Chapter I

Promotion of human rights

Efforts to promote human rights were boosted in 2008 by several notable developments. The new machinery of the Human Rights Council, created in 2006, began working in earnest with the launch of the Universal Periodic Review mechanism (UPR). Under UPR, the Council examined the human rights record of 48 countries—the first step in reviewing the record of all Member States every four years. Several countries under review undertook firm commitments to better implement human rights, ratify human rights instruments and strengthen their cooperation with the Council’s special procedures. Moreover, the Advisory Committee, established to provide expertise to the Council, held its first session and submitted 13 recommendations, while the Council’s new complaint procedure, made up of the Working Group on Communications and the Working Group on Situations, addressed consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms throughout the world. Human rights were also promoted through the work of the committees of experts (treaty bodies) monitoring compliance with the legally binding human rights instruments, as well as by the network of human rights defenders in individual countries operating within the framework of the 1998 Declaration on Human Rights Defenders. During the year, the Council held three regular sessions (seventh, eighth and ninth) and three special sessions (sixth, seventh and eighth).

On 10 December, the General Assembly held a plenary meeting to mark the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights. On the same day, it adopted the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which established a procedure of individual communications for cases of alleged violations of economic, social and cultural rights. Also in December, the Assembly stressed the role of the Ombudsman, the mediator and other human rights institutions in promoting and protecting human rights. The year also marked the sixtieth anniversary of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

The Convention on the Rights of Persons with Disabilities and its Optional Protocol entered into force in May. In November, the Conference of States Parties to the Convention, at its first session, elected the 12 members of the Committee on the Rights of Persons with Disabilities—the body of independent experts to help monitor implementation of the Convention.

The Office of the High Commissioner for Human Rights strengthened its country engagement and expanded its presence at the country and regional levels. It continued to support the work of the Council and its mechanisms, including the special procedures. In July, the Assembly approved the appointment by the Secretary-General of Navanethem Pillay (South Africa) to replace Louise Arbour (Canada) as United Nations High Commissioner for Human Rights for a four-year term of office beginning on 1 September.

UN machinery

Human Rights Council

Council sessions

During the year, the Human Rights Council held its seventh (3–28 March and 1 April) [A/HRC/7/78], eighth (2–18 June) [A/HRC/8/52] and ninth (8–24 September) [A/HRC/9/28] regular sessions. Its second organizational meeting was held on 19 and 20 June.

The Council also held three special sessions: its sixth (23–24 January) [A/HRC/S-6/2] on human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the Gaza Strip (see p. 893); its seventh (22 May) [A/HRC/S-7/2] on the negative impact of the worsening world food crisis on the realization of the right to food for all (see p. 835); and its eighth (28 November and 1 December) [A/HRC/S-8/2] on the human rights situation in the eastern Democratic Republic of the Congo (DRC) (see p. 863). All sessions were held in Geneva. The Council held a commemorative session on 12 December to mark the sixtieth anniversary of the Universal Declaration of Human Rights (see p. 726).

The Council adopted 71 resolutions, 35 decisions and six president’s statements. It recommended one draft resolution [A/63/53 (res. 8/2)] on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights for adoption by the General Assembly. The resolutions, decisions and president’s statements adopted at those sessions were contained in the Council’s report to the Assembly [A/63/53 & Add.1].

The General Assembly addressed revised estimates resulting from resolutions and decisions adopted by the Council in section I of resolution 62/245 of
3 April (see p. 1550) and in section V of resolution 63/263 of 24 December (see p. 1547).

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/63/435/Add.1], adopted resolution 63/160 by recorded vote (121-7-58) [agenda item 58].

**Report of the Human Rights Council**

The General Assembly, having considered the recommendations contained in the report of the Human Rights Council, takes note of the report of the Human Rights Council, and acknowledges the recommendations contained therein.

**RECORDED VOTE ON RESOLUTION 63/160:**

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

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

Abstaining: Albania, Andorra, Argentina, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Moldova, Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Tonga, Ukraine, United Kingdom, Uruguay, Vanuatu.

**Conference facilities and financial support**

**Human Rights Council action (June).** On 18 June [A/63/53 (res. 8/1)], the Human Rights Council reaffirmed the need to ensure the provision of financial resources to the Council and its working groups for it to discharge its mandate fully, as stipulated in General Assembly resolution 60/251 [YUN 2006, p. 757] and implemented by Council resolution 5/1 [YUN 2007, p. 662].

The Council, concerned at the delays in the submission of documents, in particular their translation into the six official UN languages, requested the Office of the High Commissioner for Human Rights (OHCHR) and the Conference Services Division (later the Division of Conference Management) of the United Nations Office at Geneva to propose measures for addressing the situation at the Council’s ninth (September) session. It also requested the Department of Public Information (DPI) in Geneva to establish a permanent capacity for webcasting all public proceedings of the Council and its working groups.

**OHCHR report.** In September [A/HRC/9/18], in response to the Council’s request, OHCHR reported that, to meet the increased documentation requirements of the Council and its subsidiary machinery, especially urgent and unforeseen requests for meetings, the Division of Conference Management would require an estimated $7,500,000 annually in additional staff resources. The establishment of editor posts in OHCHR would also provide for the editing of documents. DPI would need an additional $2,500,000 for infrastructure and $1,700,000 in related staffing and other recurring costs for information work.

**Human Rights Council action (September).** On 24 September [A/63/53/Add.1 (dec. 9/103)], the Human Rights Council took note of the OHCHR report (see above) and requested the Secretary-General to submit to the General Assembly during the main segment of its sixty-third (2008) session a report detailing the resources required to ensure the provision of the services indicated in that report. It recommended that the Assembly establish an Office of the President of the United Kingdom and Zambia as members of the Human Rights Council for a three-year term of office beginning on 19 June. They would fill the vacancies occurring on the expiration of the terms of office of Brazil, France, Gabon, Ghana, Guatemala, Japan, Mali, Pakistan, Peru, the Republic of Korea, Romania, Sri Lanka, Ukraine, the United Kingdom and Zambia.

On 24 December, the Assembly decided that the item on the election of 18 members of the Human Rights Council would remain for consideration during its resumed sixty-third (2009) session (decision 63/552).

**Election of Council members**

On 21 May, by decision 62/415, the General Assembly, in accordance with resolution 60/251 [YUN 2006, p. 757], elected Argentina, Bahrain, Brazil, Burkina Faso, Chile, France, Gabon, Ghana, Japan, Pakistan, the Republic of Korea, Slovakia, Ukraine, the United Kingdom and Zambia as members of the Human Rights Council for a three-year term of office beginning on 19 June. They would fill the vacancies occurring on the expiration of the terms of office of Brazil, France, Gabon, Ghana, Guatemala, Japan, Mali, Pakistan, Peru, the Republic of Korea, Romania, Sri Lanka, Ukraine, the United Kingdom and Zambia.

On 24 December, the Assembly decided that the item on the election of 18 members of the Human Rights Council would remain for consideration during its resumed sixty-third (2009) session (decision 63/552).
of the Human Rights Council, with adequate staffing resources and equipment.

The Secretary-General, in response to that request, reported on those requirements [A/63/541/Add.1] to the Assembly, which took action on them in section V of resolution 63/263 of 24 December (see p. 1547).

Institutional mechanisms

Universal Periodic Review

The Universal Periodic Review mechanism (UPR) was established by the Human Rights Council in 2007 [YUN 2007, p. 663], as an instrument for assessing every four years the human rights records of all Member States. Each review, to be conducted by the Working Group on the Universal Periodic Review, would be facilitated by groups of three States, or “troikas”, acting as rapporteurs.

Modalities and practices

Human Rights Council action. In a 9 April president’s statement [A/63/53 (PRST/8/1)], the Council President outlined the modalities and practices of the review process. States wishing to raise issues with the State under review might do so through the troika, which would relay them to the Secretariat for submission to that State before consideration by the Working Group on UPR, made up of the 47 Council members. The State under review was sovereign in addressing the questions and/or issues it chose to answer of those transmitted to it by the troika members or raised during the Working Group sessions.

During an interactive dialogue in the Working Group, the State under review would present its national report, reply to written questions and those raised during the dialogue, and make concluding comments. The Working Group’s report of its proceedings, to be drafted by the troika, with the involvement of the State under review, would summarize the dialogue and reflect the recommendations and conclusions made by delegations. The State under review would examine the recommendations and identify those it supported. Other recommendations, together with the comments of the State under review, would be noted. Both would be included in the Working Group’s report, to be adopted by the Council in plenary through a standardized decision. The State under review was expected to follow up on the recommendations it supported, as well as on voluntary commitments and pledges, and inform the Council about its views concerning the recommendations, conclusions and voluntary commitments.

The review process would end with the Council’s adoption of the outcome of the review, consisting of the Working Group’s report; the views of the State under review on the recommendations and/or conclusions; its voluntary commitments; and its replies to questions or issues not sufficiently addressed during the interactive dialogue. The Council’s report would also include the views of all parties on the review’s outcome.

In a follow-up president’s statement [A/63/53/Add.1 (PRST/9/2)] of 24 September, the Council President said that, to ensure the smooth adoption of future review reports, the Council’s report on its sessions would comprise a summary of the views expressed by the State under review in plenary before the adoption of the outcome, its replies to questions and issues not sufficiently addressed during the interactive dialogue, its views on conclusions and recommendations, its voluntary commitments and concluding remarks, the summary of the views expressed by Council Member and observer States, and a summary of comments made by other stakeholders.

Working Group activities and UPR results

Working Group sessions. The Working Group on UPR held its first (7–18 April), second (5–19 May) and third (1–15 December) sessions in Geneva. It reviewed 48 countries in the order of consideration determined by the Council in 2007 [YUN 2007, p. 663]. As provided for in Council resolution 5/1 [ibid.], the review was based on a national report prepared by the State under review; a compilation by OHCHR of information relating to the human rights situation in the concerned State, as reported by treaty bodies and special procedures; and a summary by OHCHR of credible information from other stakeholders.

non-governmental organizations (NGOs); and views expressed by the State under review on the outcome and concluding remarks.


Responses to the recommendations and conclusions included in the Working Group’s report were submitted by the Czech Republic [A/HRC/8/33/Add.1,2 & Add.2/Corr.1], Finland [A/HRC/8/24/Add.1,2 & Add.2/Corr.1], India [A/HRC/8/26/Add.1,2 & Add.2/Corr.1] and Poland [A/HRC/8/30/Add.1,2 & Add.2/Corr.1].


Views on conclusions and/or recommendations, voluntary commitments and replies were presented by Botswana [A/HRC/10/69/Add.1], the Bahamas [A/HRC/10/70/Add.1], Luxembourg [A/HRC/10/72/Add.1], Barbados [A/HRC/10/73/Add.1], Montenegro [A/HRC/10/74/Add.1], Liechtenstein [A/HRC/10/77/Add.1], Serbia [A/HRC/10/78/Add.1], Turkmenistan [A/HRC/10/79/Add.1], Colombia [A/HRC/10/82/Add.1] and Uzbekistan [A/HRC/10/83/Add.1].

**Human Rights Council action.** The Human Rights Council [A/63/53], through standardized decisions, adopted the outcomes of UPR.

On 9 June, the Council adopted the outcomes on Bahrain [dec. 8/101], Ecuador [dec. 8/102], Tunisia [dec. 8/103], Morocco [dec. 8/104] and Finland [dec. 8/105]. On 10 June, it adopted the outcomes on Indonesia [dec. 8/106], the United Kingdom [dec. 8/107], India [dec. 8/108], Brazil [dec. 8/109], the Philippines [dec. 8/110], Algeria [dec. 8/111] and Poland [dec. 8/112]. On 11 June, it adopted the outcomes on the Netherlands [dec. 8/113], South Africa [dec. 8/114], the Czech Republic [dec. 8/115], Argentina [dec. 8/116], Gabon [dec. 8/117], Ghana [dec. 8/118] and Guatemala [dec. 8/119]. On 12 June, it adopted the outcomes on Peru [dec. 8/120], Benin [dec. 8/121], Switzerland [dec. 8/122], the Republic of Korea [dec. 8/123], Pakistan [dec. 8/124], Zambia [dec. 8/125], Japan [dec. 8/126] and Ukraine [dec. 8/127]. On 13 June, it adopted the outcomes on Côte d'Ivoire [dec. 8/128], France [dec. 8/129], Tonga [dec. 8/130], Romania [dec. 8/131] and Mali [dec. 8/132].

**Reports of High Commissioner.** In her annual report [A/63/36], the High Commissioner noted that the launch of UPR was a major achievement of the Council in ensuring the universality of all human rights and their equal and impartial application to all States. The Review was aimed at overcoming criticisms of the former Commission on Human Rights—that held its final session in 2006 [YUN 2006, p. 755]—in terms of politicization and narrow focus, and at enhancing universality, impartiality, objectivity and non-selectivity. The experience in reviewing the first group of countries was largely successful. OHCHR support of UPR was appreciated by Member States and other stakeholders, and the involvement of civil society and other stakeholders was welcome. Although a final review was not due until the end of the four-year cycle, OHCHR anticipated some fine-tuning, in particular some form of independent expertise for the process so that it could evolve into an implementation-oriented mechanism, with targeted and prioritized recommendations addressed to the States under review.

In a later report [A/HRC/10/31], the High Commissioner stated that UPR had reinforced the cooperation between States, the Council and UN human rights mechanisms. The review of the first 48 States showed that States had assumed their responsibility seri-
ously, engaging in the preparation of national reports through broad consultation, and participating in the Review at all levels. Some countries reviewed had made firm commitments to strengthen their cooperation with the special procedures, ratify human rights instruments and take initiatives to better implement human rights. The Review permitted the assessment of the human rights situation in all States, including those that had not come under the scrutiny of the former Commission, and revealed that all States faced challenges in implementing their human rights obligations and commitments. Good practices were emerging in various States. The mechanism might also serve as a tool for strengthening human rights protection on the ground.

