250**).

The High Commissioner's annual report to the General Assembly [A/61/36] focused on developments relating to the implementation of the Plan of Action and the strategic management of OHCHR [YUN 2005, p. 715], the establishment of the Human Rights Council and treaty body reform. The report discussed major elements of the Plan, particularly country engagement aimed at assisting States to address protection gaps through a consultative process involving Governments, civil society and other national and international counterparts, including the United Nations. In that regard, the Plan anticipated an expansion of geographic desks, increased deployment of human rights staff to countries and regions, the establishment of standing capacities for rapid deployment, investigations, field support, human rights capacity-building, advice and assistance, and work on transitional justice and rule of law. The strengthening of headquarters capacity to support such engagement was also essential. Related developments included the establishment of a rapid response unit within OHCHR to strengthen and coordinate the Office's response to human rights crises and support national human rights institutions. The report also highlighted the OHCHR vision and initiatives to strengthen its field presence through the establishment or expansion of regional and country offices, and to enhance partnerships within the UN system by increasing its engagement with peace missions and stepping up cooperation with humanitarian actors. A notable issue of concern was the closed-door policy of some States and the consequent denial of access to OHCHR, which impeded the accurate assessment of the human rights situation in such States and any possibility of relevant technical assistance.

Also highlighted were OHCHR activities, geared at strengthening its capacities and expertise in strategic thematic areas, including development, poverty reduction and the Millennium Development Goals; economic, social and cultural rights; women's rights; equality and non-discrimination; migration and trafficking; the rule of law and democracy; and human rights responsibilities of businesses. In addition, the report drew attention to OHCHR efforts to facilitate a smooth transition from the Commission on Human Rights to the Human Rights Council, and its readiness to support the work of the two intergovernmental working groups entrusted with the task of reviewing human rights mandates and developing modalities for the universal periodic review (UPR) mechanism. The international com-

munity had high expectations of the UPR mechanism, including redressing the selectivity and over-politicization of the consideration of human rights situations in countries, which had plagued the Commission. The report drew attention to OHCHR capacity to strengthen the system and outlined the High Commissioner's proposals for reforming the treaty body system (see p. 769).

On 19 December, the General Assembly took note of the High Commissioner's report (**decision 61/529**).

Strengthening the function of OHCHR

On 29 November [A/62/53 (dec. 2/116)], the Council deferred to its fourth (2007) session consideration of a draft resolution [A/HRC/2/L.24] submitted by China on strengthening OHCHR, which reiterated the need to ensure that necessary resources were provided from the UN regular budget to the Organization's human rights programme to enable OHCHR to carry out its mandate efficiently and expeditiously. It emphasized the need for increasing such resource allocation for advisory services and technical cooperation in human rights, and called on the High Commissioner to continue to strengthen the management structure of her Office and improve its responsiveness in all priority areas, especially regarding economic, social and cultural rights.

Office space

In a 21 June report [A/60/899], the Secretary-General proposed arrangements and related resource requirements concerning additional office accommodation for OHCHR in Geneva. The Secretary-General said that the expanded office accommodation would give rise to additional requirements of \$10,451,400, which would be financed through a combination of regular budget resources (\$4,975,900) and extrabudgetary resources (\$2,759,800), together with the host country contribution of \$1,540,300. In June [A/60/7/Add.42], ACABQ recommended acceptance of the Secretary-General's proposals.

On 30 June, the General Assembly authorized the expenditure of the remaining funds appropriated in resolution 60/247 A [YUN 2005, p. 1491] (**decision 60/561**).

Composition of staff

Report of High Commissioner. In response to a 2005 Commission request [YUN 2005, p. 716], the High Commissioner submitted a report [E/CN.4/2006/103] on the composition of OHCHR staff by nationality, grade and gender as at 31 December 2005.

The report described the action plan prepared by the High Commissioner for achieving equitable geographical representation, which highlighted the need for the OHCHR recruitment strategy to overcome the chronic shortage of candidates from unrepresented and underrepresented countries. In doing so, the Office would adopt a more proactive approach to recruitment, given that reliance on spontaneous applications had proven insufficient, and strengthen its internal evaluation and selection mechanisms. The High Commissioner had established a series of task forces entrusted with making proposals for the implementation of the plan, one of which recommended measures for broadening the pool of applicants to OHCHR vacancies.

Human Rights Council action. On 29 November [A/62/53 (dec. 2/116)], the Council deferred to its fourth (2007) session consideration of a draft decision [A/HRC/2/L.16] submitted by Cuba, by which the Council would express regret that efforts to address the geographical imbalance in OHCHR staff had not resulted in a significant improvement, and recommend remedial action.

GENERAL ASSEMBLY ACTION

On 19 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/61/443/Add.2 and Corr.1], adopted **resolution 61/159** by recorded vote (118-7-55) [agenda item 67 (b)].

Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

The General Assembly,

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

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

Taking note also of the relevant reports of the United Nations High Commissioner for Human Rights and the Joint Inspection Unit,

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

Regretting that efforts to address the imbalance regarding the regional geographical diversity of the staff have not resulted in a significant improvement, and noting the low representation from the United Nations regional groups of African, Asian, Eastern European, and

Latin American and Caribbean States in the staff of the Office of the High Commissioner,

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

1. *Decides*, while considering the report of the Joint Inspection Unit:

(a) To provide concrete support and guidance to the United Nations High Commissioner for Human Rights in her ongoing efforts to overcome the status quo;

(b) To allow, in the effort to redress the specific geographical imbalance of the Office of the United Nations High Commissioner for Human Rights, the establishment of a temporary mechanism whereby recruitment of staff in the Office at the P-2 level would not be restricted to successful candidates from the national competitive examination;

(c) To re-evaluate the financing of human rights activities, as noted in the report of the Joint Inspection Unit, with a view to increasing the support from core resources;

2. *Encourages* participation from a broader range of Member States in the associate experts programme, and, in this respect, urges participants to increase sponsorship of associate experts from developing countries;

3. *Requests* the Joint Inspection Unit to assist the Human Rights Council to monitor systematically the implementation of the present resolution, inter alia, by submitting to the Human Rights Council in May 2009 a follow-up comprehensive report on the implementation of the recommendations contained in the report of the Joint Inspection Unit pending their fulfilment;

4. *Requests* the High Commissioner:

(a) To take further measures for the full and effective implementation of the recommendations contained in the report of the Joint Inspection Unit;

(b) To submit a comprehensive and updated report on the basis of paragraph 26 (e) of Commission on Human Rights resolution 2005/72 of 20 April 2005 to the Human Rights Council at its fourth session and to the General Assembly at its sixty-third session;

5. *Requests* the President of the General Assembly at its sixty-first session to bring those recommendations to the attention of the Fifth Committee, as soon as possible, for its consideration.

RECORDED VOTE ON RESOLUTION 61/159:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania,

Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Australia, Canada, Israel, Japan, Marshall Islands, Micronesia, United States.

Abstaining: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Tuvalu, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, Vanuatu.

Management review

JIU Report. By a 27 June note [A/61/115], the Secretary-General transmitted a report of the Joint Inspection Unit (JIU) [JIU/REP/2006/3] on follow-up to the management review of OHCHR undertaken by the Unit in 2003 [YUN 2003, p. 1388] and 2004 [YUN 2004, p. 650]. JIU reported progress in the implementation of the ten recommendations it made in 2003, clarifying in nine cases that it was satisfied with OHCHR initiatives to achieve the intended goals and acknowledging that implementation efforts were "work in progress". The only exception was Recommendation 6 concerning personnel issues and the need to ensure a more balanced geographical distribution of OHCHR staff selection body. In response to the OHCHR position that the membership of its Advisory Review Panel, which oversaw the process of filling some vacancies in the Office, was balanced in terms of gender, nationality, geographic composition and office representation, JIU maintained that the current six-member composition of the Panel did not reflect the UN membership as a whole. It suggested that the High Commissioner review the situation to allow each of the five major geographic regions (Africa, Asia, Eastern Europe, Latin America and the Caribbean, Western Europe) to have at least one representative on the Panel. Also of concern was the imbalance in the geographic distribution of the OHCHR staff in general, which JIU in its 2003 review had noted could only be rectified through a determined management action, and had proposed that the High Commissioner prepare an action plan indicating specific targets and deadlines to be achieved. Although that recommendation was among those

described as “work in progress” in the current report, given that the requisite plan had been put in place (see above), the inspectors found it regrettable that the issue had not been dealt with in a sufficiently vigorous manner. They pointed out that the skewed nature of the staff could ultimately diminish the effectiveness of the work of OHCHR if it was perceived to be culturally biased and unrepresentative of the United Nations, and noted that much more could be done to address the problem. In that regard, OHCHR should adopt a more proactive approach to identify and recruit candidates from among the unrepresented or underrepresented countries within the Office. The General Assembly action on the report was contained in resolution 61/159 (see p. 764).

A 29 August addendum [A/61/115/Add.1] containing the Secretary-General’s comments on the JIU recommendations stated that the Office mostly agreed with and welcomed the follow-up report of the inspectors and was implementing a management plan of action to resolve recommendations considered as work in progress.

Strategic management plan

During the year, the High Commissioner presented the OHCHR Strategic Management Plan 2006-2007, which articulated how the Office intended to play its role in ensuring that human rights were protected, and change and organize itself, the projects it would implement and how it would prioritize its activities for the next two years. The Plan represented the means by which OHCHR, with the support of Member States, hoped to realize its vision laid out in its 2005 Plan of Action [YUN 2005, p. 715]. It addressed the plan’s five focus areas: developing effective and appropriate strategies for country engagement; exercising leadership in the field of human rights; strengthening partnerships; providing high-calibre and strong support for the UN human rights programme; and strengthening the management of OHCHR. Several task forces were established to examine and recommend strategies to advance efforts in each of those areas, with their work incorporated into the Plan.

Right to promote and protect human rights

Human rights defenders

Reports of Special Representative. In her annual report to the Commission [E/CN.4/2006/95], the Secretary-General’s Special Representative on human rights defenders, Hina Jilani (Pakistan), described her activities and reflected on the development and implementation of the mandate since its

creation in 2000 [YUN 2000, p. 604]. The report also examined the major constraints in implementing the 1998 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on human rights defenders), adopted by the General Assembly in resolution 53/144 [YUN 1998, p. 608]. Between December 2004 and December 2005, the Special Representative had sent 310 communications to 68 countries, of which 46 responded, on more than 351 cases, including jointly with other mandates, concerning some 799 alleged violations against defenders and 316 against human rights organizations. The number of urgent appeals and allegation letters sent to Governments had increased markedly since the first year of her mandate.

The Representative’s activities focused largely on communications transmitted to Governments, country visits, cooperation with the UN system, intergovernmental organizations and NGOs, the compilation of developments regarding the situation of defenders and the special needs of female defenders. Highlighting the main trends over the past six years in the implementation of the Declaration, the Special Representative found a number of encouraging developments, including the adoption by many States of measures to ensure the personal safety of defenders at imminent risk, the official recognition by several Governments of the status and role of defenders, and government efforts to ensure that domestic legislation reflected States’ obligations contained in the Declaration and other human rights standards. Other developments related to the fostering of protection for defenders through increased awareness of the Declaration, action to end the impunity of human rights violators and efforts by regional intergovernmental organizations to create special mechanisms to deal with issues affecting defenders. The Special Representative also highlighted the various initiatives and activities of UN system entities, including OHCHR and the treaty bodies, and by national human rights institutions and civil society, which had facilitated her work and helped promote defenders’ rights.

Nonetheless, the Special Representative regretted not being able to achieve the level of effectiveness she sought in certain areas, as insufficient material and human resources prevented her from ensuring effective follow-up to the cases addressed and to related country visits. She stated that the reticence of Governments in extending invitations for country visits was a major impediment to an effective implementation of her mandate. Another major cause

for concern was the persistent violation of defenders' rights in many countries, warranting the Special Representative's intervention on several occasions where human rights activists were not allowed to leave their countries to participate in international human rights events, or were molested or subjected to serious reprisals upon their return from such activities. In other instances, she intervened on behalf of individuals targeted for giving information to or lodging complaints with international human rights mechanisms. She was extremely concerned by the murder of some of those affected.

Despite international commitments in some countries, State officials promoted confusion about the role and status of human rights defenders by delivering defamatory and denigrating statements and smear campaigns about their work. The Special Representative was particularly concerned that there was still impunity in an overwhelming majority of violations against defenders, mostly by non-State actors. While drawing attention to the recommendations in her previous reports, she emphasized a number of measures for securing defenders' rights, including the adoption of laws and security policies that recognized the legitimacy of peaceful action to attain economic, social and cultural rights, and increased involvement of the judiciary in ensuring a safe environment for the work of defenders. She also recommended government action to ensure that laws and policies reflected defenders' rights to access information and sites of alleged violations; the development of legal and normative frameworks for the accountability of non-State entities and others who had committed human rights violations, especially against defenders; recognition of defenders' contribution to the restoration of peace and security by ascribing to them a role in peace negotiations and agreements; and establishment by States of a methodology for the prompt investigation of complaints and allegations. In addition, the evaluation of defenders' situation should be used as an indicator for assessing States' compliance with human rights standards and respect for the rule of law.

Two March addenda to the report summarized communications sent to and received from Governments [E/CN.4/2006/95/Add.1 & Corr.1, 2] and provided information on developments regarding the situation of defenders and the implementation of the Declaration in 118 countries over the past six years [E/CN.4/2006/95/Add.5].

A September note of the Secretary-General [A/61/312] transmitted the Special Representative's sixth annual report, in accordance with General Assembly resolution 60/161 [YUN 2005, p. 720],

which focused on the right to freedom of assembly in relation to the activities of human rights defenders—one of the principal rights that needed to be guaranteed to enable them to do their work. Without such a guarantee and protection against its violation by State officials or non-State entities, the ability of defenders to fulfil their role would be restricted. Highlighting a worrisome trend of violation of that right, the Representative noted that she had received responses to less than half of the 1,194 communications she had sent to 62 Governments on alleged violations, of which 253 dealt directly with the right to freedom of assembly. Other violations included arrests, violence during assemblies, threats, travel restrictions, prohibition or interruption of assemblies and restrictions imposed through legislation. Particularly vulnerable to violations of the right to freedom of assembly were women defenders, those working on behalf of minorities, and others operating in conflict situations. The Representative recommended that States should ensure the “contextual space” for the activities of defenders, including the rights to peaceful assembly and freedom of expression and association. States should also ensure that their legislation was in line with international standards relating to those rights, and review restrictions imposed by laws and regulations. The Representative urged States to ensure that there were satisfactory complaints review procedures in the event of restrictions being imposed on assemblies and there was no impunity for harm inflicted on defenders who were carrying out collective public action.

On 19 December, the Assembly took note of the Secretary-General's note (**decision 61/529**).

Other aspects

Good governance

In response to a 2005 Commission request [YUN 2005, p. 722], OHCHR, in collaboration with Poland and Australia, organized a conference on anti-corruption, good governance and human rights (Warsaw, Poland, 8-9 November) [A/HRC/4/71], in follow-up to a joint OHCHR-UNDP seminar on a related topic in 2004 [YUN 2004, p.685]. The conference, designed to deepen the understanding of good governance practices in the fight against corruption, identified, explored and clarified the linkages between corruption, human rights and good governance. Participants shared concerns and experiences, and examined, among other things, the impact of corruption on human rights and ways of combating corruption through human rights principles and

approaches. Recognizing that corruption impeded the realization of human rights in many ways, they stressed the importance of combating the problem in its various forms, insisting that anti-corruption measures should be effective without compromising human rights, and identified various ways to improve related efforts.

Human rights instruments

General aspects

In 2006, seven UN human rights instruments were in force, whose implementation was being monitored by expert bodies. The instruments and their treaty bodies were: the 1965 International Convention on the Elimination of All Forms of Racial Discrimination [YUN 1965, p. 440, GA res. 2106 A (XX)] (Committee on the Elimination of Racial Discrimination); the 1966 International Covenant on Civil and Political Rights and the Optional Protocol thereto [YUN 1966, p. 423, GA res. 2200 A (XXI)] and the Second Optional Protocol aiming at the abolition of the death penalty [YUN 1989, p. 484, GA res. 44/128] (Human Rights Committee); the 1966 International Covenant on Economic, Social and Cultural Rights [YUN 1966, p. 419, GA res. 2200 A (XXI)] (Committee on Economic, Social and Cultural Rights); the 1979 Convention on the Elimination of All Forms of Discrimination against Women [YUN 1979, p. 895, GA res. 54/4] (Committee on the Elimination of Discrimination against Women); the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Punishment [YUN 1984, p. 813, GA res. 39/46] and related 2002 Optional Protocol [YUN 2002, p. 631, GA res. 57/199] (Committee against Torture); the 1989 Convention on the Rights of the Child [YUN 1989, p. 560, GA res. 44/25] and Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography [YUN 2000, pp. 616 & 618, GA res. 54/263] (Committee on the Rights of the Child); and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families [YUN 1990, p. 594, GA res. 45/158] (Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families).

Report of Secretary-General. In response to General Assembly resolutions 52/118 [YUN 1997, p. 594] and 53/138 [YUN 1998, p. 612], the Secretary-General submitted a May report, with a later addendum [HRI/GEN/2/Rev.3 & Add.1], containing a

compilation in a single volume of guidelines regarding the form and content of reports to be submitted by States parties to the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture. In addition, the report provided the consolidated guidelines relating to the initial part of State party reports containing information of a general character ("core documents").

Final report of Special Rapporteur. In a July final report [A/HRC/Sub.1/58/5], submitted in response to a 2005 Subcommission request [YUN 2005, p. 723], the Special Rapporteur on the study of the universal implementation of international human rights treaties, Emmanuel Decaux (France), updated information contained in his 2005 interim report [ibid]. The final report clarified the various commitments undertaken by States and what remained to be done to fully attain universal ratification set by States in 1993. Drawing from a questionnaire he had prepared for the study, the Special Rapporteur addressed the issue of the applicability of international instruments in domestic law and the effective fulfilment of obligations, as well as the legal challenges regarding the nature and scope of international human rights law. Finding that the area to be explored was vast, he considered it necessary for the Human Rights Council to mandate a working group of the Subcommission, or its successor, to carry out periodic and systematic monitoring of the status of international human rights instruments, within the context of the Universal Periodic Review (UPR) (see p. 761). He recommended other measures to ensure momentum to accord international human rights instruments a universal or quasi-universal character. The recent creation of the Council was an opportunity for States to make pledges, including on ratification, thereby bringing the goal of universal ratification closer.