**Human Rights Council Advisory Committee**

The Human Rights Council Advisory Committee, established in 2007 [YUN 2007, p. 664] as a think-tank for the Council and composed of 18 experts serving in their personal capacity, held its first session in Geneva (4–15 August) [A/HRC/10/2]. The Committee, which replaced the Subcommission on the Promotion and Protection of Human Rights [YUN 2006, p. 762], adopted 13 recommendations for submission to the Council. It recommended that the Council authorize that all reports and working papers completed by OHCHR, pursuant to the resolutions and decisions of the Subcommission at its fifty-eighth session [ibid.], should be sent to the Council [rec. 1/10]. The Council should also decide on follow-up to all pending studies commissioned by the Subcommission, including those on discrimination in the criminal justice system, corruption and its impact on the full enjoyment of human rights, discrimination based on work and descent, and the role of States in the guarantee of human rights with reference to the activities of transnational corporations and other business enterprises [rec. 1/13].

The Committee recommended that the Council and the Secretary-General make available their good offices to extend the right to non-refoulement to hunger refugees fleeing famine-hit countries [rec. 1/6]. Noting the large numbers of underfed refugees and displaced persons in many camps run by the Office of the United Nations High Commissioner for Refugees due to the shortfall in voluntary contributions, constituting a violation of the right to food, the Committee suggested that the Council launch an appeal to Member States to increase their voluntary contributions substantially so as to enable the Office to discharge its mandate [rec. 1/7]. The Committee also recommended that the Council approve the preparation by the drafting group on the right to food of studies on hunger refugees and the rights of peasants [rec. 1/8]. The Committee decided to consider the matter of the right of all peoples, including indigenous peoples, to self-determination, only if requested by the Council [rec. 1/12]. It recommended entrusting a drafting group with the preparation of a draft declaration on human rights education and training [rec. 1/1]. The Committee asked one of its members to formulate draft principles and guidelines for eliminating discrimination against persons affected by leprosy and their families [rec. 1/5], and two other members to participate in the Council’s panel discussion on missing persons and to report to the Committee at its next session [rec. 1/3]. Five Committee members were asked to prepare for its next session draft guidelines for operationalizing gender mainstreaming, and to identify proposals for action in specific areas, special procedures or further measures to enhance gender equality throughout the UN system [rec. 1/4]. Two Committee members were designated to follow the work of the Social Development Commission at its next session on issues of relevance to its work [rec. 1/11]. The Council should request OHCHR to provide official summary records of all Committee plenary meetings, and webcasting should be made available to enhance public access to its proceedings [rec. 1/9].

**Complaint Procedure**

The new Complaint Procedure of the Human Rights Council, established in 2007 by Council resolution 5/1 [YUN 2007, p. 664] on the basis of Economic and Social Council resolution 1503(XLVIII) (1503 procedure) [YUN 1970, p. 530] and revised in resolution 2000/3 [YUN 2000, p. 595], comprised the Working Group on Communications to decide on the admissibility of communications of alleged violations, and assess their merits, and the Working Group on Situations, which, on the recommendation of the Working Group on Communications, would report to the Council on consistent patterns of gross violations and recommend a course of action. During the year, 13,404 communications were examined under the Complaint Procedure.

**Working Group on Communications.** The five-member Working Group on Communications held its first session (Geneva, 19–23 November 2007) [A/HRC/7/WG.5/R.2 & Add.1–9], in accordance with Human Rights Council resolution 5/1 [YUN 2007, p. 664] and decision 6/101 [ibid., p. 665]. It considered 80 files concerning 37 countries. A total of 90 responses relating to those files were received from Governments. The Working Group also examined 55 files relating to pending communications concerning 29 countries, for which 127 responses had been received from Governments. It referred to the Working Group on Situations communications concerning Botswana, Maldives, Nepal, Peru, Spain and Syria, and decided to keep under review until its next session communications relating to Colombia and
Greece. It also decided to keep communications processed between June 2006 and May 2007, in compliance with Council decision 1/102 [YUN 2007, p. 663] from Cameroon, Colombia, the drc, Egypt, Eritrea, Guinea, India, Iran, Nigeria, Peru, the Philippines, and Sri Lanka under review until its next session and to request further information. The Working Group dismissed consideration of communications that were left pending by the former working group under the 1503 procedure [YUN 1970, p. 530] relating to Ecuador, Guatemala, Indonesia, Iran, Japan, Kyrgyzstan, Mexico, Nepal, Togo and the United States. It also dismissed consideration of communications concerning Cameroon, Ethiopia, Greece, India, Indonesia, Malaysia, the Philippines and Viet Nam.

In light of the establishment of the new Complaint Procedure and the transitional nature of its mandate, the Working Group agreed that its Chairperson should provide members at the Group’s second session with a list of all communications rejected after an initial screening. It noted that communications and responses by Governments submitted to the working group of the 1503 procedure were not translated in other languages, posing difficulties for the Working Group and creating inequality among the languages. It requested the High Commissioner to take measures to remedy the situation. It also decided to continue during the period of transition, and until the end of its second session, the same working methods followed in recent years; to keep available for consideration and decision of the Working Group communications in the roster submitted by the Secretariat for the current session and on which no decision had been taken, as well as communications kept under review at the current session and those received and considered admissible on 14 December 2007; and to conclude consideration of all those communications at its April 2008 session (see below).

At its second session (Geneva, 14–18 April) [A/HRC/WG.5/2/R.2], the Working Group had before it 23 new files containing communications and Government replies thereto relating to 15 countries. A total of 17 replies relating to 16 files were received from Governments. The Working Group also had 17 files relating to pending communications concerning 13 countries, and 89 files relating to 38 countries, which the Working Group had decided to keep available for possible further consideration. A total of 193 replies were received from concerned Governments in relation to those communications. The Working Group adopted 44 decisions. It referred to the Working Group on Situations communications in relation to human rights situations in the drc, Greece, Guinea, Nigeria and Peru, and decided to keep under review until its next session communications relating to Argentina, Cambodia, Cameroon, Colombia, the Gambia, India, the Libyan Arab Jamahiriya, the Philippines, Portugal, the Sudan and the United States. The Working Group discontinued consideration of communications relating to Bangladesh, Bhutan, Chile, Colombia, Iran, Mexico, Pakistan and Sri Lanka.

At its third session (Geneva, 20–24 October) [A/HRC/WG.5/3/R.2], the Working Group had before it 44 files of communications relating to 25 countries, comprising 28 new files relating to 20 countries, and 16 files relating to 11 countries that the Working Group had decided previously to keep under review. A total of 24 replies were received from concerned Governments in relation to those communications. The Working Group decided to refer to the Working Group on Situations (see below) communications concerning Cambodia, Cameroon, Colombia and the Gambia and to keep under review until its next session communications concerning Bulgaria, Colombia, India, Iraq, Japan, Libya, the Philippines, the Republic of Korea, Romania, the Sudan, Tajikistan, Thailand, Tunisia and the United States. It discontinued consideration of communications from Argentina, Bangladesh, India, Malaysia, the Philippines, Portugal, Sri Lanka, the Sudan, the United States and Viet Nam.

The Working Group expressed its appreciation to Governments that had replied to communications examined under the Complaint Procedure, especially those that had provided detailed and comprehensive replies. It encouraged Governments to provide not only procedural arguments in their replies, but to address the allegations raised on their merits. The Secretary-General would inform the Governments of Cambodia, Cameroon, Colombia and the Gambia, as well as the authors of the respective communications, of the relevant decisions of the Working Group. The Working Group noted with concern the number of communications received relating to alleged forced displacement and evictions, often affecting large numbers of persons, as well as communications with respect to alleged human rights violations committed by transnational corporations.

Members expressed concern over the unavailability on many occasions of translations of communications and Government replies into UN working languages, and requested that effective measures be taken to ensure their timely translation.


At its first session, the Working Group had before it dossiers relating to human rights situations in Botswana, Iran, Maldives, Nepal, Nigeria, Peru, Spain,
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Syria and Turkmenistan. The Working Group decided, by a vote of 4 to 1, to refer the human rights situation in Turkmenistan to the Human Rights Council at its seventh session, based on the unsatisfactory nature and reliability of the replies provided by that Government. It also decided to dismiss the cases of Nepal, Nigeria, Peru and Spain, and to keep under review until its next session the cases of Botswana, Iran, Maldives, Nigeria, Peru and Syria.

At its second session, the Working Group had before it the dossiers relating to the human rights situation in Botswana, the drc, Greece, Guinea, Iran, Maldives, Nigeria, Peru and Syria. Regretting that no reply had been received from the Government of Maldives, despite repeated communications by both Working Groups, it decided to refer the matter to the Council with a recommendation that the Council keep the matter under review and request the Government to provide further information, and requested the Secretary-General to communicate that decision to the Government. The Working Group also decided to dismiss the cases of Greece, Iran and Peru, and to keep under review until its next session the cases of Botswana, the drc, Guinea, Nigeria and Syria.

Human Rights Council action. On 25 March, by a recorded vote of 46 to 1, the Human Rights Council decided to keep the human rights situation in Turkmenistan under review and to request the Government to provide further information. It decided to further consider the situation at its ninth (September 2008) session in light of the new information received, and requested the Secretary-General to communicate that decision to the Government. On 23 September, the Council decided to keep the situation under review and requested Turkmenistan to provide further information at the Council’s tenth (2009) session.

Also on 23 September, the Council decided to discontinue consideration of the human rights situation in Maldives following the replies received from the Government and Government efforts to respond to the complaints.

Special procedures

Report of Secretary-General. In response to Human Rights Council decision 2/102 [YUN 2006, p. 760], the Secretary-General submitted, in March [A/HRC/7/49], a report listing references to the conclusions and recommendations of special procedures in their annual reports submitted to the Council’s sixth and seventh sessions. The reports were available on the ohchr website.

In her annual report [A/63/36], the High Commissioner noted that, as a result of the exercise (review, rationalization and improvement) launched in June 2006 [YUN 2006, p. 761], all thematic mandates had been extended, one country mandate terminated and two new thematic mandates established—those of the Special Rapporteur on contemporary forms of slavery [YUN 2007, p. 784] and the Special Rapporteur on the right to access to safe drinking water and sanitation (see p. 844). The exercise reaffirmed the standing of the special procedures before the Human Rights Council, and the new selection procedure was designed to uphold the highest standards of competence and integrity among mandate holders.

Human Rights Council action. In an 18 June president’s statement [A/63/53 (PRST/8/2)] on the terms of office of special procedures mandate holders, the Human Rights Council President said that, in accordance with General Assembly resolution 60/251 [YUN 2006, p. 757] and Council resolution 5/1 [YUN 2007, p. 662], a special procedures mandate holder’s tenure would not exceed six years in a particular position (two terms of three years for thematic procedures). The Council guaranteed the integrity and independence of the system of special procedures, and would follow up on the implementation of the Code of Conduct for special procedures mandate holders, as contained in Council resolution 5/2 [ibid., p. 666]. In that regard, the President would convey to the Council any information brought to his or her attention, including by States and/or by the coordination committee of special procedures, concerning cases of persistent non-compliance by a mandate holder with the Code of Conduct, especially prior to the renewal of mandate holders’ terms of office. In the absence of such information, the Council would extend the terms of office for a second three-year term.

Office of the High Commissioner for Human Rights

Appointment of High Commissioner. On 28 July, the General Assembly approved the appointment by the Secretary-General [A/62/913] of Navanethem Pillay (South Africa) as United Nations High Commissioner for Human Rights for a four-year term of office beginning on 1 September and expiring on 31 August 2012 (decision 62/420).

Reports of High Commissioner. In her annual report to the Human Rights Council [A/HRC/7/38 & Add.1,2], the United Nations High Commissioner for Human Rights, Louise Arbour (Canada), outlined the efforts of her Office to implement its mandate. She detailed the support given to the Council, reviewed efforts to strengthen country engagement and proposed activities to mark the sixtieth anniversary of the Universal Declaration of Human Rights (see p. 726). The report also focused on the commitment to the fight against racism, in particular through the Durban Review process, and highlighted the support for
human rights instruments and the role of UPR in promoting their universal application. Obstacles to the full realization of human rights included impunity, poverty, discrimination, armed conflict, democratic deficits and weak institutions. The report described OHCHR activities to address those problems, including technical cooperation, advisory services and support.

The annual report of the High Commissioner to the Economic and Social Council [E/2008/76] considered the principles of equality between men and women and non-discrimination against women in promoting and implementing economic, social and cultural rights under international human rights law. The report also focused on efforts to clarify the scope of States parties’ obligations to eliminate discrimination and ensure equality between women and men in relation to those rights. It also illustrated the relevance of women’s economic, social and cultural rights in the context of post-conflict reconstruction and democratization policies.

According to the High Commissioner, women suffered disproportionally from inequality and discrimination in the protection and enjoyment of their economic, social and cultural rights, and the gap between de jure and de facto discrimination against them was pervasive and often concealed. The private sector continued to impose norms, rules and practices that prevented the enjoyment by women of their rights, in developed and developing societies alike. Direct and indirect discrimination was widespread, despite the adoption of international human rights norms prohibiting discrimination against women. In post-conflict transition, ensuring meaningful participation by women and women’s organizations and the inclusion of specific concerns in relation to women's economic, social and cultural rights were paramount. In the design of legislation, programmes and policies at all levels, a human rights approach increased the likelihood that women’s rights would be best served by any measure adopted. Post-conflict societies had to make an effort to incorporate measures founded on equality between women and men and non-discrimination against women in the realm of economic, social and cultural rights in order to redress conflict-related violations, build sustainable peace and rectify prior inequalities.

On 25 July, the Economic and Social Council took note of the High Commissioner’s report (decision 2008/256).

In her annual report to the General Assembly [A/63/36], covering activities since the previous report [YUN 2007, p. 667], the High Commissioner said that OHCHR continued to support Member States in meeting their human rights obligations, while empowering rights-holders, in particular through country engagement and work with national partners, civil society and UN country teams. Priorities included supporting the Human Rights Council, treaty bodies and special procedures, as well as national protection systems. OHCHR capacity to support country engagement had increased significantly, particularly its rapid response capacity, allowing the Office to initiate and support emergency and technical missions. Support for national human rights institutions was also reinforced. As at August, OHCHR was operating and supporting 53 field presences, including nine regional presences, seven country offices, human rights components in 17 UN peace missions and human rights advisers in 16 UN country teams. The Regional Office for West Africa was established in January in Senegal and, in May, an agreement was signed with Kyrgyzstan for the opening of a Regional Office for Central Asia.