Subcommission action. On 24 August [res.2006/1], the Subcommission requested OHCHR to disseminate the Special Rapporteur's final report widely (see above), and recommended that the Council consider the recommendations contained therein, particularly regarding the need to ensure that the status of international human rights instruments was periodically and systematically monitored under the Council's UPR procedure. It encouraged States to implement the Vienna Declaration and Programme of Action adopted by the 1993 World Conference [YUN 1993, p. 908], with a view to the universal and effective implementation of human

rights instruments, and recommended the expansion of technical assistance to facilitate the process. The Subcommission also recommended the convening of seminars to encourage dialogue with States on ratification and best practices.

Human rights treaty body system

Meeting of chairpersons. A May note by the Secretary-General [HRI/MC/2006/1] contained the provisional agenda and annotations for the eighteenth meeting of chairpersons of human rights treaty bodies (see below). In a September note [A/61/385], he submitted the chairperson's report on the meeting (Geneva, 22-23 June), which considered the follow-up to the recommendations of the seventeenth meeting [YUN 2005, p. 723] and reviewed developments relating to the work of the treaty bodies. The meeting also considered the issues of strengthening support to those bodies, enhancing their effectiveness and streamlining their reporting procedures and requirements.

The meeting had before it Secretariat reports on harmonized guidelines on reporting under the international human rights treaties [HRI/MC/2006/3 & Corr.1]; the working methods of the human rights treaty bodies relating to the State party reporting process [HRI/MC/2006/4 & Corr.1]; the practice of human rights treaty bodies with respect to reservations to international human rights treaties [HRI/MC/2005/5/Add.1]; the meeting of the working group on reservations [HRI/MC/2006/5 & Rev.1]; the implementation of recommendations of the fourth inter-committee meeting and the seventeenth meeting of chairpersons [HRI/MC/2006/6]; indicators for monitoring compliance with international human rights instruments [HRI/MC/2006/7]; and a proposal by the Committee on the Elimination of Racial Discrimination on establishing a single body to deal with individual communications [HRI/MC/2006/8/CRP.1].

Also held was the eighth joint meeting of the treaty body chairpersons, special rapporteurs/representatives, independent experts and chairpersons of the working groups of the Commission's special procedures.

The meeting recommended that all treaty bodies consider developing procedures and guidelines for enhanced interaction with special procedures mandate-holders and that the Secretariat seek ways to facilitate that interaction. It also recommended that the Chairpersons of the eighteenth meeting and of the special procedures mandate-holders meeting send a joint letter to the Council President, proposing that the recommendations of those procedures and the concluding observations of treaty

bodies form part of the basis of the Universal Periodic Review (see p. 761). It further recommended that treaty bodies consider institutionalizing their relationship with the Council and proposed modalities for such a relationship. Annexed to the report was the report on the fifth inter-committee meeting of human rights treaty bodies (Geneva, 19-21 June), which adopted recommendations on proposals for the reform of the UN human rights framework, harmonization of working methods, the relationship between the Council and treaty bodies, follow-up to concluding observations, reservations, reporting guidelines, standardization of technical terminology, liaison with UN specialized agencies, funds and programmes, NGO participation, national human rights institutions and human rights statistical information.

On 19 December, the General Assembly took note of the report of the Chairpersons' meeting (**decision 61/529**).

Meeting of special rapporteurs, experts and chairpersons. In October [A/HRC/4/43], the High Commissioner transmitted to the Council the report of the thirteenth meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the Commission's special procedures and advisory services programme (Geneva, 19-23 June). Participants discussed, among other subjects, the review of mandates to be undertaken by the Council and the role of the special procedures system vis-à-vis the universal periodic review. There was general agreement that mandate-holders should be involved in related discussions. It was stressed that the special procedures represented one of the Commission's greatest achievements and that the periodic review should strengthen the system and ensure that it was based on recommendations adopted by human rights mechanisms.

During the Council's first session, the Chair of the Coordination Committee read a statement in which mandate-holders called on the Council to recognize the special procedures system as an indispensable mechanism for promoting and protecting human rights; provide them with an opportunity to directly and effectively interact with the Council; make their work central to the system of universal periodic review; encourage States to strengthen cooperation with them and implement their recommendations; and recognize the fundamental role of NGOs and regional and national human rights institutions as key partners. They also requested the Secretary-General and the High Commissioner to provide the special procedures with the requisite resources to enable them to re-

spond to the challenges and expectations relating to the reform process.

Reform proposals

Report of High Commissioner. In her annual report to the General Assembly [A/61/36], the High Commissioner proposed that the treaty body system be reformed by unifying the treaty bodies established under the seven principal human rights instruments in a single standing treaty body. The proposal was based on the premise that, despite its achievements, the system, as currently configured, faced serious challenges stemming mainly from the increase in human rights instruments and the growing number of States assuming new legal obligations. Many States accepted the system on a purely formal level, but either did not engage with it or did so in a superficial way, owing to insufficient resources or lack of political will. Some States parties considered the reporting procedures of the treaty bodies overly cumbersome, resulting in many overdue reports. A unified standing treaty body would address those challenges. While some members welcomed the proposal, others opposed it, mostly from the perspective that a unified standing body could undermine the specificity of the seven instruments concerned. A similar division of opinions existed among States and NGOs. However, it was premature to draw definitive conclusions as it appeared that the proposal for such a treaty body, unifying both the reporting and complaints procedures, might not be achievable in the short term.

OHCHR concept paper. A March report of the Secretariat [HRI/MC/2006/2] contained an OHCHR concept paper, which further elaborated on the High Commissioner's proposal for unifying the treaty bodies under a single standing body (see above), provided a basis on which options for reform could be explored, and presented the objectives and guiding principles of the proposal. The report analysed the current system, its achievements and challenges, and identified how a unified treaty body would meet those challenges to ensure a strengthened and more effective monitoring system. Furthermore, it presented ideas on possible reforms, modalities of operation and functions of a unified body, and raised some issues to be considered in its establishment. Several annexes to the paper provided facts and figures about reporting to the human rights treaty bodies and a variety of related information.

Human Rights Committee consideration. The Human Rights Committee, at its eighty-eighth

session (16 October–3 November) [A/62/40, Vol. 1], acknowledged that the OHCHR concept paper (see above) could stimulate a serious and constructive debate on the reform of treaty bodies, but the creation of a standing unified treaty body to replace the seven existing ones raised legal and political problems that could not be solved in the short or medium term. It was better to improve coordination of their working methods without necessarily amending the treaties. Questions pertaining to the harmonization of those methods should be approached in such a manner as to facilitate a practical and effective resolution of the problems raised by the separate functioning of the treaty bodies. Consequently, the Committee proposed that the meeting of chairpersons of those treaty bodies and the inter-committee meeting be replaced by a single coordinating body composed of representatives of the various treaty bodies, which would be responsible for oversight of all questions relating to the harmonization of working methods. Such a coordinating body should also promote the exchange of information between the Council and the treaty bodies. The Committee invited the various treaty bodies to amend their rules of procedure, where necessary, in order to promote the harmonization of their working methods, and called for more support and the widest dissemination of their work.

Experts' meeting. An international meeting of experts (Triesenberg, Liechtenstein, 14–16 July) [A/61/351; A/HRC/2/G/5], organized jointly by OHCHR and the Government of Liechtenstein, discussed the High Commissioner's proposal for a unified standing treaty body and other issues relating to the reform of the UN human rights treaty body system. Participants determined that their discussions were not limited to one particular approach to the reform and that the process needed to address all challenges facing the current system and how they could be met.

Human Rights Council action. On 28 November [A/62/53 (res. 2/5)], the Council, noting with appreciation the continuing efforts of Member States, human rights treaty bodies, the High Commissioner and the Secretary-General to improve the effectiveness of the treaty body system, encouraged such efforts and asked the High Commissioner to study various options for reforming the system, seek the views of States and other stakeholders in that regard and report thereon.

Reservations to human rights treaties

Working group on reservations. The Working Group on reservations, established pursuant to the request of the Fourth Inter-Committee Meeting

of human rights treaty bodies and the seventeenth meeting of the chairpersons of those bodies [YUN 2005, p. 723], held its first meeting (Geneva, 22-23 June) [HRI/MC/2006/5/Rev.1] to examine the practice of those treaty bodies with respect to reservations to international human rights treaties. The majority of members considered that, although treaty bodies were competent to assess the validity of reservations, in most cases, particularly during the consideration of periodic reports, it was not necessary for them to take a decision on the issue. While any statement made at the time of ratification might be considered as a reservation, care should be exercised in making such a conclusion. However, when reservations were explicitly or implicitly permitted, they could contribute to the attainment of universal ratification. Welcoming the inclusion of a provision on reservations in the draft harmonized guidelines on reporting under international human rights treaties (see p. 768), the Group emphasized the importance of dialogue between treaty bodies and States to distinguish more precisely the scope and consequences of reservations and encourage the State party concerned to reformulate or withdraw its reservations. It also recommended that another meeting be convened, in the light of discussions in the International Law Commission on reservations to treaties (see p. 1523).

Covenant on Civil and Political Rights and Optional Protocols

Accessions and ratifications

As at 31 December, parties to the International Covenant on Civil and Political Rights and the Optional Protocol thereto, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, p. 423], numbered 160 and 109, respectively. During the year, Andorra, Maldives and Montenegro became parties to both instruments, while Bahrain, Indonesia and Kazakhstan became parties to the Covenant, and Turkey to the Optional Protocol.

The Second Optional Protocol, aimed at the abolition of the death penalty, adopted by the Assembly in resolution 44/128 [YUN 1989, p. 484], was acceded to by Andorra, Moldova, Montenegro and Turkey, bringing the total number of States parties to 60, as at 31 December.

Report of Secretary-General. In response to General Assembly resolution 60/149 [YUN 2005, p. 724], which requested the Secretary-General to report on the status of the International Covenants on Human Rights and the Optional Protocols to

the International Covenant on Civil and Political Rights, a September report of the Secretary-General [A/61/354] noted that all relevant information on ratifications, accessions, successions, reservations, declarations and objections to reservations was maintained on the websites of the United Nations Office of Legal Affairs Treaty Section (<http://untreaty.un.org>), and of OHCHR; (<http://www.unhchr.ch>). Those websites would henceforth constitute the primary means by which the Secretary-General would keep the Assembly informed of the status of those Covenants.

On 19 December, the Assembly noted the Secretary-General's report (**decision 61/529**).

Implementation

Monitoring body. The Human Rights Committee, established under article 28 of the Covenant, held three sessions in 2006: its eighty-sixth, from 13 to 31 March (New York); eighty-seventh, from 10 to 28 July (Geneva) [A/61/40, vol. I]; and eighty-eighth, from 16 October to 3 November (Geneva) [A/62/40, vol. I]. Under article 40, it considered reports from eight States—Bosnia and Herzegovina, Democratic Republic of the Congo, Central African Republic, Honduras, Norway, Republic of Korea, Ukraine, United States—as well as from Hong Kong Special Administrative Region (China) and Kosovo (Serbia), submitted by the United Nations Interim Administration Mission in Kosovo (UNMIK) (see p. 87). The Committee adopted views on communications from individuals alleging violations of their rights under the Covenant, and decided that other such communications were inadmissible. Those views and decisions were annexed to the Committee's reports [A/61/40, vol. II; A/62/40, vol. II].

On 4 January, France terminated the state of emergency it had declared throughout the metropolitan territory in 2005 [YUN 2005, p. 727]. On 7 March, Georgia notified other States through the intermediary of the Secretary-General that it had declared a state of emergency in one district, which was terminated on 16 March. By a notification of 11 April, Ecuador informed the Secretary-General that it had declared a state of emergency on 21 March in a number of provinces and suspended it on 7 April. By several notifications, issued between 18 January and 2 December, Peru stated that it had extended the state of emergency it initially declared in parts of the country in 2003 [YUN 2003, p. 670]. On 24 February, the Philippines informed the Secretary-General that it had declared a state of emergency, and on 5 September, Guatemala notified other States of its declaration of a state of

emergency in certain municipalities of one of its departments.

Covenant on Economic, Social and Cultural Rights

Accessions and ratifications

As at 31 December, there were 155 parties to the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, p. 419]. During the year, Indonesia, Kazakhstan, Maldives and Montenegro became parties to the Covenant.

Draft optional protocol

In response to a 2004 Commission request [YUN 2004, p. 663], the open-ended Working Group to consider options regarding the elaboration of an optional protocol to the Covenant held its third session (Geneva, 6-17 February) [E/CN.4/2006/47]. The optional protocol would establish a complaints procedure for individuals or groups who felt that their rights under the Covenant had been violated. After considering preliminary views on options by States and representatives of intergovernmental organizations and NGOs, the Working Group discussed the scope of rights subject to a procedure, the admissibility criteria, merits, friendly settlement of disputes, interim measures and views, inquiry procedure, international cooperation and assistance to countries in implementing human rights obligations, the implications of an optional protocol for national resource allocation, the relationship with existing procedures, and the costs and potential impact of an optional protocol. The Group also discussed with a representative of the Inter-American Court on Human Rights issues relating to the protection of economic, social and cultural rights under the inter-American human rights system.

Most delegations noted that considerable progress had been made in clarifying questions relating to an optional protocol, and that the Group had fulfilled its mandate. Several States called for an extension of the Group's mandate, with a view to drafting and negotiating an optional protocol. Others proposed that the Group's Chairperson, Catarina de Albuquerque (Portugal), be entrusted with the preparation of a first draft, taking into account the views expressed at Group sessions. Others felt, however, that a number of issues remained unresolved and recommended that the Group continue to consider

possible elements of a protocol, so as to build consensus on the remaining issues.

Human Rights Council action. On 25 June [A/61/53 (res. 1/3)], the Council extended the mandate of the Working Group for two years, in order to elaborate an optional protocol to the Covenant. It requested the Group's Chairperson to prepare a first draft, including draft provisions corresponding to the various main approaches, to be used as a basis for negotiations. The Group was asked to meet for 10 working days each year and to report thereon.

Implementation

Monitoring body. The Committee on Economic, Social and Cultural Rights held its thirty-sixth (1-19 May) and thirty-seventh (27 November-1 December) sessions in Geneva [E/2007/22]. Its pre-session working group also met in Geneva from 22 to 26 May and from 27 November to 1 December, to identify issues to be discussed with reporting States.

On 27 July, the Economic and Social Council took note of the Committee's reports on its thirty-fourth and thirty-fifth sessions, held in 2005 [YUN 2005, p. 727] (**decision 2006/250**).

In 2006, the Committee examined reports, under articles 16 and 17 of the Covenant, submitted by Albania, Canada, El Salvador, Liechtenstein, Mexico, Monaco, Morocco, the Netherlands, Tajikistan and The former Yugoslav Republic of Macedonia.

On 15 May, the Committee held a general discussion on the right to social security, aimed at reviewing the draft general comment prepared by its Rapporteurs. Following the completion of two draft general comments on articles 2.2 (non-discrimination) and 9 (the right to social security), the Committee decided, on 22 November, to elaborate a new general comment on article 15 (the right to participate in cultural life) and requested Jaime Marchan Romero (Ecuador) and Virginia Bonoan-Dandan (Philippines) to serve as Rapporteurs. In the light of the acceptance of new guidelines for preparing common core documents by the human rights treaty monitoring bodies, the Committee decided to review its reporting guidelines and appointed Maria Virginia Brás Gomes (Portugal) as Rapporteur for that task.

Human Rights Council action. On 29 November [A/62/53 (dec. 2/116)], the Council deferred to its fourth session consideration of a draft decision submitted by Algeria, Cameroon, Cuba, Ghana, Libyan Arab Jamahiriya, Mali and South Africa, as well as some non-Council members (Benin, Lesotho, Sudan, Zimbabwe), which called for the initiation of a process, in accordance with international

law, particularly international treaties, to rectify the status of the Committee, aimed at placing it on par with other treaty monitoring bodies.

Convention against racial discrimination

Accessions and ratifications

As at 31 December, the number of parties to the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in resolution 2106 A (XX) [YUN 1965, p. 440], rose to 173, with Andorra, Saint Kitts and Nevis and Montenegro becoming parties during the year.

The Secretary-General reported on the status of the Convention as at 1 July [A/61/260].

A February note of the Secretariat [E/CN.4/2006/13], submitted in response to a 2005 Commission request [YUN 2005, p. 728], described OHCHR efforts towards universal ratification of the Convention and listed six States that had signed but not ratified the Convention and 18 others that had neither signed nor ratified it. OHCHR had sent notes verbales to those 24 States encouraging them to become parties.

Implementation

Monitoring body. The Committee on the Elimination of Racial Discrimination (CERD), established under article 8 of the Convention, held its sixty-eighth (20 February–10 March) and sixty-ninth (31 July–8 August) sessions [A/61/18] in Geneva. The Commission considered reports submitted by Bosnia and Herzegovina, Botswana, Denmark, El Salvador, Estonia, Guatemala, Guyana, Lithuania, Mexico, Mongolia, Norway, Oman, South Africa, Ukraine, Uzbekistan and Yemen. With regard to the Convention's implementation in States parties whose reports were seriously overdue, the Committee adopted a decision on Mozambique, noting that it would proceed with the adoption of concluding observations if the country's overdue report was not received by 30 June. Mozambique provided its second to twelfth periodic report on that day. CERD also adopted decisions on Saint Lucia reminding it of its reporting obligations and urging a response to the Committee's previous communication, and on Ethiopia, regretting the interruption of dialogue with the Committee and urging its prompt submission of its seventh to fifteenth periodic reports, due between 1989 and 2005. To assist in the resumption of dialogue, CERD sent a list of questions to Ethiopia and requested a response by 31 December, but de-

ceded that if it did not hear from Ethiopia, it would proceed with the adoption of concluding observations. In the case of Seychelles, one of those whose lack of response the Committee had found regretful in 2005 [YUN 2005, p. 729], it adopted confidential provisional concluding observations.

Under article 14 of the Convention, CERD considered communications from individuals or groups claiming violation by a State party of their rights as enumerated in the Convention. Forty-seven States parties made such declarations and recognized CERD competence to do so: Algeria, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brazil, Bulgaria, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, Ecuador, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Mexico, Monaco, Netherlands, Norway, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Ukraine, Uruguay, and Venezuela.

Pursuant to article 15 of the Convention, the Committee was empowered to consider petitions, reports and other information relating to Trust and Non-Self-Governing Territories. It noted, as it had in the past, the difficulty in fulfilling its functions in that regard, owing to the lack of copies of relevant petitions and the fact that the reports received contained scant information relating directly to the Convention's principles and objectives.

The Committee adopted two decisions under its early warning and urgent procedures. The first addressed the situation of the Western Shoshone indigenous peoples and groups in the United States [dec. 1 (68)]. Concerned at the continuing infringement on the affected population's right to ancestral lands and the lack of action to follow-up on its previous concluding observations on the matter, the Committee urged the United States to initiate dialogue with representatives of that community to find a solution acceptable to them. In its second decision, which addressed persons of concern in Suriname [dec. 1 (69)], the Committee drew the attention of the High Commissioner and the Human Rights Council to the alarming situation regarding the rights of indigenous and tribal peoples in that country, asking them to take appropriate measures. Following a general debate on the situation in Lebanon, the Committee issued a statement on 11 August expressing concern that the continuation of the conflict there might intensify racial discrimination and hatred in the region and the wider world. CERD also considered follow-up action to

the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance [YUN 2001, p. 615].

Financial situation. In July [A/61/186], the Secretary-General reported that outstanding States parties' arrears to the Committee as at 1 June totalled \$143,770.52. As at 31 December, 43 States parties had accepted an amendment to article 8 of the Convention regarding the financing of CERD [YUN 1992, p. 714]. The amendment would enter into force when accepted by a two-thirds majority of States parties, comprising approximately 114 of the 173 States parties to the Convention.

Election of new members. On 12 January [ACERD/SP/SR.30], a meeting of the States parties elected nine members of the Committee to replace those whose terms of office expired on 19 January.

Human Rights Council action. On 8 December [A/62/53 (dec. 3/103)], by a recorded vote of 33 to 12, with 1 abstention, the Council established an Ad Hoc Committee on the Elaboration of Complementary Standards to elaborate complementary standards in the form of either a convention or additional protocol(s) to the International Convention on the Elimination of All Forms of Racial Discrimination, filling the gaps in the Convention and providing new normative standards for combating all forms of contemporary racism. It recommended that the Committee convene annual sessions of 10 working days and hold its first session before the end of 2007, reporting regularly to the Council on progress in elaborating complementary standards. The Council welcomed the High Commissioner's appointment of five experts in that field, with the mandate to produce a base document outlining the substantive gaps in the Convention and make recommendations for bridging them. It requested the experts to finalize their report before the end of June 2007 for submission to OHCHR.

GENERAL ASSEMBLY ACTION

On 19 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/61/441], adopted **resolution 61/148** without vote [agenda item 65 (a)].

International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its previous resolutions on the International Convention on the Elimination of All Forms of Racial Discrimination, most recently resolution 59/176 of 20 December 2004,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference

on Human Rights on 25 June 1993, in particular section II.B of the Declaration, relating to equality, dignity and tolerance,

Reiterating the need to intensify the struggle to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance throughout the world,

Reiterating also the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Reaffirming that universal adherence to and full implementation of the Convention are of paramount importance for promoting equality and non-discrimination in the world, as stated in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,

Mindful of the importance of the contributions of the Committee on the Elimination of Racial Discrimination to the effective implementation of the Convention and to the efforts of the United Nations to combat racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations, and reiterating its deep concern that the amendment to the Convention has not yet entered into force,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

I

Reports of the Committee on the Elimination of Racial Discrimination

1. *Takes note* of the reports of the Committee on the Elimination of Racial Discrimination on its sixty-sixth and sixty-seventh and its sixty-eighth and sixty-ninth sessions;

2. *Commends* the Committee for its contributions to the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, especially through the examination of reports under article 9 of the Convention, action on communications under article 14 of the Convention and thematic discussions, which contribute to the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

3. *Calls upon* States parties to fulfil their obligation, under article 9, paragraph 1, of the Convention, to sub-

mit their periodic reports on measures taken to implement the Convention in due time;

4. *Expresses its concern* at the fact that a great number of reports are overdue and continue to be overdue, in particular initial reports, which constitutes an obstacle to the full implementation of the Convention;

5. *Encourages* States parties to the Convention whose reports are seriously overdue to avail themselves of the advisory services and technical assistance that the Office of the United Nations High Commissioner for Human Rights can provide, upon their request, for the preparation of the reports;

6. *Encourages* the Committee to continue to cooperate and exchange information with United Nations bodies and mechanisms, in particular with the Human Rights Council, the Subcommission on the Promotion and Protection of Human Rights and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and with intergovernmental organizations, as well as with non-governmental organizations;

7. *Encourages* States parties to the Convention to continue to include a gender perspective in their reports to the Committee, and invites the Committee to take into account a gender perspective in the implementation of its mandate;

8. *Notes with appreciation* the engagement of the Committee in the follow-up to the Durban Declaration and Programme of Action;

9. *Expresses its appreciation* for the efforts made so far by the Committee to improve the efficiency of its working methods, and encourages the Committee to continue its activities in this regard;

10. *Welcomes*, in this regard, measures taken by the Committee to follow up on its concluding observations and recommendations, such as the decision to appoint a follow-up coordinator and to adopt guidelines on the follow-up;

11. *Encourages* the continued participation of members of the Committee in the annual inter-committee meetings and meetings of chairpersons of the human rights treaty bodies, especially with a view to a more coordinated approach to the activities of the treaty body system and standardized reporting;

II

Financial situation of the Committee on the Elimination of Racial Discrimination

12. *Takes note* of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;

13. *Expresses its profound concern* at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention;

14. *Strongly urges* States parties to the Convention to accelerate their domestic ratification procedures with

regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992, endorsed by the General Assembly in its resolution 47/111 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

15. *Requests* the Secretary-General to continue to ensure adequate financial arrangements and to provide the necessary support, including an adequate level of Secretariat assistance, in order to ensure the functioning of the Committee and to enable it to cope with its increasing amount of work;

16. *Also requests* the Secretary-General to invite those States parties to the Convention that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its sixty-third session;

III

Status of the International Convention on the Elimination of All Forms of Racial Discrimination

17. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;

18. *Expresses its satisfaction* at the number of States that have ratified or acceded to the Convention, which now stands at one hundred and seventy-three;

19. *Urges* States parties to comply fully with their obligations under the Convention and to take into consideration the concluding observations and general recommendations of the Committee on the Elimination of Racial Discrimination;

20. *Reaffirms its conviction* that ratification of or accession to the Convention on a universal basis and the implementation of its provisions are necessary for the effectiveness of the fight against racism, racial discrimination, xenophobia and related intolerance and for the implementation of the commitments undertaken under the Durban Declaration and Programme of Action, and expresses its disappointment that universal ratification of the Convention was not achieved by the targeted date of 2005;

21. *Urges* all States that have not yet become parties to the Convention to ratify or accede to it as a matter of urgency;

22. *Urges* States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible in order to ensure that no reservation is incompatible with the object and purpose of the Convention, to review their reservations on a regular basis with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention;

23. *Notes* that the number of States parties to the Convention that have made the declaration provided for in article 14 of the Convention now stands at forty-nine, and requests the States parties that have not yet done so to consider making that declaration;

24. *Invites* the Chairman of the Committee on the Elimination of Racial Discrimination to present an oral report on the work of the Committee to the General Assembly at its sixty-third session under the item entitled “Elimination of racism and racial discrimination”;

25. *Decides* to consider, at its sixty-third session, under the item entitled “Elimination of racism and racial discrimination”, the reports of the Committee on its seventieth and seventy-first and its seventy-second and seventy-third sessions, the report of the Secretary-General on the financial situation of the Committee and the report of the Secretary-General on the status of the Convention.

Convention against torture

Accessions and ratifications

As at 31 December, 144 States were parties to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in resolution 39/46 [YUN 1984, p. 813]. Andorra, Montenegro and San Marino became parties to the Convention in 2006.

On 22 June, the Optional Protocol to the Convention, which was adopted in Assembly resolution 57/199 [YUN 2002, p. 631] and opened for signature in 2003 [YUN 2003, p. 675], entered into force following the deposit of the twentieth instrument of ratification or accession. During the year, Armenia, Benin, Bolivia, Estonia, Czech Republic, Honduras, Liechtenstein, Maldives, Moldova, Peru, Senegal, Serbia, Spain and Ukraine became parties to the Protocol, bringing the total number of parties to 30. As at 10 July, 52 parties had made the required declarations under articles 21 and 22 (under which a party recognized the competence of the Committee against Torture to receive and consider communications by which a State party claimed that another party was not fulfilling its obligations under the Convention, and from or on behalf of individuals who claimed to be victims of a violation of the Convention’s provisions by a State party). Four parties had made the declaration under article 21, bringing the total number of declarations under that article to 56, while six had done so under article 22, bringing the total under that article to 58. Amendments to articles 17 and 18, adopted in 1992 [YUN 1992, p. 735], had been accepted by 27 States parties as at year’s end.

Human Rights Council action. In a 30 June statement [A/61/53 (1/PRST/1)], the Council President welcomed the entry into force of the Optional Protocol and reiterated the Assembly’s call

on States parties, in resolution 60/148 [YUN 2005, p. 815], to consider signing and ratifying the Protocol. The Secretary-General was asked to ensure the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture.

Establishment of Subcommittee. In accordance with the terms of the Protocol, which provided for the establishment of a Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Subcommittee on Prevention) of the Committee against Torture to carry out the functions laid down in the Protocol, the first meeting of the States parties (Geneva, 18 December) [CAT/OP/SP/SR.1] elected the 10 members of the Subcommittee—five were given two-year terms and the other five, four-year terms. Those elected, who were all scheduled to assume office on 1 January 2007, were drawn by secret ballot from among 14 candidates nominated by States parties and circulated by the Secretary-General [CAT/OP/SP/1 & Add.1, 2].

Report of Secretary-General. The Secretary-General reported on the status of the Convention, its Optional Protocol and the declarations provided for in articles 21 and 22, as at 10 July [A/61/279]. On 19 December, the Assembly took note of the report (**decision 61/529**).

Implementation

Monitoring body. The Committee against Torture, established as a monitoring body under the Convention, held its thirty-sixth and thirty-seventh sessions in Geneva from 1 to 19 May [A/61/44] and 6 to 24 November [A/62/44], respectively. Under article 19, it considered reports submitted by Burundi, Georgia, Guatemala, Guyana, Hungary, Mexico, Peru, Qatar, Republic of Korea, the Russian Federation, South Africa, Tajikistan, Togo and the United States.

The Committee continued its work in accordance with article 20, under which it studied reliable information that appeared to contain well-founded indications that torture was systematically practised in a State party. In the framework of its follow-up activities, the Rapporteur on article 20 continued to encourage those States parties on which enquiries had been conducted to implement related recommendations of the Committee. Under article 22, the Committee considered communications submitted by individuals who claimed that their rights under the Convention had been violated by a State party and who had exhausted all available domestic remedies.

Convention on elimination of discrimination against women and Optional Protocol

(For details on the status of the Convention and on the Optional Protocol, see p. 1354.)

Convention on the Rights of the Child

Accessions and ratifications

As at 31 December, the number of States parties to the 1989 Convention on the Rights of the Child, adopted by the General Assembly in resolution 44/25 [YUN 1989, p. 560], rose to 193, with the succession of Montenegro. States parties to the Optional Protocol to the Convention on the involvement of children in armed conflict, adopted in Assembly resolution 54/263 [YUN 2000, p. 615], rose to 110 following ratification by Australia, Belarus, Lao People's Democratic Republic, Slovakia and Thailand. The Optional Protocol on the sale of children, child prostitution and child pornography, also adopted by resolution 54/263, had 115 States parties, with Algeria, Belgium, Brunei Darussalam, Burkina Faso, Cyprus, Dominican Republic, Jordan, Lao People's Democratic Republic, Latvia, Montenegro, Nepal, Sri Lanka, Switzerland and Thailand becoming parties in 2006.

The Secretary-General reported on the status of the Convention and its Optional Protocols as at 30 June [A/61/207].

On 19 December, the Assembly urged States that had not done so to become parties to the Convention and the Optional Protocols thereto, and to strengthen cooperation with the Committee on the Rights of the Child (**resolution 61/146**) (see below).

Implementation

Monitoring body. The Committee on the Rights of the Child (crc) held its forty-first (9-27 January) [CRC/C/41/3], forty-second (15 May-2 June) [CRC/C/42/3] and forty-third (11-29 September) [CRC/C/43/3] sessions in Geneva. Each session was preceded by a working group meeting to review State party reports and identify the main questions to be discussed with representatives of the reporting States.

Under article 44 of the Convention, crc considered initial or periodic reports submitted by Andorra, Azerbaijan, Bangladesh, Belgium, Benin, Canada, Colombia, Congo, Czech Republic, Denmark, El Salvador, Ethiopia, Ghana, Hungary, Iceland, Ireland, Italy, Jordan, Kazakhstan, Kiribati,

Latvia, Lebanon, Liechtenstein, Lithuania, Malta, Mauritius, Mexico, Morocco, Oman, Peru, Qatar, Samoa, Saudi Arabia, Senegal, Syria, Swaziland, Switzerland, Thailand, Trinidad and Tobago, Turkey, Turkmenistan, United Republic of Tanzania, Uzbekistan and Viet Nam.

In June, the Committee adopted general comment No. 8 on the rights of the child to protection from corporal punishment and other cruel or degrading forms of punishment, and in September, it adopted general comment No. 9 on the rights of children with disabilities. It also discussed the drafts of other general comments on juvenile justice and the rights of indigenous children, as well as the right of the child to express views and be heard, to which it devoted an annual day of general discussion on 15 September.

The Committee's reports covering its thirty-sixth to forty-first sessions were issued in a consolidated report [A/61/41 & Corr.1]. On 27 July, the Economic and Social Council deferred consideration of the report (**decision 2006/242**), and in subsequent action, took note of it on 11 December (**decision 2006/258**). The General Assembly took note of the report on 19 December (**decision 61/526**).

GENERAL ASSEMBLY ACTION

On 19 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/61/439 & Corr.1], adopted **resolution 61/146** by recorded vote (185-1-0) [agenda item 63].

Rights of the child

The General Assembly,

Recalling its previous resolutions on the rights of the child, the most recent of which is resolution 60/231 of 23 December 2005, and its resolution 60/141 of 16 December 2005, as well as Commission on Human Rights resolution 2005/44 of 19 April 2005,

Emphasizing that the Convention on the Rights of the Child must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention, as well as other human rights instruments,

Reaffirming the Vienna Declaration and Programme of Action, the United Nations Millennium Declaration and the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children", and recalling the Copenhagen Declaration on Social Development and the Programme of Action, the Dakar Framework for Action adopted at the World Education Forum, the Declaration on Social Progress and Development, the Universal Declaration on the Eradication of Hunger and Malnutrition and the Declaration on the Right to Development,

Recognizing the importance of the integration of child rights issues into the follow-up of the outcome docu-

ments of all major United Nations conferences, special sessions and summits,

Taking note with appreciation of the reports of the Secretary-General on progress made towards achieving the commitments set out in the outcome document of the twenty-seventh special session of the General Assembly and on the status of the Convention on the Rights of the Child and the issues raised in Assembly resolution 60/231, as well as the report of the Chairman of the Committee on the Rights of the Child,

Reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children,

Recognizing the importance of incorporating a child-protection perspective across the human rights agenda, as highlighted in the outcome of the 2005 World Summit,

Taking note with appreciation of the attention paid to children in the Convention on the Rights of Persons with Disabilities and in the International Convention for the Protection of All Persons from Enforced Disappearance,

Profoundly concerned that the situation of children in many parts of the world remains critical, in an increasingly globalized environment, as a result of the persistence of poverty, social inequality, inadequate social and economic conditions, pandemics, in particular HIV/AIDS, malaria and tuberculosis, environmental damage, natural disasters, armed conflict, foreign occupation, displacement, violence, terrorism, abuse, exploitation, trafficking in children and their organs, child prostitution, child pornography and child sex tourism, neglect, illiteracy, hunger, intolerance, discrimination, racism, xenophobia, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Reaffirming the need for mainstreaming a gender perspective in all policies and programmes relating to children, and recognizing the child as a rights holder in all policies and programmes relating to children,

I

Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

1. *Reaffirms* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents;

2. *Urges* States that have not yet done so to become parties to the Convention on the Rights of the Child and the Optional Protocols thereto as a matter of priority and to implement them fully by, inter alia, putting in place effective national legislation, policies and action plans, strengthening relevant governmental structures for children and ensuring adequate and systematic training in the rights of the child for professional groups working with and for children;

3. *Urges* States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto and to consider

reviewing other reservations with a view to withdrawing them;

4. *Welcomes* the work of the Committee on the Rights of the Child, and calls upon all States to strengthen their cooperation with the Committee, to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, and to take into account its recommendations on implementation of the Convention;

5. *Requests* all relevant organs and mechanisms of the United Nations system regularly and systematically to incorporate a strong child rights perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff are trained in child rights matters, and calls upon States to continue to cooperate closely with all those organs and mechanisms, in particular the special rapporteurs and special representatives of the United Nations system;

6. *Encourages* States to strengthen their national statistical capacities and to use statistics disaggregated, inter alia, by age, gender and other relevant factors that may lead to disparities and other statistical indicators at the national, subregional, regional and international levels to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

II

Promotion and protection of the rights of the child

Registration, family relations and adoption or other forms of alternative care

7. *Once again urges* all States parties to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child to preserve the child's identity, including nationality, name and family relations, as recognized by law, to allow for the registration of the child immediately after birth, to ensure that registration procedures are simple, expeditious and effective and provided at minimal or no cost and to raise awareness of the importance of birth registration at the national, regional and local levels;

8. *Encourages* States to adopt and enforce laws and improve the implementation of policies and programmes to protect children growing up without parents or caregivers, recognizing that, where alternative care is necessary, family and community-based care should be promoted over placement in institutions;

9. *Calls upon* States to guarantee, to the extent consistent with the obligations of each State, the right of a child whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by providing enforceable means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

10. *Also calls upon* States to address and pay particular attention to cases of international parental or familial child abduction, and encourages States to engage in

multilateral and bilateral cooperation to resolve these cases, preferably by accession to or ratification of the Hague Convention on the Civil Aspects of International Child Abduction, and therefore to be in full compliance with the Convention, and to facilitate, inter alia, the return of the child to the country in which he or she resided immediately before the removal or retention;

11. *Further calls upon* States to take all necessary measures to prevent and combat illegal adoptions and all adoptions that are not in the best interests of the child;

Economic and social well-being of children

12. *Calls upon* States and the international community to create an environment in which the well-being of the child is ensured, inter alia, by:

(a) Cooperating, supporting and participating in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all these levels, in order to ensure that all the internationally agreed development and poverty eradication goals, including those set out in the United Nations Millennium Declaration, are realized within their time framework, and reaffirming that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

(b) Recognizing the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available free to all children, ensuring that all children have access to education of good quality, as well as making secondary education generally available and accessible to all, in particular through the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion, and ensuring school attendance, in particular for girls and children from low-income families;

(c) Taking all necessary measures to ensure the right of the child to the enjoyment of the highest attainable standard of health and developing sustainable health systems and social services, ensuring access to such systems and services without discrimination, paying special attention to adequate food and nutrition, to the special needs of adolescents and to reproductive and sexual health, and securing appropriate prenatal and post-natal care for mothers, including measures to prevent mother-to-child transmission of HIV;

(d) Assigning priority to developing and implementing activities and programmes aimed at treating and preventing addictions, in particular addiction to alcohol and tobacco, and the abuse of narcotic drugs, psychotropic substances and inhalants;