OHCHR capacity to react promptly to critical human rights situations continued to develop through its Peace Missions Support and Rapid Response Unit. The Office deployed a fact-finding mission to Kenya in February to look into allegations of grave human rights violations following the December 2007 elections, and a rapid-response mission in March to Armenia to advise the UN resident coordinator in the wake of violent clashes following presidential elections. In June, it supported the OHCHR country office in Bolivia in monitoring the human rights situation in the context of regional referendums.

OHCHR support of national human rights institutions had a significant impact. It advised some 100 such institutions worldwide on a continuing basis, in collaboration with its field offices, as well as peace missions and the United Nations Development Programme. It also provided technical advice on the establishment and responsibilities of such institutions to Azerbaijan, Bangladesh, Burundi, Cambodia, Chile, Côte d'Ivoire, the DRC, Ethiopia, France, Indonesia, Italy, Japan, Lesotho, Madagascar, Mauritania, Mauritius, Palau, Sierra Leone, the Sudan, Swaziland, Tajikistan, Timor-Leste and Uganda.

The Office supported the activities of human rights special procedures through over 50 field visits, and provided more than 1,000 communications to Governments concerning alleged violations and more than 100 reports to the Human Rights Council or the General Assembly. In the area of partnerships, OHCHR, the Department of Peacekeeping Operations and the Department of Political Affairs issued in July a joint policy directive for public reporting by human rights components of peace operations to improve that key aspect of human rights work. The report also highlighted OHCHR efforts in addressing issues in strategic thematic areas, such as equality and non-discrimination; development, poverty and the Millennium Development Goals [YUN 2000, p. 51]; economic, social and cultural rights; indigenous peoples; minorities; migration and trafficking; the rule of law.
and democracy; the Global Compact and the human rights responsibilities of businesses; human rights education and training; climate change and human rights and women’s rights and gender work.

The General Assembly took note of the High Commissioner’s report on 18 December (decision 63/534).

Composition of staff

Report of High Commissioner. Pursuant to Human Rights Council decision 2/102 [YUN 2006, p. 760], the High Commissioner submitted a February report [A/HRC/7/57] updating information on the composition of OHCHR staff, including data on staff members in posts subject to geographical distribution, as well as on staff members in temporary posts funded from extrabudgetary resources or in technical cooperation project posts. The report described measures taken by the High Commissioner to address the geographical imbalances identified by the Commission on Human Rights in resolution 2005/72 [YUN 2005, p. 716], and efforts to achieve equitable geographical representation. It concluded that the success of such efforts was apparent in the improved geographical diversity of OHCHR staff, and that the additional measures developed in consultation with the Office of Human Resources Management would further strengthen those efforts.

Human Rights Council action. On 27 March [A/63/53 (res. 7/2)], the Human Rights Council, by a recorded vote of 34 to 10, with 3 abstentions, requested the High Commissioner to undertake all measures needed to redress the imbalance in geographical distribution of OHCHR staff.

General Assembly action. As requested by the General Assembly in resolution 61/159 [YUN 2006, p. 764], the Secretary-General, by a September note [A/63/290], the High Commissioner’s report to the Assembly, which took note of it on 18 December (decision 63/534).

Report of Secretary-General. In response to General Assembly resolution 62/236 [YUN 2007, p. 1441], the Secretary-General submitted a July report on measures to improve the imbalance in the geographical distribution of OHCHR staff [A/63/204].

The Secretary-General reported a substantial improvement in the overall geographic diversity of OHCHR during the previous 18 months. OHCHR continued to vigorously implement the measures identified in the Secretary-General’s 2007 report [YUN 2007, p. 668], including the High Commissioner’s procedures and framework for improving geographical diversity. Another round of the national competitive recruitment examinations was held at the beginning of the year, especially for Member States that were unrepresented or underrepresented in the Secretariat. Forty-one of the 49 Member States invited to participate attracted 845 applicants. Of the 326 candidates selected to participate, 236 or 72.4 per cent sat for the examination in February. The examinations were expected to result in a larger pool of successful candidates on the roster for selection against vacant, regular-budget P-2 and P-3 positions from Member States requiring geographical improvement in OHCHR. In addition to advertising vacancies through established procedures, OHCHR continued to ensure the widest possible circulation of vacancy notices, using the mailing list of over 1,200 governmental institutions, non-governmental human rights organizations, national human rights institutions and academic institutions. It also shared vacancy notices with its offices in the field. Those efforts were yielding positive results. Of the 122 selection decisions for Professional posts taken since the introduction of the High Commissioner’s procedures and framework for improving geographical diversity, 72 (59 per cent) were made in favour of candidates from regions requiring improved representation in OHCHR. On the other hand, of the 50 selections from the regions well represented in OHCHR, 32 (64 per cent) were in respect of internal staff transferred or promoted, thus having no net impact on the geographical balance of the Office. Similar progress was made with regard to senior posts at the P-5 and higher levels. Some 28 selection decisions were made for senior posts since the procedures were introduced, 16 (57 per cent) of which were in favour of candidates from regions requiring improved representation.

On 24 December, the Assembly, in section XIII of resolution 63/250 (see p. 1616), took note of the Secretary-General’s 2007 report [YUN 2007, p. 668] on the subject.

OHCHR funding and staffing

JIU report. In May [A/62/845], the Secretary-General transmitted to the General Assembly a report of the Joint Inspection Unit (JIU) on OHCHR funding and staffing. The report said that OHCHR had taken action to improve its management and organization in response to recommendations by oversight bodies. However, the Office should link the budget and planning process to results and managerial performance, in line with a results-based management approach. The Trust Fund for the Support to the Activities of OHCHR, one of the eight funds managed by the Office, represented 78 per cent of its total extrabudgetary resources. However, the Fund did not have a board of trustees to review and approve projects and activities, and approval was granted solely by an internal body consisting of senior managers and chaired by the Deputy High Commissioner. OHCHR total resource requirements for the 2006–2007 biennium were esti-
mated at $265.3 million, 35.3 per cent of which would be funded from the UN regular budget and 64.7 per cent from extrabudgetary resources. Although Member States at the 2005 World Summit had called for a doubling of the regular budget resources over the ensuing five years, that target might not be reached. Additionally, OHCHR depended heavily on voluntary contributions to fund core and mandated activities, which were often subject to conditionalities imposed by Member States. The dependency on voluntary contributions was compounded by the reliance on a relatively small number of donors. In 2006, 97.6 per cent of pledged voluntary contributions came from 20 donors, 80.8 per cent of which came from just 10 countries. The donor base should be broadened by encouraging non-traditional donor countries to make contributions. Moreover, donors earmarked a large percentage of the funding for specific purposes: 63 per cent of the total funds from the top 20 donors in 2006 had been earmarked. There was no mechanism for Member States to review or approve individual voluntary contributions made to OHCHR, nor were they informed of the conditions imposed when individual contributions were being made. The Human Rights Council should be informed of such contributions above a significant level, as well as the conditionalities that might be attached to them.

The issue of the imbalance in the geographical distribution of the OHCHR staff had been repeatedly raised by the former Commission on Human Rights and the Human Rights Council (see p. 719). However, the situation had not significantly improved, as evidenced from the figures for Professional staff: staff from the Group of Western European and Other States accounted for 61.7 per cent, the highest representation. Although figures as at 30 June 2007 showed a slight improvement, the serious and continuing imbalance in the geographical distribution of the Professional and higher staff could diminish the effectiveness and credibility of OHCHR work if it was perceived to be culturally biased and unrepresentative of the United Nations.

The report recommended, among other things, that the Assembly: instruct the High Commissioner to seek the advice and the views of the Human Rights Council in preparing the proposed strategic framework and the associated budget requirements prior to finalizing those documents; establish a reasonable balance between the OHCHR regular budget and voluntary contributions; and instruct OHCHR to convince donors to reduce earmarked funding or enhance the flexibility of funds, applying principles such as the Good Humanitarian Donorship principles [YUN 2003, p. 916]. The Assembly should also introduce a temporary maximum level on the recruitment of new Professional staff from overrepresented regions.

**Human rights defenders**

**Reports of Special Representative.** In her annual report to the Human Rights Council [A/HRC/7/28], the Secretary-General’s Special Representative on human rights defenders, Hina Jilani (Pakistan), focused on follow-up activities in the implementation of her recommendations and highlighted her work in the three main areas of activities: communications, country visits and thematic reports. The Special Representative showed that the follow-up on cases included not only individual situations, but the identification of general trends. The quantitative and thematic analysis of communications made it possible to identify challenges and achievements in the implementation of 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) [YUN 1998, p. 608] and to formulate recommendations addressing implementation gaps. The Representative proposed methodological tools to facilitate follow-up activities, in particular to assess the situation of human rights defenders on the ground and a matrix for undertaking follow-up visits.

The Special Representative recommended that States respond in a timely, systematic and comprehensive manner to her communications, and invited them to consider the communications procedure as an opportunity to redress situations and correct structural gaps. The role of regional and international networks and organizations, which often acted as interfaces between the Special Representative and sources on the ground, should be strengthened. The situation of human rights defenders should be one of the elements to be reviewed in the Universal Periodic Review, while stronger collaboration and joint initiatives among international and regional
mechanisms for the protection of human rights defenders would reinforce the system overall.

The Special Representative visited Guatemala (18–22 February) [A/HRC/10/12/Add.3] to evaluate the implementation of the recommendations issued following her visit in 2002 [YUN 2002, p. 620]. While acknowledging some progress, particularly in the establishment of institutions and the self-protection initiatives of defenders, the Representative was concerned at the deteriorating environment in which human rights defenders operated, characterized by endemic impunity for crimes and violations committed against them. Guatemala was the third most unequal country in Latin America in terms of wealth distribution, and the worst in the region’s human development index. The level of violence and killings was extremely high, and journalists who reported on organized crime, drug trafficking, corruption and other criminal activities faced death threats, physical and verbal attacks, and even murder. Trade unionists were the target of many attacks. While impunity remained pervasive, steps had been taken to increase police performance and protection, including the establishment in January of the new Unit on Human Rights of the Criminal Investigation Division of the National Civil Police.

Stressing that the human rights situation was unlikely to improve without a clear turning point on impunity, the Special Representative recommended that the Government: turn the commitment to human rights into a political agenda permeating Government action; adopt a policy on the protection of human rights defenders and report on its implementation; and condemn attacks against defenders and acknowledge the importance of their work. The Government should also ensure coordination among institutions responsible for the investigation of cases, reform measures for witness protection, and tackle the flaws and weaknesses of the police, including the need to gain the trust of the population.


On 27 March [A/63/53 (res. 7/8)], the Council extended the special procedure on the situation of human rights defenders as a Special Rapporteur for a three-year period. The Rapporteur was requested to report regularly to the Council and the General Assembly.

Reports of Special Rapporteur. In accordance with Assembly resolution 62/152 [YUN 2007, p. 670], the Secretary-General, in an August note [A/63/288], transmitted to the Assembly the report of the Special Rapporteur on human rights defenders, which focused on her vision and priorities with regard to her mandate. Priority areas for future action included the analysis of trends and challenges concerning defenders; attention to defenders most exposed to attacks and violations; analysis of the obstacles and challenges to defenders’ exercise of their rights; the development of enhanced protection measures for defenders; enhancing collaboration with stakeholders; and formulating recommendations to make UPR an effective mechanism for assessing the situation of defenders. The establishment and strengthening of regional mechanisms for the protection of defenders—including the African Commission on Human and Peoples’ Rights, the Inter-American Commission on Human Rights, the Council of Europe and the Organization for Security and Cooperation in Europe—were fundamental to improving their situation. The Special Rapporteur intended to place greater emphasis on the promotion aspect of her role by focusing on good practices for protecting defenders and popularizing the Declaration on Human Rights Defenders.

On 18 December, the Assembly took note of the Special Rapporteur’s report on human rights defenders (decision 63/534).

Following her visit to Togo (28 July–4 August) [A/HRC/10/12/Add.2], the Special Rapporteur said that, since 2005, the country had been engaged in a political transition, and the prospects for human rights promotion and protection had improved. The Rapporteur welcomed initiatives for ensuring an environment conducive to the work of human rights defenders, but regretted that insufficient funds had been allocated to the institutions undertaking such initiatives. Human rights defenders continued to face several challenges, including the achievement of unity and coordination within the defenders’ community; the stigmatization of defenders by the authorities, who associated them with the political opposition; the plight of women defenders and the difficulties inherent in their work; unjustified delays in delivering registration certificates to NGOs; restrictions on the exercise of the rights to freedom of peaceful assembly and freedom of opinion and expression; and impunity for abuses against defenders.

The Special Rapporteur recommended that the Government and relevant State actors take steps to give legitimacy to human rights defenders by removing the stigmatization of being accused of affiliation to political parties; speed up the delivery of registration certificates to NGOs so as to facilitate their activities; recognize the legitimate work of women human rights defenders, remove obstacles impeding their work and take proactive measures to support such work; sensitize the police, gendarmerie and military officers, as well as judicial and prosecution officials, on the role and activities of defenders; and make the fight against impunity for violations against defend-
ers a priority. The Special Rapporteur recommended that human rights defenders end the fragmentation of their community, improve coordination networks to strengthen the protection of defenders and expand the capacity among defenders to make full use of national, regional and international human rights mechanisms and institutions.

Other aspects

Sexual orientation and gender identity

Communications. By an 18 December letter [A/63/663] to the General Assembly President, Argentina, Brazil, Croatia, France, Gabon, Japan, the Netherlands and Norway transmitted a statement on human rights, sexual orientation and gender identity, signed by 66 countries. The signatories expressed concern at human rights violations based on sexual orientation or gender identity, and at violence, harassment, discrimination, exclusion, stigmatization and prejudice directed against them in all countries. The signatories urged States to take measures, in particular legislative or administrative, to ensure that sexual orientation or gender identity might under no circumstances be the basis for criminal penalties, in particular executions, arrests or detention; and that violations based on sexual orientation or gender identity were investigated and perpetrators brought to justice.