(e) Supporting adolescents to be able to deal positively and responsibly with their sexuality in order to protect themselves from HIV/AIDS infection and implementing measures to increase their capacity to protect themselves from HIV/AIDS through, inter alia, the provision of health care, including for sexual and reproductive health, and through preventive education that promotes gender equality;

(f) Putting in place strategies, policies and programmes that identify and address those factors that make individuals particularly vulnerable to HIV infection in order to complement prevention programmes that address activities that place individuals at risk for HIV infection, such as risky and unsafe behaviour and injecting drug use;

(g) Designing and implementing programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular by enabling them to continue and complete their education;

Violence against children

13. *Welcomes* the United Nations study on violence against children, led by the independent expert for the study, takes fully into account its recommendations, and encourages Member States and requests United Nations entities, regional organizations and civil society, including non-governmental organizations, to widely disseminate and follow up on the study;

14. *Commends* the independent expert for the participatory process through which the report was prepared in close collaboration with Member States, United Nations bodies and organizations, other relevant inter-governmental organizations and civil society, including non-governmental organizations, and in particular for the unprecedented level and quality of participation by children;

15. *Condemns* all forms of violence against children, and urges States to take effective legislative and other measures to prevent and eliminate all such violence, including physical, mental, psychological and sexual violence, torture, child abuse and exploitation, hostage-taking, domestic violence, trafficking in or sale of children and their organs, paedophilia, child prostitution, child pornography, child sex tourism, gang-related violence and harmful traditional practices in all settings;

16. *Also condemns* the abduction of children, in particular extortive abduction and abduction of children in situations of armed conflict, including for the recruitment and use of children in armed conflicts, and urges States to take all appropriate measures to secure their unconditional release, rehabilitation, reintegration and reunification with their families;

17. *Urges* States:

(a) To strengthen efforts to prevent and protect children from all forms of violence through a comprehensive approach and to develop a multifaceted and systematic framework to respond to violence against children, including by giving priority attention to prevention and addressing its underlying causes, which is integrated into national planning processes;

(b) To strive to change attitudes that condone or normalize any form of violence against children;

(c) To end impunity for perpetrators of crimes against children, investigate and prosecute such acts of violence and impose appropriate penalties;

(d) To protect children from all forms of violence or abuse by government officials, such as the police, law enforcement authorities and employees and officials in detention centres or welfare institutions;

(e) To take measures to protect children from all forms of physical and mental violence and abuse in schools, including by using non-violent teaching and learning strategies and adopting classroom management and disciplinary measures that are not based on any form of cruel or degrading punishment, and to establish complaint mechanisms that are age- and gender-appropriate and accessible to children, taking into account children's evolving capacities and the importance of respecting their views;

(f) To take measures to promote constructive and positive forms of discipline and child development approaches in all settings, including the home, schools and other educational settings and throughout care and justice systems;

(g) To take measures to ensure that all those who work with and for children protect children from bullying and implement preventive and anti-bullying policies;

(h) To address the gender dimension of all forms of violence against children and incorporate a gender perspective in all policies adopted and actions taken to protect children against all forms of violence;

(i) To ensure national research and documentation to identify vulnerable groups of children, inform policy and programmes at all levels and track progress and best practices towards preventing all forms of violence against children;

(j) To strengthen international cooperation and mutual assistance to prevent and protect children from all forms of violence and to end impunity for crimes against children;

18. *Recognizes* the contribution of the International Criminal Court in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes, and calls upon States not to grant amnesties for such crimes;

19. *Calls upon* the relevant organizations of the United Nations system, in particular the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, the World Health Organization, the International Labour Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the United Nations Office on Drugs and Crime and the Division for the Advancement of Women of the Secretariat, to explore ways and means, within their respective mandates, by which they can contribute more effectively to addressing the need to prevent and to respond to all forms of violence against children;

Non-discrimination

20. *Calls upon* all States to ensure the enjoyment by children of all their civil, political, economic, social and cultural rights without discrimination of any kind;

21. *Notes with concern* the large number of children who are victims of racism, racial discrimination, xenophobia and related intolerance, stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, in programmes to combat racism, racial

discrimination, xenophobia and related intolerance, and calls upon States to provide special support and ensure equal access to services for all children;

22. *Calls upon* States to take all necessary measures, including legal reforms where appropriate, to eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, marriage without the free and full consent of the intending spouses, early marriage and forced sterilization, by enacting and enforcing legislation and by formulating, where appropriate, comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to protect girls;

23. *Also calls upon* States to take the necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities in both the public and the private spheres, including access to good quality education and health care and protection from violence, abuse and neglect, and to develop and, where it already exists, to enforce legislation to prohibit discrimination against them in order to ensure their inherent dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

Promoting and protecting the rights of children, including children in particularly difficult situations

24. *Calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary or summary executions, torture and all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of those children and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

25. *Also calls upon* all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to violence and risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, stressing the need for States as well as the international community to continue to pay more systematic and in-depth attention to the special assistance, protection and development needs of those children through, inter alia, programmes aimed at rehabilitation and physical and psychological recovery, and to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and family reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations, including by facilitating their work;

26. *Further calls upon* all States to ensure, for children belonging to minorities and vulnerable groups, including migrant children and indigenous children, the enjoyment

of all human rights as well as access to health care, social services and education on an equal basis with others and to ensure that all such children, in particular victims of violence and exploitation, receive special protection and assistance;

27. *Calls upon* all States to address, as a matter of priority, the vulnerabilities faced by children affected by and living with HIV, by providing support and rehabilitation to those children and their families, women and the elderly, particularly in their role as caregivers, promoting child-oriented HIV/AIDS policies and programmes and increased protection for children orphaned and affected by HIV/AIDS, ensuring access to treatment and intensifying efforts to develop new treatments for children, and building, where needed, and supporting the social security systems that protect them;

28. *Also calls upon* all States to protect, in law and in practice, the inheritance and property rights of orphans, with particular attention to underlying gender-based discrimination, which may interfere with the fulfilment of these rights;

29. *Further calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

30. *Urges* all States that have not yet signed and ratified or acceded to the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization to consider doing so;

31. *Calls upon* all States, in particular those States in which the death penalty has not been abolished:

(a) To abolish by law, as soon as possible, the death penalty and life imprisonment without possibility of release for those under the age of 18 years at the time of the commission of the offence;

(b) To comply with their obligations as assumed under relevant provisions of international human rights instruments, including the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights;

(c) To keep in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and the guarantees set out in United Nations safeguards adopted by the Economic and Social Council;

32. *Also calls upon* all States to ensure that no child in detention is sentenced to forced labour or any form of

cruel or degrading punishment, or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training;

33. *Encourages* States to promote actions, including through bilateral and multilateral technical cooperation and financial assistance, for the social reintegration of children in difficult situations, considering, inter alia, views, skills and capacities that those children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

Prevention and eradication of the sale of children, child prostitution and child pornography

34. *Calls upon* all States:

(a) To criminalize and penalize effectively all forms of sexual exploitation and sexual abuse of children, including all acts of paedophilia, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, trafficking in children, the sale of children and the use of the Internet for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation;

(b) To ensure the prosecution of offenders, whether local or foreign, by the competent national authorities, either in the country in which the crime was committed, in the country of which the offender is a national or resident, in the country of which the victim is a national, or on any other basis permitted under domestic law, and for these purposes to afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings;

(c) To criminalize and penalize effectively the sale of children, including for the purposes of transfer of organs of the child for profit, to increase cooperation at all levels to prevent and dismantle networks trafficking or selling children and their organs and, for those States that have not yet done so, to consider signing and ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(d) In cases of trafficking in children, the sale of children, child prostitution and child pornography, to address effectively the needs of victims, including their safety and protection, physical and psychological recovery and full reintegration into society, including through bilateral and multilateral technical cooperation and financial assistance;

(e) To combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as by ensuring public awareness;

(f) To contribute to the elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, eco-

conomic disparities, inequitable socio-economic structures, dysfunctional families, lack of education, urban-rural migration, gender discrimination, criminal or irresponsible adult sexual behaviour, child sex tourism, organized crime, harmful traditional practices, armed conflicts and trafficking in children;

Children affected by armed conflict

35. *Strongly condemns* any recruitment or use of children in armed conflict contrary to international law, as well as other violations and abuses committed against children affected by armed conflict, and urges all States and other parties to armed conflict that are engaged in such practices to end them;

36. *Calls upon* States:

(a) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to raise the minimum age for voluntary recruitment of persons into the national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(b) To take all feasible measures to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, in particular through educational measures, taking into account the rights and the specific needs and capacities of girls;

(c) To ensure timely and adequate funding for rehabilitation and reintegration efforts for all children associated with armed forces and groups, particularly in support of national initiatives, to secure the long-term sustainability of such efforts;

(d) To encourage the involvement of young people in activities concerning the protection of children affected by armed conflict, including programmes for reconciliation, peace consolidation, peacebuilding and children-to-children networks;

(e) To protect children affected by armed conflict, in particular from violations of international humanitarian law and human rights law and to ensure that they receive timely, effective humanitarian assistance, in accordance with international humanitarian law, including the Geneva Conventions of 12 August 1949, and calls upon the international community to hold those responsible for violations accountable, inter alia, through the International Criminal Court;

(f) To take all necessary measures, in accordance with international humanitarian law and human rights law, as a matter of priority, to prevent the recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of policies that do not tolerate the recruitment and use of children in armed conflict, and legal measures necessary to prohibit and criminalize such practices;

37. *Welcomes* the valuable work of the United Nations Children's Fund, and looks forward to the results of updating the Cape Town principles on child soldiers;

38. *Reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Human Rights Council for the promotion and protection of the rights and welfare of children, including children affected by armed conflict, and notes the increasing role played by the Security Council in ensuring protection for children affected by armed conflict;

39. *Notes with appreciation* the steps taken regarding Security Council resolution 1612(2005) of 26 July 2005 and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict in accordance with that resolution, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level, as well as the work carried out by United Nations child protection advisers in peacekeeping operations;

40. *Welcomes* the appointment of Ms. Radhika Coomaraswamy as the Special Representative of the Secretary-General for Children and Armed Conflict, pursuant to General Assembly resolutions 51/77 of 12 December 1996 and 60/231, and recognizes the progress achieved since the establishment of the mandate of the Special Representative, as extended by resolution 60/231;

41. *Takes note with appreciation* of the report of the Special Representative;

III

Children and poverty

42. *Reiterates* that eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development, in particular for developing countries, and recognizes that chronic poverty remains the single biggest obstacle to meeting the needs and protecting and promoting the rights of children, and that urgent national and international action is therefore required to eliminate it;

43. *Recognizes* that the number of people living in extreme poverty in many countries continues to increase, with women and children constituting the majority and the most affected groups, in particular in the least developed countries and in sub-Saharan Africa;

44. *Also recognizes* that growing inequality within countries is a major challenge to poverty eradication, particularly affecting those living in middle-income countries, and stresses the need to support the development efforts of those countries;

45. *Reaffirms* that democracy, development, peace and security, and the full and effective enjoyment of human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty;

46. *Recognizes* that children living in poverty are deprived of nutrition, water and sanitation facilities, access to basic health-care services, shelter, education, participation and protection, and that while a severe lack of goods and services hurts every human being, it is most threatening and harmful to children, leaving them unable to enjoy their rights, to reach their full potential and to participate as full members of society;

47. *Emphasizes* the critical role of education, both formal and non-formal, in particular basic education and training, especially for girls, in empowering those living in poverty, and in this regard reaffirms the importance of Education for All programmes and the need to bridge the divide between formal and non-formal education, taking into account the need to ensure the good quality of educational services;

48. *Recognizes* the devastating effect of HIV/AIDS, malaria, tuberculosis and other infectious and contagious diseases on human development, economic growth, food security and poverty eradication efforts in all regions, in particular in the least developed countries and in sub-Saharan Africa, and urges Governments and the international community to give urgent priority to preventing and combating those diseases;

49. *Also recognizes* that countries struggle to develop when their children grow up malnourished, poorly educated or ravaged by disease, as these factors can perpetuate the generational cycle of poverty;

50. *Reaffirms* that the primary responsibility for ensuring an enabling environment for securing the well-being of children, in which the rights of each and every child are promoted and respected, rests with each individual State;

51. *Calls upon* all States and the international community to mobilize all necessary resources, support and efforts to eradicate poverty, according to national plans and strategies and in consultation with national Governments, including through an integrated and multifaceted approach based on the rights and well-being of children;

52. *Also calls upon* all States, and the international community, where appropriate:

(a) To integrate the international obligations related to the rights and well-being of the child and the internationally agreed development goals, including the Millennium Development Goals, in national development strategies and plans, including poverty reduction strategy papers where they exist, and calls upon the international community to continue to support developing countries in the implementation of those development strategies and plans;

(b) To ensure a continuum of care from pregnancy through childhood, recognizing that maternal, newborn and child health are inseparable and interdependent, and that the achievement of the Millennium Development Goals must be based on a strong commitment to the rights of women, children and adolescents;

(c) To work for a solid effort of national and international action to enhance children's health, to promote prenatal care and to lower infant and child mortality in all countries and among all peoples;

(d) To develop a national strategy of prevention and treatment to effectively address the condition of obstetric fistula and to further develop a multisectoral, comprehensive and integrated approach to bring about lasting solutions and a meaningful response to the problem of obstetric fistula and related morbidities;

(e) To promote the provision of clean water in all communities for all their children, as well as universal access to sanitation;

(f) To take all necessary measures to eradicate hunger, malnutrition and famine;

(g) To mobilize the necessary additional resources from all sources of financing for development, including domestic resources, international investment flows, official development assistance and external debt relief, and to commit themselves to a universal, open, equitable, rule-based, predictable and non-discriminatory global trading system in order to stimulate development worldwide to ensure the well-being of the most vulnerable sectors of populations, in particular children;

Follow-up

53. *Decides:*

(a) To request the Secretary-General to submit to the General Assembly at its sixty-second session a report on the rights of the child, containing information on the status of the Convention on the Rights of the Child and the issues contained in the present resolution;

(b) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Human Rights Council on the progress achieved and the remaining challenges on the children and armed conflict agenda;

(c) To invite the independent expert for the United Nations study on violence against children, in cooperation with Member States, relevant organizations and bodies of the United Nations system, in particular the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, the World Health Organization, the Committee on the Rights of the Child and the Human Rights Council, and regional organizations, national institutions and civil society, including non-governmental organizations, to promote the wide dissemination of the United Nations study on violence against children, to give support to the first year of effective follow-up to its recommendations with an integrated approach that bridges the dimensions of public health, education, child protection and human rights, to submit to the General Assembly at its sixty-second session a report on progress made in the initial phase of the follow-up and to anticipate the necessary strategy for follow-up to the implementation of the study;

(d) To reiterate its invitation to the Chairman of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixty-second session as a way to enhance communication between the Assembly and the Committee;

(e) To pay particular attention to the protection of and the rights of children living in poverty at the commemorative plenary meeting to be held in 2007 devoted to the follow-up to the outcome of the twenty-seventh special session of the General Assembly;

(f) To continue its consideration of the question at its sixty-second session under the item entitled "Promotion and protection of the rights of children", focusing

section III of the resolution on the rights of the child on “Violence against children”.

RECORDED VOTE ON RESOLUTION 61/146:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: United States.

Convention on migrant workers

Accessions and ratifications

As at 31 December, the number of parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in resolution 45/158 [YUN 1990, p. 594] and which entered into force in 2003 [YUN 2003, p. 676], remained at 34.

In January [E/CN.4.2006/70], the Secretary-General reported on the status of the Convention and efforts made by the Secretariat to promote it.

Implementation

Monitoring body. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families held its fourth (24–28

April) [A/61/48] and fifth (30 October–3 November) [A/62/48] sessions in Geneva. In April, the Committee discussed ways to promote the Convention, and towards that end, adopted a written contribution to the High-Level Dialogue of the General Assembly devoted to international migration and development (see p. 1261), in order to highlight the human-rights based approach to migration and development. It also discussed methods of work in relation to the consideration of States parties’ reports and considered the initial reports of Mali and Mexico under articles 73 and 74 of the Convention relating to measures taken to give effect to the Convention’s provisions. In November, it discussed, among other subjects, follow-up to the High-Level Dialogue and the treaty body reform.

On 19 December, the General Assembly took note of the Committee’s reports (**decision 61/529**).

In response to Assembly resolution 60/227 [YUN 2005, p.1176], a July note of the Secretary-General [A/61/120] summarized the Committee’s general discussion in December 2005 [YUN 2005, p. 731] on protecting migrant workers’ right as a tool to enhance development.

Convention on genocide

As at 31 December, 140 States were parties to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly in resolution 260 A (III) [YUN 1948-49, p. 959]. During the year, Andorra and Montenegro became parties to the Convention.

Report of Secretary-General. In response to a 2005 Commission request [YUN 2005, p. 732], the Secretary-General submitted a March report [E/CN.4/2006/84] providing information on the implementation of a five-point action plan to prevent genocide, which he had outlined to the Commission, and on the activities of his Special Adviser on the prevention of genocide since his appointment in 2004 [YUN 2004, p. 730]. Components of the plan included the prevention of armed conflict, which usually provided the context for genocide; protection of civilians; ending impunity through judicial action in both national and international courts; early and clear warning of situations that could potentially degenerate into genocide; and swift and decisive action, including military action. In that context, the Special Adviser, whose mandate derived from the Organization’s need to develop a capacity for early warning of potential genocide, had established a small office and created an information exchange system to provide such warnings of situations that could lead to genocide. The report observed that the

prevention of genocide presented the international community with the challenge of identifying the warning signs and mobilizing the necessary support for action. It also involved acting comprehensively in four interrelated areas: protecting populations at risk against serious violations of human rights and humanitarian law; establishing accountability; providing humanitarian relief and access to economic, social and cultural rights; and initiating steps to address underlying causes of conflict. The United Nations was committed to overcoming the deficiencies that previously led to failures to act in the face of signs of impending danger. Member States' recognition, expressed in the World Summit outcome document [YUN 2005, p. 48], of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity was an important step in advancing a common determination to prevent genocide.

Letter by Special Adviser. In an 8 December letter to the Council President [A/HRC/S-4/3], the Special Adviser expressed grave concern about the situation in the Darfur region of the Sudan shortly before the Council's special session on human rights challenges there (see p. 942). Particular concerns included massive and serious violations of human rights and international humanitarian law based on ethnicity, which continued to pose a risk for genocide. Genocide should not be allowed to occur at the beginning of the twenty-first century and under the watch of the newly established Human Rights Council. It was, therefore, imperative that preventive measures be put in place to avoid such a development. It was important that the United Nations, notably the Council, urge all parties to the conflict to abide by international rules. The international community should assist in every effort conducted in good faith to prevent genocide, crimes against humanity and war crimes, and should stand by the victims in Darfur and ensure they were protected. The Council needed to exercise moral leadership in demanding from all relevant actors the adoption of urgent measures to ensure that protection.