On 19 December [A/63/663], Syria transmitted to the Secretary-General a declaration in relation to the above statement on “the so-called notions” of sexual orientation and gender identity, on behalf of 59 Member States. The signatory States expressed concern at the attempt to introduce in the United Nations notions that had no legal foundation in international human rights instruments, and to focus on certain persons on the grounds of sexual interests and behaviours, while ignoring intolerance and discrimination on the basis of colour, race, gender or religion. They deplored all forms of stereotyping, exclusion, stigmatization, prejudice, intolerance, discrimination and violence directed against peoples, communities and individuals on any grounds whatsoever. They also reaffirmed article 29 of the Universal Declaration of Human Rights, establishing the right of Member States to enact laws that met “just requirements of morality, public order and the general welfare in a democratic society”, and expressed concern at attempts to create “new rights” or “new standards” by misinterpreting the Declaration and international treaties to include notions that were never articulated or agreed by the general membership. Those attempts jeopardized the entire international human rights framework.

The signatories called on States to refrain from attempting to give priority to the rights of certain individuals, which could result in positive discrimination at the expense of others’ rights, in contradiction with the principles of non-discrimination and equality.

Good governance

Human Rights Council action. On 27 March [A/63/53 (res. 7/11)], the Human Rights Council, by a recorded vote of 41 to none, with 6 abstentions, welcomed the High Commissioner’s note transmitting the report on the 2006 United Nations conference on anti-corruption, good governance and human rights [YUN 2006, p. 767]. The Council invited States to consider ratifying or acceding to the United Nations Convention against Corruption [YUN 2003, p. 1128], and to promote transparency, accountability, prevention and enforcement as key principles of anti-corruption efforts. It requested OHCHR to prepare a publication on anti-corruption, good governance and human rights, and decided to continue its consideration of the role of good governance, including the issue of the fight against corruption in the promotion and protection of human rights, at a future session.

Human rights instruments

General aspects


**Note by Secretariat.** To facilitate access to information relating to the status of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and on the Conventions against Torture, on the Rights of the Child and on the Protection of the Rights of Migrant Workers, the Secretariat, in January [A/HRC/7/60], informed the Human Rights Council that such information was available on the OHCHR website and was updated regularly.

**Report of Secretary-General.** Pursuant to Assembly resolutions 52/118 [YUN 1997, p. 594] and 53/138 [YUN 1998, p. 612], the Secretary-General, in May, submitted a report [HRI/GEN/2/Rev.5] 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 updated compilation contained guidelines for reports to be submitted to the Committee on Migrant Workers, and harmonized guidelines on reporting under international human rights treaties.

**Human rights treaty body system**

**Meeting of chairpersons.** In an August note [A/63/280], the Secretary-General submitted the report on the twentieth meeting of chairpersons of human rights treaty bodies (Geneva, 23–25 June), which considered follow-up to the recommendations of the nineteenth meeting [YUN 2007, p. 673] and reviewed developments relating to the work of the treaty bodies. Participants also discussed the reform of the treaty body system, including the harmonization of working methods and the UPR mechanism, as well as the work of the Human Rights Council. They met with representatives of States parties and the Council President.

The meeting had before it reports on: the implementation of recommendations of the sixth inter-committee meeting and the nineteenth meeting of chairpersons [HRI/MC/2008/2]; indicators for promoting and monitoring the implementation of human rights [HRI/MC/2008/3]; working methods of the human rights treaty bodies relating to the State party reporting process [HRI/MC/2008/4]; and States’ parties reservations to human rights treaties [HRI/MC/2008/5].

The meeting endorsed the points of agreement concluded at the seventh inter-committee meeting of human rights treaty bodies (see below) and called on those bodies to follow up on those recommendations and report on their implementation in 2009. Concerning the relationship with special procedure mandate holders, the chairpersons and the special procedures agreed to organize future joint meetings in a more structured fashion and requested the Secretariat to prepare a list of common procedural and thematic issues to be discussed at their eleventh joint meeting. The meeting also recommended that a one-day meeting be allocated for informal consultations with States parties at its twenty-first (2009) meeting. It recognized the need for developing effective cooperation between treaty bodies and the Council and for strengthening the institutional links between them. The meeting recommended that treaty body secretaries prioritize documents to ensure their timely translation.

Annexed to the Secretary-General’s note was the report of the seventh inter-committee meeting of human rights treaty bodies (Geneva, 23–25 June), which decided on points of an agreement on the revised harmonized reporting guidelines [HRI/GEN/2/Rev.5]; follow-up to concluding observations; and decisions on individual complaints, consideration of a State party in the absence of a report, the independence of treaty-body experts, cooperation with NGOs, and business and human rights, among other issues.

The General Assembly took note of the meeting’s report on 18 December (decision 63/534).

The tenth joint meeting of treaty body chairpersons with mandate holders of the Council’s special procedures was held on 26 June. Participants discussed follow-up to the recommendations of special procedures and treaty bodies, and agreed on the need for stronger cooperation between the two groups. They underlined the importance of building on each other’s recommendations.

**Meeting of special rapporteurs, independent experts and chairpersons.** In November [A/HRC/10/24], the High Commissioner transmitted to the Council the report on the fifteenth meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the Council’s special procedures (Geneva, 23–27 June). Participants adopted the draft revised Manual of special procedures mandate holders, presented by the task force appointed in 2007 [YUN 2007, p. 674]. Substantive changes related
to the appointment of mandate holders, the criteria for
taking action on communications and the transmis-

sion of urgent appeals to Governments, Government
responses appended to mission reports, and the shar-
ing of public statements with concerned Governments
in advance of their release. The meeting agreed that
the Manual should be updated as necessary. It also
adopted the internal advisory procedure, annexed to
the High Commissioner’s note, for facilitating imple-
mentation of the Code of Conduct for Special Proce-
dures Mandate Holders, adopted by the Council in
2007 [ibid., p. 666], and the Manual of the human rights
special procedures. It was noted that, even though the
system of communication had evolved over the years,
some issues needed further reflection, such as the low
rate of responses by Governments, the protection of
witnesses, feedback to sources and the issuance of a
common report on communications. The proposal
that a common report on communications collated
on a country-by-country basis should be issued was
widely supported. Participants also discussed the de-
velopment of a common approach to crisis situations,
and stressed that the special procedures were uniquely
placed to act as an early warning system in situations
involving serious human rights violations. General
comments or guidelines by mandate holders on human
rights requirements in humanitarian crises should be
elaborated. Participants further discussed cooperation
with regional human rights mechanisms and with the
UN system, integrating human rights approaches and
mechanisms into the work of the special procedures,
cooperation with human rights treaty bodies, and consulations with NGOs and national human rights
organizations.

Membership of human rights treaty bodies

On 18 December [meeting 70], the General Assembly,
on the recommendation of the Third Committee
[430/Add.1], adopted resolution 63/167 by
recorded vote (128-55-2) [agenda items 64 (a) & (b)].

Equitable geographical distribution in the
membership of the human rights treaty bodies

The General Assembly,
Recalling its previous resolutions on this question,
Reaffirming the importance of the goal of universal ratifi-
cation of the United Nations human rights instruments,
Welcoming the significant increase in the number of
ratifications of United Nations human rights instruments,
which has especially contributed to their universality,
Reiterating the importance of the effective functioning
of treaty bodies established pursuant to United Nations hu-
man rights instruments for the full and effective imple-
mentation of those instruments,
Recalling that, with regard to the election of the mem-
bers of the human rights treaty bodies, the General Assembly as
well as the Commission on Human Rights recognized the
importance of giving consideration in their membership
to equitable geographical distribution, gender balance and
representation of the principal legal systems, and of bearing
in mind that the members shall be elected and shall serve in
their personal capacity, and shall be of high moral charac-
ter, acknowledged impartiality and recognized competence
in the field of human rights,

Reaffirming the significance of national and regional
particularities and various historical, cultural and religious
backgrounds, as well as of different political, economic and
legal systems,

Recognizing that the United Nations pursues multilin-
guialism as a means of promoting, protecting and preserving
diversity of languages and cultures globally and that
genuine multilingualism promotes unity in diversity and
international understanding,

Recalling that the General Assembly as well as the Com-
mission on Human Rights encouraged States parties to
United Nations human rights treaties, individually and
through meetings of States parties, to consider how to give
better effect, inter alia, to the principle of equitable geo-
ographical distribution in the membership of treaty bodies,

Expressing concern at the regional imbalance in the cur-
rent composition of the membership of some of the human
rights treaty bodies,

Noting in particular that the status quo tends to be par-
cially detrimental to the election of experts from some regi-
nal groups,

Convinced that the goal of equitable geographical dis-
tribution in the membership of human rights treaty bodies is
perfectly compatible and can be fully realized and achieved
in harmony with the need to ensure gender balance and the
representation of the principal legal systems in those bodies
and the high moral character, acknowledged impartiality and
recognized competence in the field of human rights of
their members,

1. Encourages the States parties to the United Nations
human rights instruments to consider and adopt concrete
actions, inter alia, the possible establishment of quota dis-
tribution systems by geographical region for the election
of the members of the treaty bodies, thereby ensuring the
paramount objective of equitable geographical distribution
in the membership of those human rights bodies;

2. Calls upon the States parties to the United Nations
human rights instruments to include in their work a debate
on ways and means to ensure equitable geographical distrib-
ution in the membership of the human rights treaty bodies,
based on previous recommendations of the Commission on
Human Rights and the Economic and Social Council and
the provisions of the present resolution;

3. Recommends, when considering the possible estab-
lishment of a quota by region for the election of the mem-
bervship of each treaty body, the introduction of flexible
procedures that encompass the following criteria:

(a) Each of the five regional groups established by
the General Assembly must be assigned a quota of the
membership of each treaty body in equivalent proportion
to the number of States parties to the instrument that it
represents;

(b) There must be provision for periodic revisions that
reflect the relative changes in the geographical distribution
of States parties;
Automatic periodic revisions should be envisaged in order to avoid amending the text of the instrument when the quotas are revised;

4. Stresses that the process needed to achieve the goal of equitable geographical distribution in the membership of human rights treaty bodies can contribute to raising awareness of the importance of gender balance, the representation of the principal legal systems and the principle that the members of the treaty bodies shall be elected and shall serve in their personal capacity, and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights;

5. Requests the chairpersons of the human rights treaty bodies to consider at their next meeting the content of the present resolution and to submit, through the United Nations High Commissioner for Human Rights, specific recommendations for the achievement of the goal of equitable geographical distribution in the membership of the human rights treaty bodies;

6. Requests the High Commissioner to submit concrete recommendations on the implementation of the present resolution to the General Assembly at its sixty-fourth session;

7. Decides to continue its consideration of the question at its sixty-fourth session under the item entitled “Promotion and protection of human rights”.

**RECORDED VOTE ON RESOLUTION 63/167:**

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland. The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States.

Abstaining: Brazil, Cape Verde.

**Effective implementation of international human rights instruments**

**Human Rights Council action.** On 24 September [A/63/53/Add.1 (res. 9/8)], the Human Rights Council took note of the Secretary-General’s 2007 report on the effective implementation of international human rights instruments [YUN 2007, p. 674]. It welcomed the measures taken by the human rights treaty bodies to improve their functioning and encouraged continuing efforts to further improve their effectiveness by reducing duplication of reporting required under the different instruments, harmonizing general guidelines on the form and content of reports across all treaty bodies, coordinating the schedule for the consideration of reports, limiting the length of reports, providing practical concluding observations addressed to States parties, and harmonizing practices for the publication and reporting of responses and practices for inviting comments from States and other stakeholders.

The Council urged States to consider signing and ratifying or acceding to international human rights instruments and accepting the individual communications procedures under applicable instruments; meet their reporting obligations, in particular by submitting initial and overdue reports; submit common-core documents and take into consideration reporting guidelines; provide effective follow-up to concluding observations of the treaty bodies on their reports and disseminate their full text; consider carefully the views of the treaty bodies on individual communications relating to them and provide adequate follow-up; encourage the involvement of civil society in the report preparation process; avail themselves of technical assistance; and when nominating their candidates to treaty bodies, consider the principle of non-accumulation of UN human rights mandates. The Council encouraged OHCHR to enhance its use of modern technologies, such as webcasts, with a view to strengthening the treaty body system. It emphasized the need to ensure financing and adequate staff and information resources for the operation of human rights bodies. The Secretary-General was requested to report to the Council annually on the implementation of the resolution, including recommendations for further improving the effectiveness of, harmonizing and reforming the treaty body system, and seek the views of States and other stakeholders.

**Reservations to human rights treaties**

A May report on reservations to human rights treaties [HRI/MC/2008/5] recalled that the International Law Commission, during its fifty-ninth session [YUN 2007, p. 1356], had convened a meeting with UN human rights experts, including representatives from human rights treaty bodies, to discuss issues...
relating to reservations [ibid., p. 674]. A report on the outcome of the meeting was prepared by the Special Rapporteur on reservations to treaties [ILC/LIX/RT/CRP.1]. The Commission had revised the wording of several guidelines (3.1.8 to 3.1.10) relating to reservations and provisionally adopted them in 2007 [YUN 2007, p. 1356]. At the request of the General Assembly, the Secretary-General, in January, issued a summary of the debate on the report of the Commission during the Assembly’s sixty-second session [A/CN.4/588], which included discussion related to reservations.

During the first session of the Working Group on UPR (see p. 713), the issue of reservations was raised with States under review, with several being urged to withdraw their reservations to international human rights treaties. Annexed to the report was a summary of the practice of human rights treaty bodies with respect to reservations—concluding observations/comments relating to the Committee on the Rights of the Child, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee on Migrant Workers. Also annexed to the report was a table of reservations, interpretative declarations, objections and withdrawals.

The Special Rapporteur also issued his twelfth report on the formulation and withdrawal of acceptances and objections to treaties [YUN 2007, p. 1371].

Universal Declaration of Human Rights

Human rights voluntary goals

The Human Rights Council initiated in 2007 [YUN 2007, p. 673] an open-ended intergovernmental process to elaborate a set of human rights voluntary goals to promote the realization of the Universal Declaration of Human Rights [YUN 1948–49, p. 535], to be launched on 10 December 2008 in celebration of the Declaration’s sixtieth anniversary. A high-level panel discussion on human rights voluntary goals was held on 5 March, during the Council’s seventh session [A/HRC/7/78].

Human Rights Council action. On 24 September [A/63/53/Add.1 (res. 9/12)], the Human Rights Council encouraged States to accomplish progressively a set of human rights voluntary goals, namely: universal ratification of the core international human rights instruments and universalization of the international human rights obligations of States; strengthening of national legal, institutional and policy frameworks to ensure the promotion and protection of human rights; establishment of national human rights institutions; elaboration of national human rights programmes and plans of action to strengthen States’ capacity to promote and protect human rights; definition and implementation of national programmes of action promoting the realization of the rights and goals set forth in the Universal Declaration to eliminate discrimination of any kind and all forms of violence; adoption and implementation of programmes of human rights education in all learning institutions, including capacity-building programmes for law enforcement professionals; increased cooperation with all mechanisms of the UN human rights system; strengthening of mechanisms to facilitate human rights international cooperation; creation of favourable conditions at all levels to ensure the full and effective enjoyment of all human rights, including the right to development; and strengthening the capacity to fight hunger and poverty through additional forms of international cooperation.

States were invited to report on the progressive implementation of the voluntary goals, including in the context of UPR, and on the occasion of the seventieth (2018) anniversary of the Declaration. The Council welcomed the convening of a commemorative session on the sixtieth anniversary of the Declaration (see below) and the launch of the human rights voluntary goals.

Sixtieth anniversary of Universal Declaration

Human Rights Council action. On 24 September [A/63/53/Add.1 (dec. 9/102)], the Human Rights Council decided to convene a one-day session to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights, to be held during the week of 8 December, for the presentation of national, regional and international initiatives launched on the occasion of the anniversary. The Council invited the Secretary-General and the High Commissioner to address the Council.

GENERAL ASSEMBLY ACTION

On 24 November [meeting 57], the General Assembly adopted resolution 63/25 [draft: A/63/L.31] without vote [agenda item 64].

Commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights

The General Assembly,

Guided by the purposes, principles and provisions of the Charter of the United Nations, which include the promotion of, and respect for, human rights and fundamental freedoms for all,

Recalling its resolution 62/171 of 18 December 2007 entitled “International Year of Human Rights Learning”, in which it decided to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights at a plenary meeting to be held on 10 December 2008,

Recalling also its resolution 2217 A(XXI) of 19 December 1966, in which it decided to award at five-year intervals
the United Nations award for outstanding achievements in the field of human rights,

1. **Reaffirms** its decision to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights on 10 December 2008;

2. **Decides** that the commemorative event will comprise a plenary meeting, including the award ceremony for the United Nations prize in the field of human rights, and two consecutive informal interactive panel discussions;

3. **Encourages** all Member States and observers to participate at the highest level possible;

4. **Decides** that the President of the General Assembly, the President of the Human Rights Council, the Secretary-General and the United Nations High Commissioner for Human Rights will address the commemorative plenary meeting;

5. **Invites** intergovernmental organizations and entities that have observer status with the General Assembly, relevant entities of the United Nations system and non-governmental organizations in consultative status with the Economic and Social Council to be represented at the commemorative event;

6. **Requests** the President of the General Assembly, in consultation with Member States and with the technical support of the Office of the United Nations High Commissioner for Human Rights, to draw up, no later than 30 November 2008, a list of two representatives of pertinent non-governmental organizations for each of the informal interactive panel discussions who will speak on behalf of civil society, and to circulate the list to Member States to be considered on a no-objection basis;

7. **Also requests** the President of the General Assembly, in consultation with Member States and with the technical support of the Office of the United Nations High Commissioner for Human Rights, to finalize the organizational arrangements for the commemorative event, including the identification of themes and the assignment of panellists for the informal interactive panel discussions;

8. **Further requests** the President of the General Assembly to hold open consultations with Member States and observers in order to prepare a brief declaration reaffirming the Universal Declaration of Human Rights and the commitment for its full implementation, to be adopted by consensus at the commemorative plenary meeting.

**Commemorative meetings.** On 10 December [A/63/PV.65], the General Assembly marked the sixtieth anniversary of the adoption of the Universal Declaration with a half-day plenary meeting. Assembly President Miguel d’Escoto Brockmann, Human Rights Council President Martin Ihoeghian Uko- moibhi, High Commissioner for Human Rights Navanethem Pillay and 15 other speakers addressed the meeting. The Secretary-General, who was attending the United Nations Climate Change Conference in Poznań, Poland (see p. 1155), addressed the meeting by video. A ceremony for the award of the United Nations Prizes in the Field of Human Rights for 2008 recognized individuals and organizations that had made outstanding contributions to the promotion and protection of human rights. The prizes were awarded to former High Commissioner Louise Arbour; veteran human rights defender Ramsey Clark; Dr. Carolyn Gomes, co-founder of Jamaicans for Justice; Dr. Denis Mukwege, co-founder of the General Referral Hospital of Panzi, DRC; and Human Rights Watch. Two special posthumous awards recognized former Pakistani Prime Minister Benazir Bhutto and Sister Dorothy Stang, human rights defender of the indigenous population of the Anapu region of Brazil, who was murdered in 2005.

The Human Rights Council held a commemorative session on 12 December, which was addressed by the Human Rights Council President, the Secretary-General, the High Commissioner and speakers representing States, international organizations and civil society.

**GENERAL ASSEMBLY ACTION**

On 10 December [meeting 65], the General Assembly adopted resolution 63/116 [draft: A/63/L.54] without vote [agenda item 64].

**Sixtieth anniversary of the Universal Declaration of Human Rights**

The General Assembly
Adopts the following Declaration:

**Declaration on the sixtieth anniversary of the Universal Declaration of Human Rights**

We, the States Members of the United Nations, celebrate today the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, which is a common standard of achievement for all peoples and all nations in the field of human rights. Since its adoption, it has inspired the world and empowered women and men around the globe to assert their inherent dignity and rights without discrimination on any grounds. It is and will remain a source of progressive development of all human rights.

The Universal Declaration of Human Rights calls upon us to recognize and respect the dignity, freedom and equality of all human beings. We applaud the efforts undertaken by States to promote and protect all human rights for all. We must strive to enhance international cooperation and the dialogue among peoples and nations on the basis of mutual respect and understanding towards this goal.

In an ever-changing world, the Universal Declaration of Human Rights remains a relevant ethical compass that guides us in addressing the challenges we face today. The living, driving force of all human rights unites us in our common goal to eradicate the manifold ills that plague our world. We remain committed to development and to the internationally agreed development goals, and are convinced that their fulfilment will be instrumental to the enjoyment of human rights.

We deplore that human rights and fundamental freedoms are not yet fully and universally respected in all parts of the...
world. In no country or territory can it be claimed that all human rights have been fully realized at all times for all. Human beings continue to suffer from the neglect and violation of their human rights and fundamental freedoms. We laud the courage and commitment of all women and men around the world who have devoted their lives to promoting and protecting human rights.

We all have the duty to step up our efforts to promote and protect all human rights and to prevent, stop and readdress all human rights violations. We must give everybody a chance to learn about and better understand all human rights and fundamental freedoms. We must continue to strengthen the human rights pillar of the United Nations, as we undertook with the creation of the Human Rights Council.

Today, we, the States Members of the United Nations, reiterate that we will not shy away from the magnitude of this challenge. We reaffirm our commitment towards the full realization of all human rights for all, which are universal, indivisible, interrelated, interdependent and mutually reinforcing.

Communications. On 3 June [A/62/858], Australia, Honduras, Mali, Slovenia, Ukraine and the United States, on behalf of 63 countries, transmitted to the Secretary-General a Declaration of Prisoners of Conscience on the occasion of the sixtieth anniversary of the Universal Declaration.

On 10 December [A/63/627], Cuba, as Chair of the Coordinating Bureau, transmitted to the Secretary-General the Declaration of the Coordinating Bureau of the Non-Aligned Movement on the commemoration of the sixtieth anniversary of the Universal Declaration.

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 164 and 111, respectively. During the year, the Bahamas, Papua New Guinea, Samoa and Vanuatu became parties to the treaty, and Moldova became party 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 ratified or acceded to by Argentina, Chile, Honduras, Rwanda and Uzbekistan, bringing the number of States parties to 70 as at 31 December.

Implementation

Monitoring body. The Human Rights Committee, established under article 28 of the Covenant, held three sessions in 2008: its ninety-second (New York, 17 March–4 April); ninety-third (Geneva, 7–25 July) [A/63/40, vol. I]; and ninety-fourth (Geneva, 13–31 October) [A/64/40, vol. I]. Under article 40, it considered reports from 13 States—Botswana, Denmark, France, Ireland, Japan, Monaco, Nicaragua, Panama, San Marino, Spain, the former Yugoslav Republic of Macedonia, Tunisia and the United Kingdom—and adopted concluding observations on them. 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/63/40, vol. II; A/64/40, vol. II].

Within the framework of article 14 of the Covenant, aimed at ensuring the effective administration of justice, the Committee adopted, on 28 October, General Comment No. 33 on the obligations of States parties under the Optional Protocol.

By notifications of 2 January, 21 February, 7 and 29 August, 17 September, 12 November and 12 December, Peru stated that it had declared a state of emergency in certain provinces, during which certain rights covered by the Covenant would be suspended. On 2 September, Peru notified other States parties, through the Secretary-General, that the state of emergency in certain districts and several provinces had been declared null and void.

On 9 May, Guatemala notified other States parties, through the Secretary-General, that it had declared a state of emergency throughout the country, and specified the restriction placed on certain rights and freedoms. On 9 October, Guatemala notified other States parties, through the Secretary-General, of the declaration of a state of emergency for a 15-day period in part of the country, specifying the restriction placed on certain rights and freedoms. On 24 October, Guatemala notified other States of the prorogation of the state of emergency for 15 days.

On 18 October, Colombia notified other States, through the Secretary-General, of the declaration of a 90-day nationwide state of internal disturbance.

(For the Organization’s efforts to protect civil and political rights, within the framework established by the Covenant, see p. 772.)

Covenant on Economic, Social and Cultural Rights

Accessions and ratifications

As at 31 December, there were 160 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, the Bahamas, Pakistan and Papua New Guinea became parties to the Covenant.

**Implementation**

**Monitoring body.** The Committee on Economic, Social and Cultural Rights held its fortieth (28 April–16 May) and forty-first (3–21 November) sessions in Geneva [E/2009/22]. Its pre-sessional working group met in Geneva from 19 to 23 May and from 24 to 28 November to identify issues to be discussed with reporting States. The Committee examined reports submitted under articles 16 and 17 of the Covenant by Angola, Benin, Bolivia, France, India, Kenya, Nicaragua, the Philippines, Sweden and the United Nations Interim Administration Mission in Kosovo, and adopted concluding observations on them. On 17 November, the Committee discussed draft General Comment No. 20 on non-discrimination and economic, social and cultural rights.

In a statement on the world food crisis, adopted on 16 May [E/C.12/2008/1], the Committee urged States to: ensure freedom from hunger through the provision of emergency humanitarian aid without discrimination; limit the rapid rise in food prices by encouraging production of local staple food products for local consumption instead of diverting prime arable land for the production of agrofuels; introduce measures to combat speculation in food commodities; and establish an international coordination mechanism to oversee responses to the food crisis and to ensure that the policy measures adopted would fulfil the realization of the right to adequate food. The Committee also urged States to: revise the global trade regime to ensure that global agricultural trade rules promoted, rather than undermined, the right to adequate food; implement strategies to combat climate change; invest in small-scale agriculture, small-scale irrigation and other appropriate technologies; and apply human rights principles, especially those relating to the right to adequate food, by assessing the impact of their financial, trade and development policies.

The Economic and Social Council, on 5 February, took note of the Committee’s report on its thirty-sixth and thirty-seventh sessions [YUN 2006, p. 772] (decision 2008/202), and on 25 July, it took note of the reports on its thirty-eighth and thirty-ninth sessions [YUN 2007, p. 677] (decision 2008/256).

**Optional Protocol**

The Open-ended Working Group to consider options for elaborating an optional protocol to the Covenant, at its fifth session (Geneva, 4–8 February and 31 March–4 April) [A/HRC/8/7 & Corr.1,2], finalized the text of the protocol and transmitted it to the Human Rights Council for consideration. The Protocol established a procedure of individual communications for cases of alleged violations of economic, social and cultural rights.

**Human Rights Council action.** On 18 June [A/63/435], the Human Rights Council adopted the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, annexed to the resolution, and recommended its adoption by the General Assembly (see below).

**GENERAL ASSEMBLY ACTION**

On 10 December [meeting 66], the General Assembly, on the recommendation of the Third Committee [A/63/435], adopted resolution 63/117 without vote [agenda item 58].

**Optional Protocol to the International Covenant on Economic, Social and Cultural Rights**

The General Assembly, Taking note of the adoption by the Human Rights Council, by its resolution 8/2 of 18 June 2008, of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,

1. *Adopts* the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the text of which is annexed to the present resolution;

2. *Recommends* that the Optional Protocol be opened for signature at a signing ceremony to be held in 2009, and requests the Secretary-General and the United Nations High Commissioner for Human Rights to provide the necessary assistance.

**ANNEX**

**Optional Protocol to the International Covenant on Economic, Social and Cultural Rights**

**Preamble**

The States Parties to the present Protocol,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Noting that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that the Universal Declaration of Human Rights and the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy civil, cultural, economic, political and social rights,
Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,

Recalling that each State Party to the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as "the Covenant") undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures,

Considering that, in order further to achieve the purposes of the Covenant and the implementation of its provisions, it would be appropriate to enable the Committee on Economic, Social and Cultural Rights (hereinafter referred to as "the Committee") to carry out the functions provided for in the present Protocol,

Have agreed as follows:

Article 1
Competence of the Committee to receive and consider communications

1. A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications as provided for by the provisions of the present Protocol.