Convention on rights of persons with disabilities

During the year, the Ad Hoc Committee established by General Assembly resolution 56/168 [YUN 2001, p. 1012] to consider proposals for a comprehensive and integral international convention on the protection and promotion of the rights and dignity of persons with disabilities finalized the draft convention and draft optional protocol. Both drafts were annexed to its final report, which the

Secretary-General transmitted to the Assembly in a 6 December note [A/61/611 & Corr.1]. On 13 December, by resolution 61/106 (see below), the Assembly adopted the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

The Convention defined persons with disabilities as including those who had long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, might hinder their full and effective participation in society on an equal basis with others. It also defined a set of rights to which they were legally entitled and the obligations of States parties in that regard, in order to empower them in overcoming such barriers. While many of the rights echoed those already affirmed in existing human rights instruments, the new Convention included specific obligations, ensuring that existing rights could be fully realized by persons with disabilities. Specific rights guaranteed by the Convention included the rights to live independently and be included in the community; to personal mobility, habilitation and rehabilitation; and to participation in political, public and cultural life, as well as in recreation and sport. Core provisions covered the rights of affected persons to equality and non-discrimination, access to justice, liberty and security of the person, education, health and work and employment. The Convention also obliged the parties to raise awareness of those rights and ensure access to roads, buildings and information. It provided for the establishment of a Committee on the Rights of Persons with Disabilities, which, upon the Convention's entry into force, would consist of twelve experts and serve to monitor and implement the Convention's provisions. The Optional Protocol, on the other hand, was an integral instrument by which States parties would agree to recognize the competence of the Committee to consider complaints from individuals.

The Convention, expected to open for signature in 2007, would enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.

GENERAL ASSEMBLY ACTION

On 13 December [meeting 76], the General Assembly adopted **resolution 61/106** [draft: A/61/611] without vote [agenda item 67 (b)].

Convention on the Rights of Persons with Disabilities

The General Assembly,

Recalling its resolution 56/168 of 19 December 2001, by which it decided to establish an Ad Hoc Committee,

open to the participation of all Member States and observers to the United Nations, to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on a holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development,

Recalling also its previous relevant resolutions, the most recent of which was resolution 60/232 of 23 December 2005, as well as relevant resolutions of the Commission for Social Development and the Commission on Human Rights,

Welcoming the valuable contributions made by inter-governmental and non-governmental organizations and national human rights institutions to the work of the Ad Hoc Committee,

1. *Expresses its appreciation* to the Ad Hoc Committee for having concluded the elaboration of the draft Convention on the Rights of Persons with Disabilities and the draft Optional Protocol to the Convention;

2. *Adopts* the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention annexed to the present resolution, which shall be open for signature at United Nations Headquarters in New York as of 30 March 2007;

3. *Calls upon* States to consider signing and ratifying the Convention and the Optional Protocol as a matter of priority, and expresses the hope that they will enter into force at an early date;

4. *Requests* the Secretary-General to provide the staff and facilities necessary for the effective performance of the functions of the Conference of States Parties and the Committee under the Convention and the Optional Protocol after the entry into force of the Convention, as well as for the dissemination of information on the Convention and the Optional Protocol;

5. *Also requests* the Secretary-General to implement progressively standards and guidelines for the accessibility of facilities and services of the United Nations system, taking into account relevant provisions of the Convention, in particular when undertaking renovations;

6. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations, to undertake efforts to disseminate information on the Convention and the Optional Protocol and to promote their understanding;

7. *Requests* the Secretary-General to submit to the General Assembly at its sixty-second session a report on the status of the Convention and the Optional Protocol and the implementation of the present resolution, under a sub-item entitled "Convention on the Rights of Persons with Disabilities".

Annex I

Convention on the Rights of Persons with Disabilities

Preamble

The States Parties to the present Convention,

(a) *Recalling* the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

(b) *Recognizing* that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

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

(d) *Recalling* the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

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

(f) *Recognizing* the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,

(g) *Emphasizing* the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,

(h) *Recognizing also* that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,

(i) *Recognizing further* the diversity of persons with disabilities,

(j) *Recognizing* the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,

(k) *Concerned* that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,

(l) *Recognizing* the importance of international co-operation for improving the living conditions of persons

with disabilities in every country, particularly in developing countries,

(m) *Recognizing* the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,

(n) *Recognizing* the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,

(o) *Considering* that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,

(p) *Concerned* about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,

(q) *Recognizing* that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,

(r) *Recognizing* that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,

(s) *Emphasizing* the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,

(t) *Highlighting* the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,

(u) *Bearing in mind* that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation,

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

(w) *Realizing* that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,

(x) *Convinced* that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,

(y) *Convinced* that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

Have agreed as follows:

Article 1

Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 2

Definitions

For the purposes of the present Convention:

“Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“Language” includes spoken and signed languages and other forms of non-spoken languages;

“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Article 3

General principles

The principles of the present Convention shall be:

- (a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (g) Equality between men and women;
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4

General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

- (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
- (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- (c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
- (d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
- (e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
- (f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
- (g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
- (h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well

as other forms of assistance, support services and facilities;

(i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.

5. The provisions of the present Convention shall extend to all parts of federal States without any limitations or exceptions.

Article 5

Equality and non-discrimination

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Article 6

Women with disabilities

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and

equal enjoyment by them of all human rights and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Article 7

Children with disabilities

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

Article 8

Awareness-raising

1. States Parties undertake to adopt immediate, effective and appropriate measures:

(a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;

(b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;

(c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

(a) Initiating and maintaining effective public awareness campaigns designed:

(i) To nurture receptiveness to the rights of persons with disabilities;

(ii) To promote positive perceptions and greater social awareness towards persons with disabilities;

(iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;

(b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;

(c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;

(d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

Article 9

Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Par-

ties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

(a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

(b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

(a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

(b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

(c) To provide training for stakeholders on accessibility issues facing persons with disabilities;

(d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

(e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

(f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

(g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

(h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 10

Right to life

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Article 11

Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

Article 12

Equal recognition before the law

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.

2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

Article 13

Access to justice

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Article 14

Liberty and security of person

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

(a) Enjoy the right to liberty and security of person;
 (b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law

and shall be treated in compliance with the objectives and principles of the present Convention, including by provision of reasonable accommodation.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.

2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

Article 16

Freedom from exploitation, violence and abuse

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Article 17

Protecting the integrity of the person

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

Article 18

Liberty of movement and nationality

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

(a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;

(b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;

(c) Are free to leave any country, including their own;

(d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

Article 19

Living independently and being included in the community

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

(a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

(b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;

(c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 20

Personal mobility

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

(a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;

(b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and

forms of live assistance and intermediaries, including by making them available at affordable cost;

(c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;

(d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

Article 21

Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

(a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;

(b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;

(c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;

(d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;

(e) Recognizing and promoting the use of sign languages.

Article 22

Respect for privacy

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

Article 23

Respect for home and the family

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

(a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on

the basis of free and full consent of the intending spouses is recognized;

(b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;

(c) Persons with disabilities, including children, retain their fertility on an equal basis with others.

2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

Article 24

Education

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

(a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

(b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

(c) Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

(a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from

free and compulsory primary education, or from secondary education, on the basis of disability;

(b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

(c) Reasonable accommodation of the individual's requirements is provided;

(d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

(a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

(b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

(c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deaf blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

Article 25

Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

(a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;

(b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;

(c) Provide these health services as close as possible to people's own communities, including in rural areas;

(d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, *inter alia*, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;

(e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;

(f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

Article 26

Habilitation and rehabilitation

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

(a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;

(b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

Article 27

Work and employment

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by

work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, *inter alia*:

(a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

(b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;

(c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;

(d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;

(e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

(f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;

(g) Employ persons with disabilities in the public sector;

(h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

(i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;

(j) Promote the acquisition by persons with disabilities of work experience in the open labour market;

(k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

Article 28

Adequate standard of living and social protection

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

(a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;

(b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;

(c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;

(d) To ensure access by persons with disabilities to public housing programmes;

(e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

Article 29

Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

(a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, *inter alia*, by:

(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

(iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

(b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

(i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

Article 30

Participation in cultural life, recreation, leisure and sport

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

(a) Enjoy access to cultural materials in accessible formats;

(b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;

(c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

(a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;

(b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;

(c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;

(d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;

(e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

Article 31

Statistics and data collection

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

(a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;

(b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

Article 32

International cooperation

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:

(a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;

(b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;

(c) Facilitating cooperation in research and access to scientific and technical knowledge;

(d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

Article 33

National implementation and monitoring

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a co-ordination mechanism within government to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating

or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

Article 34

Committee on the Rights of Persons with Disabilities

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as "the Committee"), which shall carry out the functions hereinafter provided.

2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.

3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.

4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.

5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.

8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.

9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.

10. The Committee shall establish its own rules of procedure.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.

12. With the approval of the General Assembly of the United Nations, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 35

Reports by States Parties

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.

2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

3. The Committee shall decide any guidelines applicable to the content of the reports.

4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.

5. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

Article 36

Consideration of reports

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate

and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.

2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.

3. The Secretary-General of the United Nations shall make available the reports to all States Parties.

4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.

5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

Article 37

Cooperation between States Parties and the Committee

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.

2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

Article 38

Relationship of the Committee with other bodies

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

(a) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as falling within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

Article 39

Report of the Committee

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

Article 40

Conference of States Parties

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.

2. No later than six months after the entry into force of the present Convention, the Conference of States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General biennially or upon the decision of the Conference of States Parties.

Article 41

Depositary

The Secretary-General of the United Nations shall be the depositary of the present Convention.

Article 42

Signature

The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

Article 43

Consent to be bound

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

Article 44

Regional integration organizations

1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the present Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the present Convention. Subsequently, they shall in-

form the depositary of any substantial modification in the extent of their competence.

2. References to "States Parties" in the present Convention shall apply to such organizations within the limits of their competence.

3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, of the present Convention, any instrument deposited by a regional integration organization shall not be counted.

4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to the present Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 45

Entry into force

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.

2. For each State or regional integration organization ratifying, formally confirming or acceding to the present Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

Article 46

Reservations

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.

2. Reservations may be withdrawn at any time.

Article 47

Amendments

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly of the United Nations for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall

be binding only on those States Parties which have accepted it.

3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

Article 48 **Denunciation**

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

Article 49 **Accessible format**

The text of the present Convention shall be made available in accessible formats.

Article 50 **Authentic texts**

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

Annex II **Optional Protocol to the Convention on the Rights of Persons with Disabilities**

The States Parties to the present Protocol have agreed as follows:

Article 1

1. A State Party to the present Protocol ("State Party") recognizes the competence of the Committee on the Rights of Persons with Disabilities ("the Committee") to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention.

2. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.

Article 2

The Committee shall consider a communication inadmissible when:

- (a) The communication is anonymous;
- (b) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention;
- (c) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;

(d) All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;

(e) It is manifestly ill-founded or not sufficiently substantiated; or when

(f) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

Article 3

Subject to the provisions of article 2 of the present Protocol, the Committee shall bring any communications submitted to it confidentially to the attention of the State Party. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Article 4

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.

2. Where the Committee exercises its discretion under paragraph 1 of this article, this does not imply a determination on admissibility or on the merits of the communication.

Article 5

The Committee shall hold closed meetings when examining communications under the present Protocol. After examining a communication, the Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

Article 6

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end submit observations with regard to the information concerned.

2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.

3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.

4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

Article 7

1. The Committee may invite the State Party concerned to include in its report under article 35 of the Convention details of any measures taken in response to an inquiry conducted under article 6 of the present Protocol.

2. The Committee may, if necessary, after the end of the period of six months referred to in article 6, paragraph 4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

Article 8

Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 6 and 7.

Article 9

The Secretary-General of the United Nations shall be the depositary of the present Protocol.

Article 10

The present Protocol shall be open for signature by signatory States and regional integration organizations of the Convention at United Nations Headquarters in New York as of 30 March 2007.

Article 11

The present Protocol shall be subject to ratification by signatory States of the present Protocol which have ratified or acceded to the Convention. It shall be subject to formal confirmation by signatory regional integration organizations of the present Protocol which have formally confirmed or acceded to the Convention. It shall be open for accession by any State or regional integration organization which has ratified, formally confirmed or acceded to the Convention and which has not signed the Protocol.

Article 12

1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the Convention and the present Protocol. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the Convention and the present Protocol. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

2. References to "States Parties" in the present Protocol shall apply to such organizations within the limits of their competence.

3. For the purposes of article 13, paragraph 1, and article 15, paragraph 2, of the present Protocol, any instrument deposited by a regional integration organization shall not be counted.

4. Regional integration organizations, in matters within their competence, may exercise their right to vote

in the meeting of States Parties, with a number of votes equal to the number of their member States that are Parties to the present Protocol. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 13

1. Subject to the entry into force of the Convention, the present Protocol shall enter into force on the thirtieth day after the deposit of the tenth instrument of ratification or accession.

2. For each State or regional integration organization ratifying, formally confirming or acceding to the present Protocol after the deposit of the tenth such instrument, the Protocol shall enter into force on the thirtieth day after the deposit of its own such instrument.

Article 14

1. Reservations incompatible with the object and purpose of the present Protocol shall not be permitted.

2. Reservations may be withdrawn at any time.

Article 15

1. Any State Party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a meeting of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly of the United Nations for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

Article 16

A State Party may denounce the present Protocol by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

Article 17

The text of the present Protocol shall be made available in accessible formats.

Article 18

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Protocol shall be equally authentic.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Protocol.

International Convention for protection from enforced disappearance

Human Rights Council action. On 29 June [A/61/53 (res. 1/1)], the Council, recalling the Commission's establishment of an intersessional open-ended working group in 2001 [YUN 2001, p. 643] to elaborate a legally binding instrument for combating enforced disappearance and taking note of the group's conclusion of its work and transmission of the draft instrument to the Commission [YUN 2005, p. 810], adopted the International Convention for the Protection of All Persons from Enforced Disappearance. It also recommended that the General Assembly adopt it, which, thereafter, should be opened for signature in Paris.

On 20 December, the Assembly, in resolution 61/177, adopted the Convention (see below), which defined enforced disappearance as the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups acting with State authorization, support or acquiescence, followed by a refusal to acknowledge the deprivation of liberty or concealment of the fate of those affected, which placed them outside the protection of the law. Parties to the Convention undertook to: investigate acts of enforced disappearance and to bring those responsible to justice; ensure that it constituted an offence under their criminal law; and establish jurisdiction over the offence when the alleged offenders were within their territory, even if they were not citizens or residents. They also agreed to cooperate in ensuring that offenders were prosecuted or extradited; respect minimum legal standards around the deprivation of liberty, including the right to challenge imprisonment before the courts; establish a register of those currently imprisoned and have it available for inspection by their relatives and counsel; and ensure that victims of or those directly affected by enforced disappearance obtained reparation or compensation. The Convention provided for the establishment of a ten-member Committee on Enforced Disappearances to monitor the compliance of States parties through the review of reports they undertook to submit and of individual complaints.

The Convention would enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.

GENERAL ASSEMBLY ACTION

On 20 December [meeting 82], the General Assembly, on the recommendation of the Third Committee [A/61/448 & Corr.2, 3], adopted **resolution 61/177** without vote [agenda item 68].

International Convention for the Protection of All Persons from Enforced Disappearance

The General Assembly,

Taking note of Human Rights Council resolution 1/1 of 29 June 2006, by which the Council adopted the International Convention for the Protection of All Persons from Enforced Disappearance,

1. *Acknowledges* the adoption by the Human Rights Council of the International Convention for the Protection of All Persons from Enforced Disappearance;
2. *Adopts* and opens for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance, the text of which is annexed to the present resolution;
3. *Recommends* that the Convention be opened for signature at a signing ceremony in Paris.

Annex

International Convention for the Protection of All Persons from Enforced Disappearance

Preamble

The States Parties to this Convention,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the other relevant international instruments in the fields of human rights, humanitarian law and international criminal law,

Also recalling the Declaration on the Protection of All Persons from Enforced Disappearance adopted by the General Assembly of the United Nations in its resolution 47/133 of 18 December 1992,

Aware of the extreme seriousness of enforced disappearance, which constitutes a crime and, in certain circumstances defined in international law, a crime against humanity,

Determined to prevent enforced disappearances and to combat impunity for the crime of enforced disappearance,

Considering the right of any person not to be subjected to enforced disappearance, the right of victims to justice and to reparation,

Affirming the right of any victim to know the truth about the circumstances of an enforced disappearance and the fate of the disappeared person, and the right to freedom to seek, receive and impart information to this end,

Have agreed on the following articles:

Part I

Article 1

1. No one shall be subjected to enforced disappearance.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance.

Article 2

For the purposes of this Convention, "enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

Article 3

Each State Party shall take appropriate measures to investigate acts defined in article 2 committed by persons or groups of persons acting without the authorization, support or acquiescence of the State and to bring those responsible to justice.

Article 4

Each State Party shall take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law.

Article 5

The widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law.

Article 6

1. Each State Party shall take the necessary measures to hold criminally responsible at least:

(a) Any person who commits, orders, solicits or induces the commission of, attempts to commit, is an accomplice to or participates in an enforced disappearance;

(b) A superior who:

(i) Knew, or consciously disregarded information which clearly indicated, that subordinates under his or her effective authority and control were committing or about to commit a crime of enforced disappearance;

(ii) Exercised effective responsibility for and control over activities which were concerned with the crime of enforced disappearance; and

(iii) Failed to take all necessary and reasonable measures within his or her power to prevent or repress the commission of an enforced disappearance or to submit the matter to the competent authorities for investigation and prosecution;

(c) Subparagraph (b) above is without prejudice to the higher standards of responsibility applicable under relevant international law to a military commander or to a person effectively acting as a military commander.

2. No order or instruction from any public authority, civilian, military or other, may be invoked to justify an offence of enforced disappearance.

Article 7

1. Each State Party shall make the offence of enforced disappearance punishable by appropriate penalties which take into account its extreme seriousness.

2. Each State Party may establish:

(a) Mitigating circumstances, in particular for persons who, having been implicated in the commission of an enforced disappearance, effectively contribute to bringing the disappeared person forward alive or make it possible to clarify cases of enforced disappearance or to identify the perpetrators of an enforced disappearance;

(b) Without prejudice to other criminal procedures, aggravating circumstances, in particular in the event of the death of the disappeared person or the commission of an enforced disappearance in respect of pregnant women, minors, persons with disabilities or other particularly vulnerable persons.

Article 8

Without prejudice to article 5,

1. A State Party which applies a statute of limitations in respect of enforced disappearance shall take the necessary measures to ensure that the term of limitation for criminal proceedings:

(a) Is of long duration and is proportionate to the extreme seriousness of this offence;

(b) Commences from the moment when the offence of enforced disappearance ceases, taking into account its continuous nature.