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

Article 2
Communications

Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the economic, social and cultural rights set forth in the Covenant by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the economic, social and cultural rights set forth in the Covenant by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.

Article 3
Admissibility

1. The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted. This shall not be the rule where the application of such remedies is unreasonably prolonged.

2. The Committee shall declare a communication inadmissible when:
   (a) It is not submitted within one year after the exhaustion of domestic remedies, except in cases where the author can demonstrate that it had not been possible to submit the communication within that time limit;
   (b) 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;
   (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) It is incompatible with the provisions of the Covenant;
   (e) It is manifestly ill-founded, not sufficiently substantiated or exclusively based on reports disseminated by mass media;
   (f) It is an abuse of the right to submit a communication; or when
   (g) It is anonymous or not in writing.

Article 4
Communications not revealing a clear disadvantage

The Committee may, if necessary, decline to consider a communication where it does not reveal that the author has suffered a clear disadvantage, unless the Committee considers that the communication raises a serious issue of general importance.

Article 5
Interim measures

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 in exceptional circumstances to avoid possible irreparable damage to the victim or victims of the alleged violations.

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

Article 6
Transmission of the communication

1. Unless the Committee considers a communication inadmissible without reference to the State Party concerned, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State Party concerned.

2. Within six months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State Party.

Article 7
Friendly settlement

1. The Committee shall make available its good offices to the parties concerned with a view to reaching a friendly settlement of the matter on the basis of the respect for the obligations set forth in the Covenant.

2. An agreement on a friendly settlement closes consideration of the communication under the present Protocol.

Article 8
Examination of communications

1. The Committee shall examine communications received under article 2 of the present Protocol in the light of all documentation submitted to it, provided that this documentation is transmitted to the parties concerned.
2. The Committee shall hold closed meetings when examining communications under the present Protocol.

3. When examining a communication under the present Protocol, the Committee may consult, as appropriate, relevant documentation emanating from other United Nations bodies, specialized agencies, funds, programmes and mechanisms, and other international organizations, including from regional human rights systems, and any observations or comments by the State Party concerned.

4. When examining communications under the present Protocol, the Committee shall consider the reasonableness of the steps taken by the State Party in accordance with part II of the Covenant. In doing so, the Committee shall bear in mind that the State Party may adopt a range of possible policy measures for the implementation of the rights set forth in the Covenant.

**Article 9**

**Follow-up to the views of the Committee**

1. After examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned.

2. The State Party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the views and recommendations of the Committee.

3. The Committee may invite the State Party to submit further information about any measures the State Party has taken in response to its views or recommendations, if any, including as deemed appropriate by the Committee, in the State Party’s subsequent reports under articles 16 and 17 of the Covenant.

**Article 10**

**Inter-State communications**

1. A State Party to the present Protocol may at any time declare under the present article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant. Communications under the present article may be received and considered only if submitted by a State Party that has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under the present article shall be dealt with in accordance with the following procedure:

   (a) If a State Party to the present Protocol considers that another State Party is not fulfilling its obligations under the Covenant, it may, by written communication, bring the matter to the attention of that State Party. The State Party may also inform the Committee of the matter. Within three months after the receipt of the communication, the receiving State shall afford the State that sent the communication an explanation, or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

   (b) If the matter is not settled to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

   (c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter. This shall not be the rule where the application of the remedies is unreasonably prolonged;

   (d) Subject to the provisions of subparagraph (c) of the present paragraph, the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of the respect for the obligations set forth in the Covenant;

   (e) The Committee shall hold closed meetings when examining communications under the present article;

   (f) In any matter referred to it in accordance with subparagraph (b) of the present paragraph, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

   (g) The States Parties concerned, referred to in subparagraph (b) of the present paragraph, shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

   (h) The Committee shall, with all due expediency after the date of receipt of notice under subparagraph (b) of the present paragraph, submit a report, as follows:

      (i) If a solution within the terms of subparagraph (d) of the present paragraph is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

      (ii) If a solution within the terms of subparagraph (d) is not reached, the Committee shall, in its report, set forth the relevant facts concerning the issue between the States Parties concerned. The written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. The Committee may also communicate only to the States Parties concerned any views that it may consider relevant to the issue between them.

In every matter, the report shall be communicated to the States Parties concerned.

2. A declaration under paragraph 1 of the present article shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under the present article; no further communication by any State Party shall be received under the present article after the notification of withdrawal of the declaration has been received by the
Article 11
Inquiry procedure

1. A State Party to the present Protocol may at any time declare that it recognizes the competence of the Committee provided for under the present article.

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

3. 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.

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

5. 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.

6. 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.

7. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2 of the present article, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report provided for in article 15 of the present Protocol.

8. Any State Party having made a declaration in accordance with paragraph 1 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General.

Article 12
Follow-up to the inquiry procedure

1. The Committee may invite the State Party concerned to include in its report under articles 16 and 17 of the Covenant details of any measures taken in response to an inquiry conducted under article 11 of the present Protocol.

2. The Committee may, if necessary, after the end of the period of six months referred to in article 11, paragraph 6, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

Article 13
Protection measures

A State Party shall take all appropriate measures to ensure that individuals under its jurisdiction are not subjected to any form of ill-treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.

Article 14
International assistance and cooperation

1. The Committee shall transmit, as it may consider appropriate, and with the consent of the State Party concerned, to United Nations specialized agencies, funds and programmes and other competent bodies, its views or recommendations concerning communications and inquiries that indicate a need for technical advice or assistance, along with the State Party’s observations and suggestions, if any, on these views or recommendations.

2. The Committee may also bring to the attention of such bodies, with the consent of the State Party concerned, any matter arising out of communications considered under the present Protocol which may assist them in deciding, within its field of competence, on the advisability of international measures likely to contribute to assisting States Parties in achieving progress in implementation of the rights recognized in the Covenant.

3. A trust fund shall be established in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the Financial Regulations and Rules of the United Nations, with a view to providing expert and technical assistance to States Parties, with the consent of the State Party concerned, for the enhanced implementation of the rights contained in the Covenant, contributing to building national capacities in the area of economic, social and cultural rights in the context of the present Protocol.

4. The provisions of the present article are without prejudice to the obligations of each State Party to fulfil its obligations under the Covenant.

Article 15
Annual report

The Committee shall include in its annual report a summary of its activities under the present Protocol.

Article 16
Dissemination and information

Each State Party undertakes to make widely known and to disseminate the Covenant and the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular, on matters involving that State Party, and to do so in accessible formats for persons with disabilities.

Article 17
Signature, ratification and accession

1. The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant.

2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Covenant.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
Article 18  
**Entry into force**  
1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.  
2. For each State ratifying or acceding to the present Protocol after the deposit of the tenth instrument of ratification or accession, the Protocol shall enter into force three months after the date of the deposit of its instrument of ratification or accession.

Article 19  
**Amendments**  
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 for approval and thereafter to all States Parties for acceptance.  
2. An amendment adopted and approved in accordance with paragraph 1 of the present 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 20  
**Denunciation**  
1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.  
2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under articles 2 and 10 or to any procedure initiated under article 11 before the effective date of denunciation.

Article 21  
**Notification by the Secretary-General**  
The Secretary-General of the United Nations shall notify all States referred to in article 26, paragraph 1, of the Covenant of the following particulars:  
(a) Signatures, ratifications and accessions under the present Protocol;  
(b) The date of entry into force of the present Protocol and of any amendment under article 19;  
(c) Any denunciation under article 20.

Article 22  
**Official languages**  
1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.  
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 26 of the Covenant.

**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], stood at 173.  
The Secretary-General reported on the status of the Convention as at 15 August [A/63/473].

A Secretariat note [A/HRC/8/15], submitted in April in response to a Human Rights Council request [YUN 2006, p. 760], described OHCHR efforts towards universal ratification of the Convention and listed six States that had signed but not ratified the instrument, and 16 others that had neither signed nor ratified it. OHCHR wrote to the 22 States that had yet to become parties, encouraging them to take the necessary action.

**Complementary standards**

Pursuant to Human Rights Council resolution 6/21 [YUN 2007, p. 678], the Ad Hoc Committee on the Elaboration of Complementary Standards held the first (11–21 February) and second (15–19 December) parts of its first session in Geneva [A/HRC/10/88]. The Committee was established in 2006 [YUN 2006, p. 774] to elaborate complementary standards to the International Convention, in the form of either a convention or an additional protocol, filling gaps in the Convention and providing new normative standards.

In February, the Committee recommended that the Human Rights Council refer to the Committee on the Elimination of Racial Discrimination proposals regarding the elaboration of an optional protocol as contained in its “Study of the Committee on the Elimination of Racial Discrimination on possible measures to strengthen implementation through optional recommendations or the update of its monitoring procedures” [A/HRC/4/WG.3/7]. The Ad Hoc Committee expressed its readiness to further review the proposals included in the suggested protocol, and acknowledged that disagreements remained on whether substantial protection gaps needed to be addressed through complementary standards.
In conclusions and recommendations adopted in December, the Committee agreed on a road map for its future work, including the preparation of complementary international standards in the field of racism, racial discrimination, xenophobia and related intolerance, the scope, form and nature of which could vary according to the gap to be filled. The Committee Chairperson would solicit contributions from Member States; compile, integrate and structure them; and consult Member States on the outcome, which should be submitted to Member States by 31 July 2009, as the basis for the work of the Committee in October 2009.

Implementation

Monitoring body. The Committee on the Elimination of Racial Discrimination (ced), established under article 8 of the Convention, held its seventy-second (18 February–7 March) and seventy-third (28 July–15 August) sessions in Geneva [A/63/18]. The Committee considered reports submitted by 15 countries—Austria, Belgium, the Dominican Republic, Ecuador, Fiji, Germany, Italy, Moldova, Namibia, Nicaragua, the Russian Federation, Sweden, Switzerland, Togo and the United States—and adopted concluding observations on them.

With regard to the Convention’s implementation by States parties whose reports were seriously overdue, the Committee noted that 20 of them were at least 10 years late in submitting their reports, and 30 were at least five years late. The review of the Convention’s implementation continued for those States parties on the basis of the last reports submitted, in addition to information prepared by UN organs and other sources, including NGOs. Of those States with seriously overdue reports scheduled for review at the Committee’s seventy-third session, Peru reconfirmed its intention to submit its report by the end of 2008 and requested that the review be postponed. The Committee postponed the review of the situation in Belize, in light of that country’s request for technical assistance in the reporting process.

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

Pursuant to article 15 of the Convention, which empowered the Committee to consider petitions, reports and other information relating to Trust and Non-Self-Governing Territories, cedr 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 scant information relating directly to the Convention’s principles and objectives in the reports received.

The Committee considered a number of situations under its early warning and urgent action procedure, including situations in Belize, Brazil, Canada, Chile, China, the Czech Republic, Ethiopia, India, Italy, Kenya, Panama, Peru and the Philippines. It decided to hold at its next session a thematic discussion on special measures within the meaning of articles 1 (4) and 2 (2) of the Convention, with a view to elaborating a general comment on the subject.

Financial situation. In August [A/63/306], the Secretary-General reported that outstanding arrears by States parties for the functioning of the Committee totalled $141,810 as at 30 June. As at 31 December, 43 States parties had accepted an amendment to article 8 of the Convention regarding the financing of cedr [YUN 1992, p. 714]. The amendment was to enter into force when accepted by a two-thirds majority of States parties, comprising approximately 115 of the 173 States parties to the Convention.

(For information on the Organization’s activities to combat racial discrimination, including contemporary forms of racism, in accordance with the Convention and under the Programme of Action of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, see p. 761.)

GENERAL ASSEMBLY ACTION

On 24 December [meeting 74], the General Assembly, on the recommendation of the Third Committee [A/63/428], adopted resolution 63/243 without vote [agenda item 62 (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 61/148 of 19 December 2006,
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 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 seventieth and seventy-first and seventy-second and seventy-third 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 submit 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, its Advisory Committee 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 on the Elimination of Racial Discrimination, 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, including with a view to further harmonizing the working methods of the treaty bodies, 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 appointment of a follow-up coordinator and the adoption of the guidelines on 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 as well as to solving the problem of the backlog of reports of States parties in an effective manner, including by identifying efficiencies and maximizing the use of their resources as well as learning and sharing best practices and experiences in this regard;

12. Notes the persistent backlog of reports of States parties awaiting consideration, which prevents the Committee from considering the periodic reports of States parties in a timely manner and without undue delay, as well as the request of the Committee that the General Assembly authorize an extension of its meeting time, which is currently only six weeks per year;

13. Decides to authorize the Committee to meet for an additional week per session, as a temporary measure, with effect from August 2009, until 2011;

14. Also decides to assess the situation regarding the meeting time of the Committee at its sixty-fifth session on the basis of an evaluation made by the Office of the High Commissioner, taking into account a more comprehensive approach to the backlog of human rights treaty bodies and the increasing number of reports of States parties to the human rights conventions;
II
Financial situation of the Committee on the Elimination of Racial Discrimination

15. Takes note of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;
16. 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;
17. 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;
18. 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;
19. 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-fifth session;

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

20. 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;
21. 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;
22. 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;
23. 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;
24. Urges all States that have not yet become parties to the Convention to ratify or accede to it as a matter of urgency;
25. 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;
26. 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 fifty-three, and requests States parties that have not yet done so to consider making that declaration;
27. Invites the Chairperson of the Committee on the Elimination of Racial Discrimination to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its sixty-fifth session under the item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance”; 28. Decides to consider, at its sixty-fifth session, under the item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance”, the reports of the Committee on its seventy-fourth and seventy-fifth and its seventy-sixth and seventy-seventh 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, 146 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]. Rwanda became a party to the Convention in 2008.

During the year, Bosnia and Herzegovina, Chile, France, Germany, Guatemala, Kazakhstan, Kyrgyzstan and Lebanon became parties to the Optional Protocol to the Convention, bringing the total number of parties to 42. The Protocol, which established an international inspection system for places of detention, was adopted in Assembly resolution 57/199 [YUN 2002, p. 631] and entered into force in 2006 [YUN 2006, p. 776]. As at 16 May, 56 parties had made the required declarations under articles 21 and 22, in 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 par-
ties had made the declaration under article 21, concerning inter-State communications, bringing the total number of declarations under that article to 60, while five had done so under article 22, concerning individual communications, bringing the total under that article to 61. 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.

Implementation

**Monitoring body.** During the year, the Committee against Torture, established as a monitoring body under the Convention, held its fortieth (28 April–16 May) [A/63/44] and forty-first (3–21 November) [A/64/44] sessions in Geneva. Under article 19 of the Convention, it considered reports submitted by 15 countries—Algeria, Australia, Belgium, China (including the Hong Kong and Macao Special Administrative Regions), Costa Rica, Kazakhstan, Kenya, Iceland, Indonesia, Lithuania, Montenegro, Serbia, Sweden, the former Yugoslav Republic of Macedonia and Zambia—and adopted concluding observations on them.

The Committee continued, in accordance with article 20, to study reliable information that appeared to contain well-founded indications that torture was systematically practised by 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 the Committee’s related recommendations. Under article 22, the Committee considered communications submitted by individuals claiming that their rights under the Convention had been violated by a State party and who had exhausted all available domestic remedies.

**Subcommittee on Prevention.** The 10-member Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Subcommittee on Prevention), established in 2006 [YUN 2006, p. 776] to carry out the functions laid down in the Optional Protocol adopted by resolution 57/199 [YUN 2002, p. 631], held its fourth (11–15 February) [A/63/44, annex VII], fifth (23–28 June) and sixth (17–21 November) sessions [CAT/C/42/2 & Corr.1] in Geneva. In 2008, the Subcommittee visited Benin [CAT/OP/BEN/1], Mexico [CAT/OP/MEX/1] and Sweden [CAT/OP/SWE/1 & Add.1], focusing on the development of national preventive mechanisms and the protection of people held in places of deprivation of liberty. The Subcommittee had various contacts with national preventive mechanisms and with organizations, including national human rights institutions and NGOs involved in the development of such mechanisms. It also maintained contact with the International Committee of the Red Cross, the Inter-American Commission on Human Rights, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Organization for Security and Co-operation in Europe, and international and national NGOs engaged in strengthening protection against torture.

The Subcommittee’s first annual report [CAT/C/40/2], covering the period from February 2007 to March 2008, was submitted to the Committee against Torture at its fortieth session. The report noted that the full mandate envisaged in the Optional Protocol had not yet been realized owing to limited budgetary resources. It looked to the United Nations to provide the financial and human resources necessary for the fulfilment of its mandate.

(For the protection of the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, see the work of the Special Rapporteur on the question of torture on p. 808.)

**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. 1277. For insight on the activities designed to protect the rights of women and girls worldwide, in accordance with the provisions of the Convention, see the work of the Special Rapporteur on Violence against Women, Its Causes and Consequences on p. 846.)

**Convention on the Rights of the Child**

**Accessions and ratifications**


The Secretary-General reported on the status of the Convention and its Optional Protocols as at 1 July [A/63/160].
Implementation

Monitoring body. The Committee on the Rights of the Child (crc) held its forty-seventh session (14 January–1 February) [CRC/C/47/3], forty-eighth session (19 May–6 June) [CRC/C/48/3] and forty-ninth session (15 September–3 October) [CRC/C/49/3] 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 Austria, Bhutan, Bulgaria, Chile, Djibouti, the Dominican Republic, Eritrea, Georgia, Germany, Ireland, Kuwait, Lithuania, the Philippines, Republic of Korea, Serbia, Sierra Leone, the Timor-Leste, Uganda, the United Kingdom, the United Republic of Tanzania and the United States, and adopted concluding observations on them.

On 19 September, the Committee held its annual day of general discussion on “The right to education in situations of emergency”. It also discussed the drafts of its two forthcoming general comments, on the right of the child to express views and be heard, and on the rights of indigenous children.

The Committee submitted to the General Assembly its biennial report covering activities from its forty-second to forty-seventh sessions [A/63/41].

On 25 July, the Economic and Social Council took note of the Committee’s report (decision 2008/256).

Human Rights Council action. On 28 March [A/63/53 (res. 7/29)], the Human Rights Council addressed implementation of the Convention and other instruments. The Council called on States parties to implement the Convention and its Optional Protocols fully by putting in place effective national legislation, policies and action plans, complying with their reporting obligations in a timely manner, and taking into account the Committee’s recommendations. They should designate, establish or strengthen governmental structures for children and ensure adequate training in the rights of the child for professional groups working with and for children; and develop and assess social programmes so that economic and social resources were sufficiently developed for the full realization of the rights of the child.

The Council reaffirmed the findings in General Assembly resolution 62/141 [YUN 2007, p. 681] and the importance of promoting appropriate parental care and family preservation where possible. It encouraged States to adopt laws to protect children growing up without parents or caregivers; where alternative care was necessary, decision-making should be in the best interests of the child. It also encouraged the advancement of the draft UN guidelines for the appropriate use and conditions of alternative care for children, to which further attention should be given at the Council’s future sessions.

On 24 September [A/63/53/Add.1 (res. 9/13)], the Council took note of the draft UN guidelines for the appropriate use and conditions of alternative care for children, requested the High Commissioner to circulate them, and invited States to work towards taking action on the guidelines at the Council’s tenth (2009) session. The initial draft guidelines for the protection of children without parental care were reviewed at an intergovernmental meeting of experts in Brasilia, Brazil, in August 2006.

(For information on the Organization’s efforts to protect the rights of the child everywhere in the world, in accordance with the provisions outlined in the Convention, see the work of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography on p. 849. See also the activities of the Special Representative of the Secretary-General for Children and Armed Conflict on p. 851.)

GENERAL ASSEMBLY ACTION

On 24 December [meeting 74], the General Assembly, on the recommendation of the Third Committee [A/63/430/Add.2], adopted resolution 63/244 without vote [agenda item 64 (b)].

Committee on the Rights of the Child

The General Assembly,
Reaffirming the Convention on the Rights of the Child and the Optional Protocols thereto,
Noting the report of the Secretary-General on the status of the Convention and the report of the Committee on the Rights of the Child,
1. Notes, while welcoming the entry into force of the Optional Protocols to the Convention on the Rights of the Child, that a backlog of more than eighty reports exists related to the submission by States parties of their initial reports under the Optional Protocols in conformity with their obligations, and notes with concern that if this backlog is not addressed, it will impede the ability of the Committee on the Rights of the Child to consider reports in a timely manner, and in this regard takes note of the request of the Committee to meet in parallel chambers to address this backlog in an effective and timely manner;
2. Decides, as an exceptional and temporary measure, to authorize the Committee to meet in parallel chambers, of nine members each, for ten working days of each of its three regular sessions and the five working days of each of its three preessional working group meetings between October 2009 and October 2010, for the purposes of considering the reports of the States parties submitted under article 44 of the Convention, article 8 of the Optional Protocol thereto on the involvement of children in armed conflict and article 12 of the Optional Protocol thereto on the sale
of children, child prostitution and child pornography, taking due account of equitable geographical distribution and the principal legal systems;

3. Also decides to assess the situation regarding the meeting time of the Committee at its sixty-fifth session on the basis of an evaluation made by the Office of the United Nations High Commissioner for Human Rights, taking into account a more comprehensive approach towards the backlog of human rights treaty bodies and the increasing number of reports of States parties to the human rights conventions;

4. Requests the Committee to intensify its review of its working methods in order to enhance the efficiency and quality of its proceedings, with the aim of achieving timely consideration of reports submitted by States parties, and also requests the Committee to review and assess its progress in order to provide an update on this question in its report to the General Assembly at its sixty-fourth session and inputs to the evaluation to be made by the Office of the High Commissioner, taking into account the wider context of treaty body reform.

Also on 24 December [meeting 74], the General Assembly, on the recommendation of the Third Committee [A/63/426], adopted resolution 63/241 by recorded vote (159-1-0) [agenda item 60 (a)].

Rights of the child

The General Assembly,

Recalling its previous resolutions on the rights of the child, the most recent of which is resolution 62/141 of 18 December 2007, and its resolution 62/140 of 18 December 2007, as well as Human Rights Council resolution 7/29 of 28 March 2008,

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, the Declaration on the Right to Development and the Declaration of the commemorative high-level plenary meeting devoted to the follow-up to the outcome of the special session on children, held in New York from 11 to 13 December 2007,

Recognizing the link between an improved situation for children and achieving the internationally agreed development goals, including the Millennium Development Goals, in particular those related to education, poverty eradication, gender equality, reduction of child mortality and global partnership for development, and welcoming in this context the outcomes of the high-level event on the Millennium Development Goals, held in New York on 25 September 2008,

Recognizing also the importance of the integration of child rights issues into the follow-up of the outcome documents 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 62/141, as well as the report of the Committee on the Rights of the Child,

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

Welcoming the entry into force of the Convention on the Rights of Persons with Disabilities, and the attention paid to children in this international instrument,

Noting with appreciation the attention paid to children in the International Convention for the Protection of All Persons from Enforced Disappearance, and stressing the importance of its entry into force,

Noting with appreciation also the attention paid to children in the United Nations Declaration on the Rights of Indigenous Peoples,

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, trafficking in children and their organs, all forms of exploitation, commercial sexual exploitation of children, 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,

Reiterating 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 recognizing that chronic poverty remains the single biggest obstacle to meeting the needs of and promoting and protecting the rights of children, and that urgent national and international action is therefore required to eliminate it,

Reaffirming that democracy, development, peace and security, and the full and effective enjoyment of all human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty,

Reaffirming also 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,

Bearing in mind that 2009 marks the twentieth anniversary of the adoption of the Convention on the Rights of the Child and the fifteenth anniversary of the adoption of the Declaration of the Rights of the Child, which provided a foundation for the Convention, and considering
that these anniversaries are suitable occasions for strengthening the efforts of Member States to promote the rights of the child,

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 all those working with and for children, as well as ensuring child rights education for children themselves;

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 regularly other reservations with a view to withdrawing them in accordance with the Vienna Declaration and Programme of Action;

4. Calls upon States to designate, establish or strengthen governmental structures for children, including, where appropriate, ministers in charge of child and youth issues and independent ombudspersons for children or other institutions for the promotion and protection of the rights of the child;

5. 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 the implementation of the Convention;

6. Takes note with appreciation of the initiatives undertaken by the Committee aimed at promoting a better understanding of and fuller compliance with the rights enshrined in the Convention, namely, through the organization of days of general discussion and the adoption of general comments;

7. 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;

8. 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 and non-discrimination against children

Non-discrimination

9. Calls upon all States:

(a) To ensure the enjoyment by children of all their civil, cultural, economic, political and social rights without discrimination of any kind;

(b) To provide special support and ensure equal access to services for all children, noting with concern the large number of children who are among the victims of racism, racial discrimination, xenophobia and related intolerance, and stressing the need to incorporate special measures, in accordance with the principles of the best interests of the child and respect for his or her views and the child’s gender-specific needs, in education programmes and programmes to combat such practices;

(c) To take all necessary and effective 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, early marriage, marriage without the free and full consent of the intending spouses and forced sterilization, by enacting and enforcing legislation and, where appropriate, by formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to protect girls;

(d) 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 by ensuring that the principle of the best interests of the child and the rights of children with disabilities are integrated into policies and programmes for children, including their rights to education, to the highest attainable standard of physical and mental health and to protection from violence, abuse and neglect, and to develop and, where it already exists, enforce legislation to prohibit discrimination against them in order to ensure their inherent dignity, to promote their self-reliance and to facilitate their full and active participation and inclusion in their communities, taking into account the particular situation of children with disabilities who may be subject to multiple or aggravated forms of discrimination, including girls with disabilities and children with disabilities living in poverty;

10. Urges all States to respect and promote the right of girls and boys to express themselves freely, to ensure that their views are given due weight, in accordance with their age and maturity, in all matters affecting them and to involve children, including children with special needs, in decision-making processes, taking into account the evolving capacities of children and the importance of involving children’s organizations and child-led initiatives;

11. Also urges all States in particular to strengthen the participation of children and adolescents in planning and implementation relating to matters that affect them, such as health, environment, education, social and economic welfare and protection against violence, abuse and exploitation;
Registration, family relations and adoption or other forms of alternative care

12. 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;

13. 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, and in this context invites States to dedicate all their efforts, in a transparent process, with a view to possible action on the draft United Nations guidelines for the appropriate use and conditions of alternative care for children at the tenth session of the Human Rights Council;

14. 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;

15. 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 those cases, preferably by accession to or ratification of the Hague Convention on the Civil Aspects of International Child Abduction, and to comply fully 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;

16. 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

17. Calls upon States and the international community to create an environment in which the well-being of the child is ensured, including by strengthening international cooperation in this field;

18. Calls upon States to cooperate, support and participate 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 reaffirms that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

19. 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;

20. 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, and to continue their efforts to realize the internationally agreed development and poverty eradication goals, including the Millennium Development Goals;

Right to education

21. Recognizes 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 in order to achieve the objectives of Education for All, with the aim of realizing the millennium development goal aimed at achieving universal primary education;

22. Welcomes the work of the Special Rapporteur on the right to education, takes note of his report on the right to education in emergency situations, recognizes that the right to education is to be respected at all times, and calls upon Member States to adopt legal and other measures to ensure that education is included in emergency preparedness plans;

23. Urges Member States to implement strategies for the realization of the right to education as an integral element in the context of humanitarian assistance, with the support of the international community, the United Nations system, donors, multilateral agencies, the private sector, civil society and non-governmental organizations;