2. Each State Party shall guarantee the right of victims of enforced disappearance to an effective remedy during the term of limitation.

Article 9

1. Each State Party shall take the necessary measures to establish its competence to exercise jurisdiction over the offence of enforced disappearance:

(a) When the offence is committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;

(b) When the alleged offender is one of its nationals;

(c) When the disappeared person is one of its nationals and the State Party considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its competence to exercise jurisdiction over the offence of enforced disappearance when the alleged offender is present in any territory under its jurisdiction, unless it extradites or surrenders him or her to another State in accordance with its international obligations or surrenders him or her to an international criminal tribunal whose jurisdiction it has recognized.

3. This Convention does not exclude any additional criminal jurisdiction exercised in accordance with national law.

Article 10

1. Upon being satisfied, after an examination of the information available to it, that the circumstances so warrant, any State Party in whose territory a person suspected of having committed an offence of enforced disappearance is present shall take him or her into custody or take such other legal measures as are necessary to ensure his or her presence. The custody and other legal measures shall be as provided for in the law of that State Party but may be maintained only for such time as is necessary to ensure the person's presence at criminal, surrender or extradition proceedings.

2. A State Party which has taken the measures referred to in paragraph 1 of this article shall immediately carry out a preliminary inquiry or investigations to establish the facts. It shall notify the States Parties referred to in article 9, paragraph 1, of the measures it has taken in pursuance of paragraph 1 of this article, including detention and the circumstances warranting detention, and of the findings of its preliminary inquiry or its investigations, indicating whether it intends to exercise its jurisdiction.

3. Any person in custody pursuant to paragraph 1 of this article may communicate immediately with the nearest appropriate representative of the State of which he or she is a national, or, if he or she is a stateless person, with the representative of the State where he or she usually resides.

Article 11

1. The State Party in the territory under whose jurisdiction a person alleged to have committed an offence of enforced disappearance is found shall, if it does not extradite that person or surrender him or her to another State in accordance with its international obligations or surrender him or her to an international criminal tribunal whose jurisdiction it has recognized, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State Party. In the cases referred to in article 9, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 9, paragraph 1.

3. Any person against whom proceedings are brought in connection with an offence of enforced disappearance shall be guaranteed fair treatment at all stages of the proceedings. Any person tried for an offence of enforced disappearance shall benefit from a fair trial before a competent, independent and impartial court or tribunal established by law.

Article 12

1. Each State Party shall ensure that any individual who alleges that a person has been subjected to enforced disappearance has the right to report the facts to the competent authorities, which shall examine the allegation promptly and impartially and, where necessary, undertake without delay a thorough and impartial investigation. Appropriate steps shall be taken, where necessary, to ensure that the complainant, witnesses, relatives of the disappeared person and their defence counsel, as well as

persons participating in the investigation, are protected against all ill-treatment or intimidation as a consequence of the complaint or any evidence given.

2. Where there are reasonable grounds for believing that a person has been subjected to enforced disappearance, the authorities referred to in paragraph 1 of this article shall undertake an investigation, even if there has been no formal complaint.

3. Each State Party shall ensure that the authorities referred to in paragraph 1 of this article:

(a) Have the necessary powers and resources to conduct the investigation effectively, including access to the documentation and other information relevant to their investigation;

(b) Have access, if necessary with the prior authorization of a judicial authority, which shall rule promptly on the matter, to any place of detention or any other place where there are reasonable grounds to believe that the disappeared person may be present.

4. Each State Party shall take the necessary measures to prevent and sanction acts that hinder the conduct of an investigation. It shall ensure in particular that persons suspected of having committed an offence of enforced disappearance are not in a position to influence the progress of an investigation by means of pressure or acts of intimidation or reprisal aimed at the complainant, witnesses, relatives of the disappeared person or their defence counsel, or at persons participating in the investigation.

Article 13

1. For the purposes of extradition between States Parties, the offence of enforced disappearance shall not be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition based on such an offence may not be refused on these grounds alone.

2. The offence of enforced disappearance shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties before the entry into force of this Convention.

3. States Parties undertake to include the offence of enforced disappearance as an extraditable offence in any extradition treaty subsequently to be concluded between them.

4. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the necessary legal basis for extradition in respect of the offence of enforced disappearance.

5. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offence of enforced disappearance as an extraditable offence between themselves.

6. Extradition shall, in all cases, be subject to the conditions provided for by the law of the requested State Party or by applicable extradition treaties, including, in particular, conditions relating to the minimum penalty requirement for extradition and the grounds upon which

the requested State Party may refuse extradition or make it subject to certain conditions.

7. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin, political opinions or membership of a particular social group, or that compliance with the request would cause harm to that person for any one of these reasons.

Article 14

1. States Parties shall afford one another the greatest measure of mutual legal assistance in connection with criminal proceedings brought in respect of an offence of enforced disappearance, including the supply of all evidence at their disposal that is necessary for the proceedings.

2. Such mutual legal assistance shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable treaties on mutual legal assistance, including, in particular, the conditions in relation to the grounds upon which the requested State Party may refuse to grant mutual legal assistance or may make it subject to conditions.

Article 15

States Parties shall cooperate with each other and shall afford one another the greatest measure of mutual assistance with a view to assisting victims of enforced disappearance, and in searching for, locating and releasing disappeared persons and, in the event of death, in exhuming and identifying them and returning their remains.

Article 16

1. No State Party shall expel, return ("refouler"), surrender or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights or of serious violations of international humanitarian law.

Article 17

1. No one shall be held in secret detention.

2. Without prejudice to other international obligations of the State Party with regard to the deprivation of liberty, each State Party shall, in its legislation:

(a) Establish the conditions under which orders of deprivation of liberty may be given;

(b) Indicate those authorities authorized to order the deprivation of liberty;

(c) Guarantee that any person deprived of liberty shall be held solely in officially recognized and supervised places of deprivation of liberty;

(d) Guarantee that any person deprived of liberty shall be authorized to communicate with and be visited by his or her family, counsel or any other person of his or her choice, subject only to the conditions established by law, or, if he or she is a foreigner, to communicate with his or her consular authorities, in accordance with applicable international law;

(e) Guarantee access by the competent and legally authorized authorities and institutions to the places where persons are deprived of liberty, if necessary with prior authorization from a judicial authority;

(f) Guarantee that any person deprived of liberty or, in the case of a suspected enforced disappearance, since the person deprived of liberty is not able to exercise this right, any persons with a legitimate interest, such as relatives of the person deprived of liberty, their representatives or their counsel, shall, in all circumstances, be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of the deprivation of liberty and order the person's release if such deprivation of liberty is not lawful.

3. Each State Party shall assure the compilation and maintenance of one or more up-to-date official registers and/or records of persons deprived of liberty, which shall be made promptly available, upon request, to any judicial or other competent authority or institution authorized for that purpose by the law of the State Party concerned or any relevant international legal instrument to which the State concerned is a party. The information contained therein shall include, as a minimum:

(a) The identity of the person deprived of liberty;

(b) The date, time and place where the person was deprived of liberty and the identity of the authority that deprived the person of liberty;

(c) The authority that ordered the deprivation of liberty and the grounds for the deprivation of liberty;

(d) The authority responsible for supervising the deprivation of liberty;

(e) The place of deprivation of liberty, the date and time of admission to the place of deprivation of liberty and the authority responsible for the place of deprivation of liberty;

(f) Elements relating to the state of health of the person deprived of liberty;

(g) In the event of death during the deprivation of liberty, the circumstances and cause of death and the destination of the remains;

(h) The date and time of release or transfer to another place of detention, the destination and the authority responsible for the transfer.

Article 18

1. Subject to articles 19 and 20, each State Party shall guarantee to any person with a legitimate interest in this information, such as relatives of the person deprived of liberty, their representatives or their counsel, access to at least the following information:

(a) The authority that ordered the deprivation of liberty;

(b) The date, time and place where the person was deprived of liberty and admitted to the place of deprivation of liberty;

(c) The authority responsible for supervising the deprivation of liberty;

(d) The whereabouts of the person deprived of liberty, including, in the event of a transfer to another place of deprivation of liberty, the destination and the authority responsible for the transfer;

(e) The date, time and place of release;

(f) Elements relating to the state of health of the person deprived of liberty;

(g) In the event of death during the deprivation of liberty, the circumstances

and cause of death and the destination of the remains.

2. Appropriate measures shall be taken, where necessary, to protect the persons referred to in paragraph 1 of this article, as well as persons participating in the investigation, from any ill-treatment, intimidation or sanction as a result of the search for information concerning a person deprived of liberty.

Article 19

1. Personal information, including medical and genetic data, which is collected and/or transmitted within the framework of the search for a disappeared person shall not be used or made available for purposes other than the search for the disappeared person. This is without prejudice to the use of such information in criminal proceedings relating to an offence of enforced disappearance or the exercise of the right to obtain reparation.

2. The collection, processing, use and storage of personal information, including medical and genetic data, shall not infringe or have the effect of infringing the human rights, fundamental freedoms or human dignity of an individual.

Article 20

1. Only where a person is under the protection of the law and the deprivation of liberty is subject to judicial control may the right to information referred to in article 18 be restricted, on an exceptional basis, where strictly necessary and where provided for by law, and if the transmission of the information would adversely affect the privacy or safety of the person, hinder a criminal investigation, or for other equivalent reasons in accordance with the law, and in conformity with applicable international law and with the objectives of this Convention. In no case shall there be restrictions on the right to information referred to in article 18 that could constitute conduct defined in article 2 or be in violation of article 17, paragraph 1.

2. Without prejudice to consideration of the lawfulness of the deprivation of a person's liberty, States Parties shall guarantee to the persons referred to in article 18, paragraph 1, the right to a prompt and effective judicial remedy as a means of obtaining without delay the information referred to in article 18, paragraph 1. This right to a remedy may not be suspended or restricted in any circumstances.

Article 21

Each State Party shall take the necessary measures to ensure that persons deprived of liberty are released in a manner permitting reliable verification that they have actually been released. Each State Party shall also take the necessary measures to assure the physical integrity of such persons and their ability to exercise fully their rights at the time of release, without prejudice to any obligations to which such persons may be subject under national law.

Article 22

Without prejudice to article 6, each State Party shall take the necessary measures to prevent and impose sanctions for the following conduct:

(a) Delaying or obstructing the remedies referred to in article 17, paragraph 2 (f), and article 20, paragraph 2;

(b) Failure to record the deprivation of liberty of any person, or the recording of any information which the official responsible for the official register knew or should have known to be inaccurate;

(c) Refusal to provide information on the deprivation of liberty of a person, or the provision of inaccurate information, even though the legal requirements for providing such information have been met.

Article 23

1. Each State Party shall ensure that the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty includes the necessary education and information regarding the relevant provisions of this Convention, in order to:

(a) Prevent the involvement of such officials in enforced disappearances;

(b) Emphasize the importance of prevention and investigations in relation to enforced disappearances;

(c) Ensure that the urgent need to resolve cases of enforced disappearance is recognized.

2. Each State Party shall ensure that orders or instructions prescribing, authorizing or encouraging enforced disappearance are prohibited. Each State Party shall guarantee that a person who refuses to obey such an order will not be punished.

3. Each State Party shall take the necessary measures to ensure that the persons referred to in paragraph 1 of this article who have reason to believe that an enforced disappearance has occurred or is planned report the matter to their superiors and, where necessary, to the appropriate authorities or bodies vested with powers of review or remedy.

Article 24

1. For the purposes of this Convention, "victim" means the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance.

2. Each victim has the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate

of the disappeared person. Each State Party shall take appropriate measures in this regard.

3. Each State Party shall take all appropriate measures to search for, locate and release disappeared persons and, in the event of death, to locate, respect and return their remains.

4. Each State Party shall ensure in its legal system that the victims of enforced disappearance have the right to obtain reparation and prompt, fair and adequate compensation.

5. The right to obtain reparation referred to in paragraph 4 of this article covers material and moral damages and, where appropriate, other forms of reparation such as:

- (a) Restitution;
- (b) Rehabilitation;
- (c) Satisfaction, including restoration of dignity and reputation;
- (d) Guarantees of non-repetition.

6. Without prejudice to the obligation to continue the investigation until the fate of the disappeared person has been clarified, each State Party shall take the appropriate steps with regard to the legal situation of disappeared persons whose fate has not been clarified and that of their relatives, in fields such as social welfare, financial matters, family law and property rights.

7. Each State Party shall guarantee the right to form and participate freely in organizations and associations concerned with attempting to establish the circumstances of enforced disappearances and the fate of disappeared persons, and to assist victims of enforced disappearance.

Article 25

1. Each State Party shall take the necessary measures to prevent and punish under its criminal law:

(a) The wrongful removal of children who are subjected to enforced disappearance, children whose father, mother or legal guardian is subjected to enforced disappearance or children born during the captivity of a mother subjected to enforced disappearance;

(b) The falsification, concealment or destruction of documents attesting to the true identity of the children referred to in subparagraph (a) above.

2. Each State Party shall take the necessary measures to search for and identify the children referred to in paragraph 1 (a) of this article and to return them to their families of origin, in accordance with legal procedures and applicable international agreements.

3. States Parties shall assist one another in searching for, identifying and locating the children referred to in paragraph 1 (a) of this article.

4. Given the need to protect the best interests of the children referred to in paragraph 1 (a) of this article and their right to preserve, or to have re-established, their identity, including their nationality, name and family relations as recognized by law, States Parties which recognize a system of adoption or other form of placement of children shall have legal procedures in place to review the adoption or placement procedure, and, where appropriate, to annul any adoption or placement of children that originated in an enforced disappearance.

5. In all cases, and in particular in all matters relating to this article, the best interests of the child shall be a primary consideration, and a child who is capable of forming his or her own views shall have the right to express those views freely, the views of the child being given due weight in accordance with the age and maturity of the child.

Part II

Article 26

1. A Committee on Enforced Disappearances (hereinafter referred to as "the Committee") shall be established to carry out the functions provided for under this Convention. The Committee shall consist of ten experts of high moral character and recognized competence in the field of human rights, who shall serve in their personal capacity and be independent and impartial. The members of the Committee shall be elected by the States Parties according to equitable geographical distribution. Due account shall be taken of the usefulness of the participation in the work of the Committee of persons having relevant legal experience and of balanced gender representation.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties from among their nationals, at biennial meetings of the States Parties convened by the Secretary-General of the United Nations for this purpose. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

3. The initial election shall be held no later than six months after the date of entry into force of this Convention. Four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the State Party which nominated each candidate, and shall submit this list to all States Parties.

4. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 2 of this article.

5. If a member of the Committee dies or resigns or for any other reason can no longer perform his or her Committee duties, the State Party which nominated him or her shall, in accordance with the criteria set out in paragraph 1 of this article, appoint another candidate from among its nationals to serve out his or her term, subject to the approval of the majority of the States Parties. Such approval shall be considered to have been obtained unless half or more of the States Parties respond negatively within six weeks of having been informed by

the Secretary-General of the United Nations of the proposed appointment.

6. The Committee shall establish its own rules of procedure.

7. The Secretary-General of the United Nations shall provide the Committee with the necessary means, staff and facilities for the effective performance of its functions. The Secretary-General of the United Nations shall convene the initial meeting of the Committee.

8. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations, as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

9. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate, to the extent of the Committee's functions that the State Party has accepted.

Article 27

A Conference of the States Parties will take place at the earliest four years and at the latest six years following the entry into force of this Convention to evaluate the functioning of the Committee and to decide, in accordance with the procedure described in article 44, paragraph 2, whether it is appropriate to transfer to another body—without excluding any possibility—the monitoring of this Convention, in accordance with the functions defined in articles 28 to 36.

Article 28

1. In the framework of the competencies granted by this Convention, the Committee shall cooperate with all relevant organs, offices and specialized agencies and funds of the United Nations, with the treaty bodies instituted by international instruments, with the special procedures of the United Nations and with the relevant regional intergovernmental organizations or bodies, as well as with all relevant State institutions, agencies or offices working towards the protection of all persons against enforced disappearances.

2. As it discharges its mandate, the Committee shall consult other treaty bodies instituted by relevant international human rights instruments, in particular the Human Rights Committee instituted by the International Covenant on Civil and Political Rights, with a view to ensuring the consistency of their respective observations and recommendations.

Article 29

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a report on the measures taken to give effect to its obligations under this Convention, within two years after the entry into force of this Convention for the State Party concerned.

2. The Secretary-General of the United Nations shall make this report available to all States Parties.

3. Each report shall be considered by the Committee, which shall issue such comments, observations or recommendations as it may deem appropriate. The comments, observations or recommendations shall be

communicated to the State Party concerned, which may respond to them, on its own initiative or at the request of the Committee.

4. The Committee may also request States Parties to provide additional information on the implementation of this Convention.

Article 30

1. A request that a disappeared person should be sought and found may be submitted to the Committee, as a matter of urgency, by relatives of the disappeared person or their legal representatives, their counsel or any person authorized by them, as well as by any other person having a legitimate interest.

2. If the Committee considers that a request for urgent action submitted in pursuance of paragraph 1 of this article:

(a) Is not manifestly unfounded;

(b) Does not constitute an abuse of the right of submission of such requests;

(c) Has already been duly presented to the competent bodies of the State Party concerned, such as those authorized to undertake investigations, where such a possibility exists;

(d) Is not incompatible with the provisions of this Convention; and

(e) The same matter is not being examined under another procedure of international investigation or settlement of the same nature;

it shall request the State Party concerned to provide it with information on the situation of the persons sought, within a time limit set by the Committee.

3. In the light of the information provided by the State Party concerned in accordance with paragraph 2 of this article, the Committee may transmit recommendations to the State Party, including a request that the State Party should take all the necessary measures, including interim measures, to locate and protect the person concerned in accordance with this Convention and to inform the Committee, within a specified period of time, of measures taken, taking into account the urgency of the situation. The Committee shall inform the person submitting the urgent action request of its recommendations and of the information provided to it by the State as it becomes available.

4. The Committee shall continue its efforts to work with the State Party concerned for as long as the fate of the person sought remains unresolved. The person presenting the request shall be kept informed.

Article 31

1. A State Party may at the time of ratification of this Convention or at any time afterwards declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by this State Party of provisions of this Convention. The Committee shall not admit any communication concerning a State Party which has not made such a declaration.

2. The Committee shall consider a communication inadmissible where:

- (a) The communication is anonymous;
- (b) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of this Convention;
- (c) The same matter is being examined under another procedure of international investigation or settlement of the same nature; or where

(d) All effective available domestic remedies have not been exhausted. This rule shall not apply where the application of the remedies is unreasonably prolonged.

3. If the Committee considers that the communication meets the requirements set out in paragraph 2 of this article, it shall transmit the communication to the State Party concerned, requesting it to provide observations and comments within a time limit set by the Committee.

4. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party will take such interim measures as may be necessary to avoid possible irreparable damage to the victims of the alleged violation. Where the Committee exercises its discretion, this does not imply a determination on admissibility or on the merits of the communication.

5. The Committee shall hold closed meetings when examining communications under the present article. It shall inform the author of a communication of the responses provided by the State Party concerned. When the Committee decides to finalize the procedure, it shall communicate its views to the State Party and to the author of the communication.

Article 32

A State Party to this Convention may at any time declare that it recognizes the competence of the Committee to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention. The Committee shall not receive communications concerning a State Party which has not made such a declaration, nor communications from a State Party which has not made such a declaration.

Article 33

1. If the Committee receives reliable information indicating that a State Party is seriously violating the provisions of this Convention, it may, after consultation with the State Party concerned, request one or more of its members to undertake a visit and report back to it without delay.

2. The Committee shall notify the State Party concerned, in writing, of its intention to organize a visit, indicating the composition of the delegation and the purpose of the visit. The State Party shall answer the Committee within a reasonable time.

3. Upon a substantiated request by the State Party, the Committee may decide to postpone or cancel its visit.

4. If the State Party agrees to the visit, the Committee and the State Party concerned shall work together to define the modalities of the visit and the State Party shall

provide the Committee with all the facilities needed for the successful completion of the visit.

5. Following its visit, the Committee shall communicate to the State Party concerned its observations and recommendations.

Article 34

If the Committee receives information which appears to it to contain well-founded indications that enforced disappearance is being practised on a widespread or systematic basis in the territory under the jurisdiction of a State Party, it may, after seeking from the State Party concerned all relevant information on the situation, urgently bring the matter to the attention of the General Assembly of the United Nations, through the Secretary-General of the United Nations.

Article 35

1. The Committee shall have competence solely in respect of enforced disappearances which commenced after the entry into force of this Convention.

2. If a State becomes a party to this Convention after its entry into force, the obligations of that State vis-à-vis the Committee shall relate only to enforced disappearances which commenced after the entry into force of this Convention for the State concerned.

Article 36

1. The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

2. Before an observation on a State Party is published in the annual report, the State Party concerned shall be informed in advance and shall be given reasonable time to answer. This State Party may request the publication of its comments or observations in the report.

Part III

Article 37

Nothing in this Convention shall affect any provisions which are more conducive to the protection of all persons from enforced disappearance and which may be contained in:

- (a) The law of a State Party;
- (b) International law in force for that State.

Article 38

1. This Convention is open for signature by all Member States of the United Nations.

2. This Convention is subject to ratification by all Member States of the United Nations. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. This Convention is open to accession by all Member States of the United Nations. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General.

Article 39

1. This Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to this Convention after the deposit of the twentieth instrument of ratification or accession, this Convention shall enter into force on the thirtieth day after the date of the deposit of that State's instrument of ratification or accession.

Article 40

The Secretary-General of the United Nations shall notify all States Members of the United Nations and all States which have signed or acceded to this Convention of the following:

(a) Signatures, ratifications and accessions under article 38;

(b) The date of entry into force of this Convention under article 39.

Article 41

The provisions of this Convention shall apply to all parts of federal States without any limitations or exceptions.

Article 42

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation or by the procedures expressly provided for in this Convention shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. A State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party having made such a declaration.

3. Any State Party having made a declaration in accordance with the provisions of paragraph 2 of this article may at any time withdraw this declaration by notification to the Secretary-General of the United Nations.

Article 43

This Convention is without prejudice to the provisions of international humanitarian law, including the obligations of the High Contracting Parties to the four Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto of 8 June 1977, or to the opportunity available to any State Party to authorize the International Committee of the Red Cross to visit places of detention in situations not covered by international humanitarian law.

Article 44

1. Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to this Convention with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the pro-

posal. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations.

2. Any amendment adopted by a majority of two thirds of the States Parties present and voting at the conference shall be submitted by the Secretary-General of the United Nations to all the States Parties for acceptance.

3. An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the States Parties to this Convention have accepted it in accordance with their respective constitutional processes.

4. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendment which they have accepted.

Article 45

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States referred to in article 38.

Other activities

Follow-up to 1993 World Conference

Report of High Commissioner. In a February report [E.CN/4/2006/10] on follow-up to the World Conference on Human Rights [YUN 1993, p. 908], the High Commissioner described OHCHR activities undertaken in the past year, aimed at strengthening country engagement and the Office's thematic expertise at forging linkages between human rights and development, fostering partnerships with civil society and within the UN system and empowering rights-holders. The report presented the High Commissioner's Strategic Management Plan 2006-2007 (see p. 766) and addressed the leadership role of the High Commissioner, against the background of the reform of the UN human rights machinery and the establishment of the Council. The High Commissioner observed that the special procedures, a system developed by the Commission over the years, had played a crucial role and should be transferred to the Council. For its part, the Council should preserve a close relationship with civil society through national institutions and NGOs, and maintain the ability to address human rights violations wherever

they occurred. In that regard, the establishment of a universal periodic review system (see p. 761) could prove valuable in reducing the potential for polarization and politicization. It would also be helpful if the Council could meet more frequently and there were increased capabilities in technical cooperation and advisory services.

On 20 December, the Assembly took note of the Third Committee's report [A/61/443/Add.4] on the implementation of and follow-up to the Vienna Declaration and programme of Action, adopted at the 1993 World Conference (**decision 61/530**).

Human rights education

World Programme for Human Rights Education

Report of High Commissioner. In response to a 2005 Commission request [YUN 2005, p. 745], the High Commissioner submitted a February report [E/CN.4/2006/90] on events relating to the World Programme for Human Rights Education, proclaimed by the General Assembly in 2004 [YUN 2004, p. 678], and on associated activities carried out by OHCHR. The Assembly, by resolution 59/113 B [YUN 2005, p. 745], had adopted the Plan of Action for the World Programme's first phase (2005–2007), which focused on primary and secondary school systems. Since the Plan's adoption, OHCHR and the United Nations Educational, Scientific and Cultural Organization (UNESCO) had carried out joint activities to disseminate it, including through a joint message to the Human Rights Education listserv, an international human rights education electronic network that reached out to more than 3,500 human rights educators in some 160 countries. Earlier in the year, the High Commissioner, the UNESCO Director-General and the Council of Europe's Secretary-General had addressed personal letters to education ministers to encourage the Plan's implementation and offer assistance. In further joint action, OHCHR and UNESCO teamed up to publish a booklet on the Plan [ED-2006/WS/53], which provided ideas for developing new initiatives, explaining existing ones and enhancing cooperation and partnership. OHCHR also contributed to the implementation of the World Programme and its Plan of Action by facilitating information-sharing and networking through its online database on human rights education and other training resources, fostering national capacities for human rights education and training through its technical cooperation programme, supporting grass-roots human rights education initiatives through the Assisting Communities Together Project, a joint OHCHR-UNDP initiative providing

small grants to NGOs for community-based human rights education and training, and by developing human rights training and education materials and disseminating globally the Universal Declaration of Human Rights.

Subcommission action. On 24 August [res. 2006/19], the Subcommission recommended that human rights treaty bodies, when examining reports of States parties, devote attention to human rights education, particularly in the framework of the World Programme, and that the item be included in the agenda of the annual meeting of the treaty bodies to enable them to make recommendations on how human rights education could contribute to national human rights capacity-building.

Human Rights Council action. On 20 November [A/62/53 (2/116)], the Council deferred to its fourth session consideration of a draft decision submitted by Argentina, Guatemala and Uruguay, together with two non-members of the Council (Costa Rica, Croatia), by which the Council would encourage all States to develop initiatives within the World Programme for Human Rights Education and, in particular, to implement the related Plan of Action. It also requested the High Commissioner and UNESCO to promote and technically assist national implementation of the Plan.

National institutions and regional arrangements

Reports of Secretary-General. In response to a 2005 Commission request [YUN 2005, p. 748], the Secretary-General, in a January report [E/CN.4/2006/102] on national institutions and regional arrangements, provided information on the process utilized by the International Coordinating Committee (ICC) of national human rights institutions to accredit such institutions, in compliance with the principles relating to their status and functioning (Paris Principles), adopted by the General Assembly in 1993 [YUN 1993, p. 898], and on ways of enhancing participation of those institutions in the Commission's work.

To further strengthen the accreditation process, the report noted that ICC, at the request of its members, had instituted a more rigorous review process, which clarified that applications not completed by the two-month deadline prior to the holding of the ICC meeting could not be considered. Consistent with that criteria, national institutions had welcomed a strengthened process and recommendations of a regular reassessment. ICC was expected to make a decision as to the frequency of such reassessment

at its next annual meeting. It was therefore recommended that accreditation of national institutions in international forums be commensurate with the institution's accreditation to ICC.

A later report of the Secretary-General [A/HRC/4/91], covering the period from January to December, provided information on OHCHR activities in 2006 to establish and strengthen national human rights institutions, measures taken by Governments and national institutions in that regard, cooperation between international mechanisms and institutions to promote and protect human rights, and the work of institutions on specific issues.

During the year, OHCHR provided advice and information on activities and issues, including on constitutional provisions, enabling legislation, advisory missions and rules and regulations relating to institutions in Angola, Burundi, Cambodia, Chile, Comoros, Côte d'Ivoire, France, Italy, Iraq, Maldives, Lesotho, Nepal, Nigeria, Pakistan, Serbia, Sierra Leone, Sri Lanka, the Sudan, Tajikistan, Timor-Leste, the United Kingdom (regarding Scotland), Uruguay and Zimbabwe. Such support was often provided in collaboration with UNDP and UN missions.

The OHCHR National Institutions Unit, in its capacity as the ICC secretariat, and its Subcommittee on Accreditation, provided substantive support to the seventeenth (Geneva, 12-13 April) and eighteenth (Santa Cruz, Bolivia, 26-27 October) sessions of ICC. In April, ICC considered the existing accreditation process, in light of guidelines for institutions wishing to access the Human Rights Council, and adopted a mechanism for periodic review of accreditation through a five-yearly re-accreditation process. In October, it addressed its accreditation process and the role of national institutions in the Council and the treaty body system. Discussions were also held on national institutions and early warning mechanisms.

OHCHR, in collaboration with Bolivia's national human rights institution and ICC, organized the Eighth International Conference of National Human Rights Institutions (Santa Cruz, Bolivia, 23-27 October), which had as its theme the role of national institutions in migration. The Conference was intended to strengthen cooperation between national institutions on migration as a human rights issue, promote the adoption of related strategies, establish guidelines for national institutions in addressing migrant issues and adopt a declaration on the role of national institutions in dealing with migration and human rights. Participants from 68 countries discussed how best to ensure and implement mechanisms for protecting migrants' rights

and committed themselves to increase the positive aspects of migration and better address its negative consequences by adopting the Santa Cruz Declaration and Guidelines [A/HRC/4/91, annex], in which they embraced a human rights-based approach to migration.

Support was given to regional initiatives relating in particular to networks of national human rights institutions. In Africa, OHCHR aided the establishment of such a network, comprising 17 African States and designed to strengthen their effectiveness and encourage cooperation in serving the cause of human rights on the continent. At the subregional level, the Office was involved in consultations resulting in the establishment of a similar network for West African States. National human rights institutions were also assisted and support provided in various regions. In that regard, OHCHR helped organize or took part in numerous meetings, including a seminar aimed at promoting and protecting the right to education in the Americas and the Caribbean (Ecuador, 24-26 May); the eleventh Annual Meeting of the Asia Pacific Forum (Fiji, 31 July-3 August), which discussed the establishment of domestic and regional human rights mechanisms in the Pacific and the rights of human rights defenders; a meeting, under the auspices of the Organization for Security and Cooperation in Europe (OSCE) (Warsaw, Poland, 5 September), which discussed the establishment of a focal point within that Organization to liaise with national human rights institutions; the fourth Round Table of European National Institutions for the Promotion and Protection of Human Rights (27-28 September); the sixth meeting of the European Group of National Human Rights Institutions (Athens, Greece, 28-29 September); and the Fifth General Assembly of the Network of National Human Rights Institutions of the Americas (Buenos Aires, Argentina, 28 November).

OHCHR was also involved in supporting and conducting workshops, training courses and advisory missions to promote the activities of national human rights institutions in the Americas and the Caribbean, Africa, Asia and the Pacific, and Europe. Notable among those were: assessment of draft legislation for establishing a human rights commission in Scotland (January); advisory missions to Tajikistan (21-23 February), Timor Leste (24 March-1 April) and Kosovo, Serbia (16-19 May) to provide advice and support for the establishment of national human rights institutions and for the role of the Ombudsman; a consultation workshop, in collaboration with the UN Mission in the Sudan (UNMIS) (8 May), designed to promote consensus on the draft bill of the National Human Rights Com-

mission Act; an international human rights training programme, under the auspices of the NGO *Equitas* (Montreal, Canada, 11-30 June); an induction programme for members of the Southern Sudan Human Rights Commission (Juba, the Sudan, 8-11 August); a stakeholder consultation workshop to facilitate the establishment of independent national human rights institutions in Lesotho (20-21 July) and Zimbabwe (21-24 September); a workshop on the mandate and functions of the Ombudsman (Luanda, Angola, 11-13 October), intended to support the work of that office; a mission to the Comoros (31 October-3 November) to assist the Parliament in the final review of enabling legislation for human rights institutions in the country; and a workshop (Rome, 5 December), which discussed the prospects of establishing similar institutions, their core functions, best practices and related draft bills. In the course of those activities, OHCHR assisted UN operations in the Sudan, Sierra Leone, Burundi, Iraq, and Tajikistan.

The report concluded that assistance to national human rights institutions was a key part of OHCHR efforts to engage countries in closing protection gaps. That involvement stemmed from the recognition of those institutions as central to national protection systems and of their role in ensuring that international norms were implemented. With OHCHR support, they had become more engaged in the Council and with treaty bodies and special procedures mandate-holders. OHCHR was responding to the increasing demand from Member States and other stakeholders for expertise, such as on models for establishing a constitutional or legislative framework and the nature, functions, powers and responsibilities of national institutions. The integration of activities relating to national human rights institutions throughout OHCHR had become a reality, and the United Nations could rely on them as implementing partners and not just as beneficiaries.

Regional arrangements

Report of Secretary-General. In response to General Assembly resolution 59/196 [YUN 2004, p. 682], the Secretary-General submitted an October report [A/61/513] on regional arrangements for the promotion and protection of human rights, focusing on OHCHR regional strategies and significant developments since 2005.

The report noted that OHCHR had been pursuing a regional and subregional approach towards more effective human rights promotion and protection, resorting to a broad range of strategies and tools to maximize the incorporation of human rights into the work of the United Nations and regional insti-

tutions. The regional approach had proved particularly valuable in engaging countries where OHCHR did not have an office. In Africa, OHCHR continued to provide assistance for incorporating human rights in the policies and programmes of the African Union (AU) through the establishment of new mechanisms, organization of conferences, training and support for peace processes. Within the framework of a global project entitled "Comprehensive support for the African Union in strengthening the promotion and protection of human rights in Africa", OHCHR provided financial and technical support to strengthen the human rights foundation of the AU, in order to maintain its focus on human rights issues and ensure the institutionalization of human rights in its agenda and work programme. With such assistance, AU strategic priorities for the next five years were developed to include a strong human rights agenda, with emphasis on building protection mechanisms at the country, subregional and regional levels through increased support for institutions and civil society organizations.

Through its regional office in Johannesburg, South Africa, OHCHR was responsible for the Centre for Human Rights and Democracy in Central Africa (Yaoundé), which continued to provide technical advice and assistance to the secretariat of the Economic Community of Central African States (ECCAS). The cooperation included the design of a legal framework for information management concerning freedom of movement in the subregion. Through its civil society capacity-building project, the Centre also contributed to the emerging partnership of ECCAS with civil society organizations. OHCHR initiated or participated in numerous activities with other subregional organizations on the continent, such as the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS). Those activities included a May meeting between the UN Regional Directors Team for Southern Africa and SADC to discuss collaboration on issues relating to peace and security, political stability, good governance, the rule of law and enhancement of democracy, the fight against poverty, food security, HIV/AIDS, tuberculosis and malaria.

In the Arab region, OHCHR and the League of Arab States cooperated in the revision of the Arab Human Rights Charter, capacity-building for the League staff and the organization of regional conferences on national human rights institutions. Within the framework of memoranda of understanding on human rights cooperation, which it signed previously with the Organization of the Islamic Conference (OIC) and the Islamic Educational, Scientific

and Cultural Organization (ISESCO), OHCHR organized activities, including a January training seminar on international and regional systems for the staff of both organizations.

In Asia and the Pacific, the OHCHR regional office for South-East Asia assisted member States of the Association of South-East Asian Nations (ASEAN) in ratifying and implementing international human rights instruments, establishing a regional human rights mechanism, developing legislation in conformity with international human rights standards and building capacity in the administration of justice. The regional office also advised the Economic and Social Commission for Asia and the Pacific on the human rights aspects of its activities and provided support to the resident coordinators and UN country teams in the region.

In Europe, OHCHR maintained close cooperation with the Council of Europe, particularly through its field offices, which facilitated the visit of the High Commissioner in 2006 to the northern Caucasus and South-East Europe. In Bosnia and Herzegovina, OHCHR and the Council of Europe continued cooperation on legal technical expertise, while in Kosovo (Serbia), OHCHR focused on capacity-building and policy advice with the authorities, the ombudsperson and the UN Interim Administration Mission in Kosovo. In the former Yugoslav Republic of Macedonia, cooperation was directed at efforts to promote and follow up the plan of action for the first phase of the World Programme of Human Rights Education.

In Latin America and the Caribbean, the OHCHR regional office continued to organize and participate in various seminars and workshops, and to support the incorporation of human rights in the activities of the Economic Commission for Latin America and the Caribbean and the UN country teams in the region. In collaboration with UNDP, OHCHR supported the UN monitoring process in Ecuador, which led to the appointment and establishment of the Supreme Court of Justice in that country. It provided grants to the Inter-American Institute of Human Rights to support an OHCHR human rights chair at its annual training course, with a view to increasing awareness of UN human rights mechanisms and the work of the Office.

GENERAL ASSEMBLY ACTION

On 19 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/61/443/Add.2 & Corr.1], adopted **resolution 61/167** without vote [agenda item 67 (b)].

Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977 and its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling also Commission on Human Rights resolution 1993/51 of 9 March 1993 and its subsequent resolutions in this regard,

Bearing in mind the relevant resolutions of the Commission concerning advisory services and technical cooperation in the field of human rights, including its most recent on that subject, resolution 2004/81 of 21 April 2004,

Bearing in mind also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, which reiterates, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling that the World Conference recommended that more resources should be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

Reaffirming that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments,

Welcoming the fact that the Office of the High Commissioner has been systematically pursuing a regional and subregional approach through a variety of complementary means and methods, in order to maximize the impact of the activities of the United Nations at the national level, and that the Office intends to establish new regional offices,

1. *Takes note with satisfaction* of the report of the Secretary-General;

2. *Welcomes* the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular through technical cooperation aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

3. *Also welcomes*, in that respect, the close cooperation of the Office of the High Commissioner in the organization of regional and subregional training courses and workshops in the field of human rights, high-level governmental expert meetings and regional conferences of national human rights institutions, aimed at creating greater understanding in the regions of issues concerning the promotion and protection of human rights, improving procedures and examining the various systems for the

promotion and protection of universally accepted human rights standards and identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;

4. *Recognizes*, therefore, that progress in promoting and protecting all human rights depends primarily on efforts made at the national and local levels, and that the regional approach should imply intensive cooperation and coordination with all partners involved, while bearing in mind the importance of international cooperation;

5. *Stresses* the importance of the programme of technical cooperation in the field of human rights, renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations under the programme of organizing information or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with Governments of all regions;

6. *Welcomes* the growing exchanges between the United Nations and the United Nations human rights treaty bodies, on the one hand, and regional organizations and institutions, such as the African Commission on Human and Peoples' Rights, the Community of Portuguese-speaking Countries, the Council of Europe, the Inter-American Commission on Human Rights, the International Organization of la Francophonie, the League of Arab States, the Organization for Security and Cooperation in Europe and other regional institutions, on the other;

7. *Also welcomes* the placement by the Office of the High Commissioner of regional representatives in sub-regions and in regional commissions, in particular the deployment to Bishkek of a regional representative for Central Asia;

8. *Further welcomes* the progress achieved in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and, in this regard, notes with interest:

(a) The increasing cooperation between the Office of the High Commissioner and African organizations and suborganizations, in particular the African Union, the Economic Community of Central African States, the Economic Community of West African States and the Southern African Development Community;

(b) The support provided by the Office of the High Commissioner to the African Union for the strengthening of the promotion and protection of human rights in Africa, and welcomes in this regard the establishment of the African Court on Human and Peoples' Rights;

(c) The increased, valuable sharing of concrete national experiences at the thirteenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, held in Beijing from 30 August to 2 September 2005, regarding the implementation of the Regional Framework for the Promotion and Protection of Human Rights in the Asia-Pacific Region, which contributes to the enhancement

of the promotion and protection of human rights in the region, and welcomes in this regard the establishment in Suva of an office of the High Commissioner for the Pacific region and the steps undertaken by the Office of the High Commissioner to set up a United Nations human rights training and documentation centre for South-West Asia and the Arab region, pursuant to General Assembly resolution 60/153 of 16 December 2005;

(d) The ongoing consultations among Governments aimed at the possible establishment of regional human rights arrangements held in the context of the Regional Framework, with the support and advice of national human rights institutions and civil society organizations of the Asia-Pacific region;

(e) Activities undertaken within the framework of the regional project of the Office of the High Commissioner for the promotion and protection of human rights in the Latin American and Caribbean region and the strengthening of the cooperation between the Office of the High Commissioner, the Inter-American Commission on Human Rights and the Organization of American States;

(f) Activities undertaken within the framework of cooperation between the Office of the High Commissioner and the League of Arab States;

(g) The continued cooperation towards the realization of universal standards between the Office of the High Commissioner and regional organizations in Europe and Central Asia, namely, the Council of Europe, the European Union and the Organization for Security and Cooperation in Europe, in particular for activities at the country level;

9. *Invites* States in areas in which regional arrangements in the field of human rights do not yet exist to consider, with the support and advice of national human rights institutions and civil society organizations, concluding agreements with a view to establishing, within their respective regions, suitable regional machinery for the promotion and protection of human rights;

10. *Requests* the Secretary-General to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to make available adequate resources from within the regular budget of technical cooperation to the activities of the Office of the High Commissioner to promote regional arrangements;

11. *Requests* the Office of the High Commissioner to continue to pay special attention to the most appropriate ways of assisting countries of the various regions, at their request, under the programme of technical cooperation and to make, where necessary, relevant recommendations, and in this regard welcomes the decision of the Office to strengthen national protection systems in accordance with action 2 of the reform programme of the Secretary-General;

12. *Invites* the Secretary-General to provide, in the report that he will submit to the Human Rights Council at its fourth session, information on progress made since the adoption of the Vienna Declaration and Programme of Action on reinforcing the exchange of information

and extending collaboration between the organs of the United Nations dealing with human rights and regional organizations in the field of the promotion and protection of human rights;

13. *Requests* the Secretary-General to submit to the General Assembly at its sixty-third session a report on the state of regional arrangements for the promotion and protection of human rights, formulating concrete proposals and recommendations on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights, and to include therein the results of action taken in pursuance of the present resolution;

14. *Decides* to consider the question further at its sixty-third session.

Africa

In response to General Assembly resolution 60/151 [YUN 2005, p. 753], the Secretary-General submitted a September report [A/61/352] providing an overview of the activities of the Subregional Centre for Human Rights and Democracy in Central Africa, from November 2005 to September 2006.

Those activities included support to the capacity-building of national human rights institutions through training and technical cooperation activities, human rights education and dissemination of information and documentation; support to peace processes in the subregion; and development of partnerships with UN agencies, research and academic institutions, regional human rights mechanisms and civil society organizations. Within that context, OHCHR supported the International Conference on the Great Lakes region (see p. 124), mostly through participation in related subregional meetings in January and February. The Conference resulted in the incorporation of human rights in all draft protocols, programmes of action and projects, and in the establishment of a regional legal framework on the prevention and elimination of genocide, protection of internally displaced persons, the rights to property of returnees and the media. The Centre also provided support to Governments, national human rights institutions and civil society organizations, such as Cameroon's National Commission on Human Rights and Freedoms, which was assisted in elaborating the human rights curricula for educational institutions, culminating in the adoption in February of the related *Cahiers pédagogiques* that was considered an important contribution to the implementation of the World Programme for Human Rights Education. The Centre and UNDP also developed a project to support Cameroon to consolidate the rule of law and promote human rights, under which they assisted the country's Justice Ministry in publishing the first governmental report on the situation of hu-

man rights in Cameroon. In addition, the Centre helped organize a joint subregional workshop on the role of civil society organizations in conflict prevention and peacebuilding in Central Africa (Douala, Cameroon, 10-12 April), aimed at strengthening their role in conflict prevention and peacebuilding. At the request of the Congo, the Centre, with OHCHR and the International Labour Organization (ILO), provided technical assistance in the elaboration of a draft law on pigmies and helped organize two workshops in May and July (Brazzaville, Congo) to ensure the participation of indigenous representatives and civil society in the process.

The Centre maintained its three-month internship programme for four fellows at a time, drawn from among the subregional States, under which the seventeenth, eighteenth and nineteenth batches of interns from seven Central African States completed their training. On the development of partnerships, the Centre continued to advance its collaboration with ECCAS, UN agencies and the UN Department of Political Affairs. It also organized a subregional workshop on human rights-based approaches to development for States members of the Economic and Monetary Community of Central Africa (Yaoundé, 26-28 June), which adopted the Yaoundé Consensus, recommending that participating Governments assess the implementation of human rights treaties at the national level, particularly the submission of reports to the treaty bodies, and to request support from country teams and the Yaoundé Centre in that regard. The Centre's plan of action for 2006-2007 reflected the priority thematic issues relevant to the Central African region, as defined by the High Commissioner's Plan of Action [YUN 2005, p. 715], which included the rule of law and the administration of justice, human rights, human security and development, discrimination and institutional capacity-building.

GENERAL ASSEMBLY ACTION

On 19 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/61/443/Add.2 & Corr.1], adopted **resolution 61/158** without vote [agenda item 67 (b)].

Subregional Centre for Human Rights and Democracy in Central Africa

The General Assembly,

Recalling its resolution 55/105 of 4 December 2000 concerning regional arrangements for the promotion and protection of human rights,

Recalling also its resolutions 55/34 B of 20 November 2000 and 55/233 of 23 December 2000, section III of its resolution 55/234 of 23 December 2000, and its resolu-

tions 58/176 of 22 December 2003, 59/183 of 20 December 2004 and 60/151 of 16 December 2005 on the Subregional Centre for Human Rights and Democracy in Central Africa,

Recalling further that the World Conference on Human Rights recommended that more resources be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

Recalling the report of the High Commissioner,

Taking note of the holding of the twenty-third and twenty-fourth ministerial meetings of the United Nations Standing Advisory Committee on Security Questions in Central Africa in Brazzaville from 29 August to 2 September 2006 and in Kigali from 25 to 29 September 2006,

Taking note also of the report of the Secretary-General,

Welcoming the 2005 World Summit Outcome, in particular the decision confirmed therein to double the regular budget of the Office of the High Commissioner over the next five years,

1. *Welcomes* the activities of the Subregional Centre for Human Rights and Democracy in Central Africa at Yaoundé;

2. *Notes with satisfaction* the support provided for the establishment of the Centre by the host country;

3. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide additional funds and human resources within the existing Office of the United Nations High Commissioner for Human Rights to enable the Centre to respond positively and effectively to the growing needs in the promotion and protection of human rights and in developing a culture of democracy and the rule of law in the Central African subregion;

4. *Requests* the Secretary-General to submit to the General Assembly at its sixty-second session a report on the implementation of the present resolution.

Asia and the Pacific

Human Rights Council action. On 8 December [A/62/53 (dec. 3/102)], the Council decided to convene the next session of the Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region in 2007, preferably in the first half of that year.

South West Asia and the Arab region

In response to General Assembly resolution 60/153 [YUN 2005, p. 754], the Secretary-General submitted a 15 September report [A/61/348] providing an overview of OHCHR activities towards the establishment of the United Nations Human Rights and Documentation Centre for South-West Asia and the Arab region, in cooperation with the host country, Qatar. The

report noted that OHCHR had allocated human and financial resources for the 2006-2007 biennium to the Centre, which would comprise one international staff at the P-4 level to head the Centre and two locally recruited staff, to be funded by extrabudgetary resources. That staffing level was based on an assessment of the Centre's workload during the inception period. With an overall objective of strengthening a human rights culture and increasing related expertise at the regional and national levels, the Centre would help address two of the four implementation gaps identified in the High Commissioner's plan of action [YUN 2005, p. 715], namely, the knowledge gap and capacity gaps of rights-holders and duty-bearers. The Centre would provide training and expertise on reporting procedures to treaty bodies and assist in preparing user-friendly tools and in training trainers for Government officials, lawmakers and other professional groups and stakeholders. In addition, it would develop information and documentation systems on human rights, especially in Arabic, work with and strengthen national human rights institutions and civil society organizations and contribute to the implementation of the World Programme on Human Rights Education. Extrabudgetary resources amounting to \$255,320 were allocated to the Centre for the 2006-2007 biennium.

In June, OHCHR submitted a draft agreement with Qatar and undertook a mission there in connection with plans to inaugurate the Centre during the year. After the mission, OHCHR welcomed the country's offer to provide the premises free of charge and felt it could start operations by year's end. The Office looked forward to finalizing the host country agreement, preferably after Qatar had ratified the Conventions on the Privileges and Immunities of the United Nations and of Specialized Agencies, as well as the medium-term funding agreement. OHCHR and the host country encouraged other countries to contribute to the funding of the Centre to facilitate its rapid development as a reference institution, to the benefit of the people of South-West Asia and the Arab region.

On 19 December, the General Assembly took note of the Secretary-General's report (**decision 61/529**).

Strengthening action to protect human rights

International cooperation in the field of human rights

Human Rights Council action. On 29 November [A/62/53 (dec. 2/116)], the Council deferred consid-

eration of a draft decision [A/HRC/2/L.18] submitted by Cuba, on behalf of the Non-Aligned Movement, which requested the High Commissioner to consult States, intergovernmental organizations and NGOs on ways to enhance international cooperation and dialogue in the UN human rights machinery, aimed at ensuring respect for the principles of universality and non-selectivity in considering human rights issues and eliminating double standards and politicization, in accordance with General Assembly resolution 60/251 (see p. 757).

On 19 December, the Assembly reaffirmed the importance of such cooperation for promoting and protecting human rights (see below).

GENERAL ASSEMBLY ACTION

On 19 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/61/443/Add.2 & Corr.1], adopted **resolution 61/168** without vote [agenda item 67 (b)].

Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000 and its resolution 60/156 of 16 December 2005, and taking note of Commission on Human Rights resolution 2005/54 of 20 April 2005 on the enhancement of international cooperation in the field of human rights,

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

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

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

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

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

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

Recalling the adoption of resolution 2000/22 of 18 August 2000, on the promotion of dialogue on human rights issues, by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

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

9. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to

pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

10. *Requests* the Secretary-General, in collaboration with the United Nations High Commissioner for Human Rights, to consult States and intergovernmental and non-governmental organizations on ways and means to enhance international cooperation and dialogue in the United Nations human rights machinery;

11. *Decides* to continue its consideration of the question at its sixty-second session.

At the same meeting, the Assembly, also on the recommendation of the Third Committee [A/61/443/Add.2 & Corr.1], adopted **resolution 61/166** by recorded vote (86-64-26) [agenda item 67 (b)].

Promotion of equitable and mutually respectful dialogue on human rights

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the International Covenants on Human Rights and other relevant human rights instruments,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind,

Stressing the importance of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and achieving international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all,

Emphasizing the responsibilities of all States, in conformity with the Charter, to respect human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status,

Bearing in mind General Assembly resolution 60/251 of 15 March 2006 entitled "Human Rights Council", in particular the decision of the Assembly that the Council should undertake a universal periodic review, in a manner that ensures universality of coverage and equal treatment with respect to all States, and the decision of the Council on the establishment of an intersessional open-ended intergovernmental working group to develop the modalities of the universal periodic review mechanism, based on an interactive dialogue as well as on objective and reliable information,

Recalling that the General Assembly shall make recommendations for the purpose of promoting international cooperation in the economic, social, cultural, education and health fields, and of assisting in the realization of

human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that politically motivated and biased country-specific resolutions on the situation of human rights severely undermine the principles of objectivity and non-selectivity in the consideration of human rights issues and are counterproductive to the cause of promoting human rights,

1. *Urges* Member States to further strengthen international cooperation in promoting and encouraging respect for human rights in order to enhance dialogue and broaden understanding among civilizations, cultures and religions;

2. *Calls upon* Member States to base their approaches towards development of international dialogue on human rights on the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments and to refrain from approaches that are inconsistent with that international framework;

3. *Reaffirms* that the promotion and protection of human rights and fundamental freedoms, as a legitimate concern of the world community, and the development of international dialogue on human rights should be guided by the principles of universality, non-selectivity, impartiality and objectivity and should not be used for political purposes;

4. *Stresses* the need to avoid politically motivated and biased country-specific resolutions on the situation of human rights, confrontational approaches, exploitation of human rights for political purposes, selective targeting of individual countries for extraneous considerations and double standards in the work of the United Nations on human rights issues;

5. *Affirms* that respect for political, economic and cultural diversity for all contributes to the development of stable and friendly relations among countries and equitable and mutually respectful international dialogue on human rights;

6. *Stresses* the continuing need for unbiased and objective information on the situation of human rights in all countries and the need to present this information in an impartial manner, including through the reports of the special rapporteurs and representatives, independent experts and working groups;

7. *Decides* to consider the matter at its sixty-second session under the item entitled "Promotion and protection of human rights".

RECORDED VOTE ON RESOLUTION 61/166:

In favour: Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Cambodia, Central African Republic, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, Eritrea, Gabon, Gambia, Guinea, Guinea-Bissau, Haiti, India, Indonesia, Iran, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger,

Oman, Pakistan, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Tuvalu, United Arab Emirates, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Peru, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States, Uruguay.

Abstaining: Antigua and Barbuda, Armenia, Bahamas, Barbados, Brazil, Burundi, Costa Rica, Djibouti, Dominica, Ethiopia, Fiji, Ghana, Guyana, Jamaica, Jordan, Madagascar, Malawi, Mauritius, Nigeria, Papua New Guinea, Paraguay, Solomon Islands, Somalia, Uganda, United Republic of Tanzania, Vanuatu.

Advisory services and technical cooperation

Report of Secretary-General. In accordance with Council decision 2/102 (see p. 762), the Secretary-General submitted a report [A/HCR/4/94 & Corr.1] on advisory services and technical cooperation in the field of human rights, focusing on the work of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights, which held its twenty-fourth (30 January–1 February) and twenty-fifth (7–10 November) sessions in Geneva.

At its twenty-fourth session, the Board devoted attention to the implications of the reform of the human rights machinery for the technical cooperation programme, in order to establish clearly defined policy guidelines for staff and ensure understanding and expectations from partners. It recommended that OHCHR seize the moment to reaffirm its position on human rights, in order to prevent the legitimization of misconceptions. Noting that the 2005 World Summit [YUN 2005, p. 47] and the subsequent increase in OHCHR regular budget would raise high expectations, the Board found that the Office needed to be well prepared to acquire the capacity to provide prompt and appropriate responses. It

acknowledged the importance of prioritization and recommended that OHCHR develop a long-term vision and strike the difficult balance of respecting set priorities, while maintaining a certain level of flexibility and planning capacity to address emerging situations. Warning, however, of the possible risk of the Office becoming introverted with the envisaged growth and self-strengthening, the Board stressed that securing partnerships was vital and recommended a meeting between the High Commissioner and the UNDP Administrator in that regard.

At its twenty-fifth meeting, the Board held consultations with OHCHR field personnel on progress made, problems encountered and the next steps in implementing the High Commissioner's Strategic Management Plan 2006–2007 (see p. 766) and the 2005 Plan of Action [ibid., p. 715], on which the former was based. It discussed progress made in country engagement in the past year, considered the OHCHR strategy on poverty reduction and engagement with the World Bank and reviewed recent developments in the United Nations, relating especially to the Council, the High-Level Panel on System-wide Coherence, the Peacebuilding Commission and the United Nations Democracy Fund [YUN 2005, p. 655].

The Board held a joint seminar (9–10 November) with members of treaty bodies, representatives of UN agencies and programmes and OHCHR heads of field presences, which discussed, among other things, the implementation of the recommendations of treaty bodies at the national level.

Cooperation with human rights bodies

Report of Secretary-General. A February report of the Secretary-General [E/CN.4/2006/30] described situations in which individuals or NGO members had allegedly suffered intimidation or reprisal for having cooperated with UN human rights bodies regarding human rights violations. The report summarized cases in Brazil, China, Nepal, Thailand, Tunisia and Uzbekistan and expressed concern at the seriousness of the alleged reprisals, with victims suffering egregious violations of rights to liberty and security of person and to life. The gravity of reported acts reinforced the need for all representatives of UN human rights bodies, in cooperation with States, to maintain efforts to help prevent such crimes.