Right to the enjoyment of the highest attainable standard of health

24. Calls upon States:

(a) To take all necessary measures to ensure the right of the child to the enjoyment of the highest attainable standard of health and to develop sustainable health systems and social services, ensuring access to such systems and services without discrimination, paying special attention to adequate food and nutrition and combating disease and malnutrition, to access to safe drinking water and sanitation, to the special needs of male and female 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, and in this context to realize the millennium development goals aimed at reducing child mortality, improving maternal health and combating HIV/AIDS, malaria and other diseases;
(b) To assign 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;

(c) To support adolescents to be able to deal positively and responsibly with their sexuality in order to protect themselves from HIV/AIDS infection and to implement 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;

(d) To develop and implement 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;

(e) To promote initiatives aimed at reducing the prices of antiretroviral drugs, especially second-line drugs, available to boys and girls, including bilateral and private sector initiatives, as well as initiatives on a voluntary basis taken by groups of States, including those based on innovative financing mechanisms that contribute to the mobilization of resources for social development, especially those that aim to provide further access to drugs at affordable prices to children in developing countries on a sustainable and predictable basis, and in this regard takes note of the International Drug Purchase Facility, UNITAID;

(f) To design and implement programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular by enabling them and also the adolescent fathers to continue and complete their education;

Right to food

25. Expresses grave concern at the worsening of the world food crisis, which seriously undermines the realization of the right to food for all, including mothers and children, and also expresses grave concern that this crisis threatens to further undermine the achievement of the Millennium Development Goals and stresses that solutions need a comprehensive and multifaceted approach requiring short-, medium- and long-term and sustained actions;

26. Calls upon all States to take immediate steps to eliminate child hunger, including through the adoption or strengthening of national programmes to address food security and adequate livelihoods, as well as nutritional security, especially regarding vitamin A, iron and iodine deficiencies, the promotion of breastfeeding, as well as programmes, for example, school meal programmes, that should ensure adequate nutrition for all children;

Elimination of violence against children

27. Condemns all forms of violence against children, and urges all States:

(a) To take effective and appropriate legislative and other measures or, where it exists, to strengthen legislation to prohibit and eliminate all forms of violence against children in all settings;

(b) To respect fully the rights, human dignity and physical integrity of children and to prohibit and eliminate any emotional or physical violence or any other humiliating or degrading treatment;

(c) To give priority attention to the prevention of all forms of violence against children and to addressing its underlying causes and its gender dimension through a systematic, comprehensive and multifaceted approach, recognizing that witnessing violence, including domestic violence, also causes harm to children;

(d) To protect children from all forms of violence or abuse by all those who work with and for children, including in educational settings, as well as by Government officials, such as the police, law enforcement authorities and employees and officials in detention centres or welfare institutions;

(e) To establish complaint mechanisms that are confidential, age-appropriate, gender-sensitive and accessible to all children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

(f) 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 in order to ensure a safe and supportive environment free from harassment and violence;

(g) To strive to change attitudes that condone or normalize any form of violence against children, including cruel, inhuman or degrading forms of discipline, harmful traditional practices and all forms of sexual violence;

(h) 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;

(i) To end impunity for perpetrators of crimes against children and to investigate and prosecute such acts of violence and impose appropriate penalties, recognizing that persons convicted of violent offences against children, including sexual abuse, who continue to pose a risk of harm to children should be prevented from working with children;

(j) To establish and develop safe, well-publicized, confidential and accessible mechanisms to enable children, their representatives and others to report violence against children as well as to file complaints in cases of violence against children, and to ensure that all victims of violence have access to appropriate confidential, child-sensitive health and social services, paying special attention to the gender-specific needs of girls and boys who are victims of violence;

(k) 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, acknowledging that girls and boys face varying risks from different forms of violence at different ages and in different situations, and in this context recalls the agreed conclusions on the elimination of all forms of discrimination and violence against the girl child adopted by the Commission on the Status of Women at its fifty-first session;

28. Expresses deep concern about the impact of all forms of sexual violence in situations of armed conflict and about
the harm caused by witnessing sexual violence, reaffirms in this regard relevant resolutions of the General Assembly, the Economic and Social Council and the Human Rights Council, and notes with appreciation the attention paid to this issue in Security Council resolution 1820(2008) of 19 June 2008;

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

30. **Urges** all States 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;

31. **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;

32. **Encourages** all States and requests United Nations entities, regional organizations and civil society, including non-governmental organizations, to continue to widely disseminate and follow up on the study on violence against children by the independent expert appointed by the Secretary-General and to cooperate with the Special Representative of the Secretary-General on violence against children, once appointed, in promoting the implementation of the recommendations of the study, while promoting and ensuring country ownership and national plans and programmes in this regard;

33. **Expresses deep concern** about the delay in the appointment of the new mandate-holder as requested by the General Assembly in its resolution 62/141, and requests the Secretary-General to comply fully with the request and to take urgent action to appoint, in accordance with the above-mentioned resolution, at the highest possible level and without delay, a Special Representative on violence against children;

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

34. **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;

35. **Also calls upon** all States to protect refugee, asylum-seeking and internally displaced children, taking into account their gender-specific needs, in particular those who are unaccompanied, who are particularly exposed to violence and risks in connection with armed conflict, such as recruitment, killing, maiming, sexual violence and exploitation, as well as trafficking, 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, where appropriate and feasible, 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;

36. **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;

37. **Calls upon** all States to ensure that any migration policies, including repatriation mechanisms, are in accordance with the best interests of the child and to take all necessary actions to ensure that unaccompanied migrant children and those who are victims of violence and exploitation receive special protection and assistance in accordance with international law;

38. **Also 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, pursuing all necessary efforts towards the goal of universal access to comprehensive prevention programmes, treatment, care and support by 2010 and intensifying efforts to develop new treatments for children, and building, where needed, and supporting the social security systems that protect them;

39. **Further 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;

40. **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;

41. **Calls upon** States to protect all human rights of children in particularly difficult situations and to ensure that the best interests of the child are accorded primary consideration, and encourages the Committee on the Rights of the Child, the United Nations Children’s Fund, other relevant United Nations bodies and mandate-holders, within their respective mandates, to pay particular attention to the conditions of these children in all States and, as appropriate, to make recommendations to strengthen their protection;

42. **Recognizes** that the mass media and their organizations have a key role to play in raising awareness about the
situation of children and the challenges facing them and that they should also play a more active role in informing children, parents, families and the general public about initiatives that promote and protect the rights of children and should also contribute to educational programmes for children;

Children alleged to have infringed or recognized as having infringed penal law

43. Calls upon all States:
   (a) To abolish by law and in practice 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, including by taking all necessary measures to comply with their obligations 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; and
   (b) 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;

44. Encourages all States to develop and implement a comprehensive juvenile justice policy that includes, where appropriate, the introduction of alternative measures allowing for responses to juvenile delinquency without resorting to judicial procedures;

45. Urges States to take special measures to protect juvenile offenders, including the provision of adequate legal assistance, the training in juvenile justice of judges, police officers and prosecutors, as well as specialized defenders or other representatives who provide legal or other appropriate assistance, such as social workers, the establishment of specialized courts, the promotion of universal birth registration and age documentation and the protection of the right of juvenile offenders to maintain contact with their families through correspondence and visits, save in exceptional circumstances;

46. 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 is deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training;

Children of persons alleged to have infringed or recognized as having infringed penal law

47. Also calls upon all States to give attention to the impact of parental detention and imprisonment on children and, in particular:
   (a) To give priority consideration to non-custodial measures when sentencing or deciding on pre-trial measures for a child’s sole or primary caretaker, subject to the need to protect the public and the child, and bearing in mind the gravity of the offence;
   (b) To identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment;

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

48. Welcomes the extension of the mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography by the Human Rights Council;

49. Also welcomes the convening of the World Congresses against Sexual Exploitation of Children and Adolescents, including the Third World Congress, held from 25 to 28 November 2008 in Rio de Janeiro, Brazil, aimed at stimulating debate and mobilizing the efforts of the international community to eradicate the sexual exploitation of children and adolescents;

50. Expresses deep concern about the persistence of the practices of the sale of children, child slavery, commercial sexual exploitation of children, child prostitution and child pornography in many parts of the world, and 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 and other information and communications technologies for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation;
   (b) To ensure the prosecution and punishment 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 and the necessary collaboration for prevention, detection, 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 in 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) To give due consideration to the recommendations made by the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, in her report, devoted to the subject of forced marriage in the context of trafficking in persons;
   (e) In cases of trafficking in children, the sale of children, child prostitution, child pornography and child sex tourism, to address effectively the needs of victims, including their safety, legal assistance and protection, physical and psychological recovery and full reintegration into society, paying particular attention to their gender-specific needs, including through bilateral and multilateral technical cooperation and financial assistance;
(f) 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;

(g) To give priority to the identification of norms and standards on the responsibilities of transnational corporations and other business enterprises, particularly those involved in information and communications technologies, related to respect for the rights of children, including the right to be protected from sexual abuse and exploitation, particularly in the virtual realm, as set out in the relevant legal instruments, and to outline basic measures to be taken for implementation;

(h) To mobilize public awareness, involving families and communities, with the participation of children, concerning the protection of children against all forms of sexual exploitation and abuse;

(i) To contribute to the prevention and elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic 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;

(j) To take measures to eliminate the demand that fosters all forms of exploitation that leads to trafficking, including sexual exploitation and the sex tourism demand;

Children affected by armed conflict

51. 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;

52. Recalls, in accordance with international humanitarian law, that indiscriminate attacks against civilians, including children, are prohibited and that they shall not be the object of attack, including by way of reprisal or excessive use of force, condemns such practices resulting in the killing and maiming of children, and demands that an end be immediately put to them;

53. Urges States, United Nations agencies, funds and programmes, other relevant international and regional organizations and civil society to give serious attention to all violations and abuses committed against children in situations of armed conflict;

54. Calls upon all States, relevant United Nations bodies and agencies and regional organizations to mainstream the rights of the child into all activities in conflict and post-conflict situations, to ensure adequate child protection training of their staff and personnel, including through the drafting and dissemination of codes of conduct, and to facilitate the participation of children in the development of strategies in this regard, inter alia, by ensuring that there are opportunities for children’s voices to be heard and given due weight in accordance with the age and maturity of the child;

55. Calls upon States:

(a) To enhance complementarity and coordination of national policies and strategies related to security, development, human rights and humanitarian issues with a view to addressing the short-, medium- and long-term impacts of armed conflict on children in an effective, sustainable and comprehensive manner;

(b) 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;

(c) 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;

(d) To ensure timely and adequate funding for national disarmament, demobilization and reintegration programmes for children and for settlement, rehabilitation and reintegration efforts for all children associated with armed forces and groups, including detained children, particularly in support of national initiatives, to secure the long-term sustainability of such efforts, including through the use of a multisectoral and community-based approach that is inclusive of all children, family-based care arrangements, as also highlighted in the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the Paris Principles), and the mobilization of financial resources and technical assistance from international cooperation for rehabilitation and reintegration programmes for children, including by making use of all international forums and conferences related to this matter, including the meetings in follow-up to the “Free Children from War” conference, held in Paris on 5 and 6 February 2007;

(e) To undertake measures to ensure that children in situations of armed conflict enjoy all the rights enshrined in relevant international instruments, and that national authorities, with the support of the international community, as appropriate, take steps to ensure the delivery of basic services necessary for the survival of children in different areas, including health, education, nutrition, water, sanitation and psychosocial recovery;

(f) 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;

(g) 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 inter-
national community to hold those responsible for violations accountable, inter alia, through the International Criminal Court;

(h) To take all feasible 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 such practices and legal measures necessary to prohibit and criminalize them;

(i) To support relevant existing internationally agreed mechanisms established to address the issue of children in armed conflict that contribute to the roles, responsibilities and capacities of national Governments in this field;

56. Takes note of the updating of the Cape Town Principles on child soldiers, which led to the Paris Principles, encourages Member States to consider using the Paris Principles to inform their work in protecting children from the effects of armed conflicts, and requests the relevant entities of the United Nations system, within their mandates, and invites civil society to assist Member States in this field;

57. Calls upon all States and relevant United Nations bodies to continue to support, as appropriate, national and international mine action efforts, including with regard to cluster munitions and other unexploded ordnance;

58. Condemns in the strongest terms rape and sexual violence committed against children in armed conflict, expresses deep concern at mass and systematic rape and sexual violence committed against children in armed conflict, in some instances calculated to humiliate, dominate, instil fear and disperse and/or forcibly relocate a population, calls upon all States and relevant United Nations bodies and agencies and regional organizations to address this issue, as well as the issue of sexual exploitation and abuse of children in United Nations peacekeeping operations, and urges States to adopt appropriate national legislation and to ensure rigorous investigation and prosecution of such crimes;

59. 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;

60. 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;

61. Takes note with appreciation of the work of the Special Representative of the Secretary-General for Children and Armed Conflict, recognizes the increased level of activity of her office and the progress achieved since the establishment of the mandate of the Special Representative, and, bearing in mind its resolution 60/231 of 23 December 2005, recommends that the Secretary-General extend the mandate of the Special Representative for a further period of three years;

62. Also takes note with appreciation of the report of the Special Representative and of the significant developments and achievements in the protection of children in armed conflict at the national and international levels, and emphasizes the contribution of her field visits conducted with the consent of the State concerned in situations of armed conflict as an important element in the implementation of her mandate;

63. Recognizes the need for discussion on the issues raised in the report of the Special Representative, calls upon Member States and observers and invites relevant entities of the United Nations system as well as civil society, as appropriate, to carefully study the recommendations contained therein, and stresses the need for the views of Member States to be fully taken into account in this regard;

III

Child labour

64. Expresses deep concern about the fact that about 218 million children in the world today are involved in child labour, and that more than half of those children are involved in hazardous work that is damaging to their safety, mental and physical health or moral development, including in hazardous activities in agriculture, mining and domestic labour, or in the worst forms of child labour, such as child pornography and sexual exploitation, sale and trafficking in children, forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict, and different forms of slavery or practices similar to slavery;

65. Recognizes that a comprehensive and coherent approach to preventing and eradicating child labour must aim at poverty eradication, sustainable development and the provision of quality education and social protection measures, including protection against economic exploitation; special attention should be given to preventing any work that is likely to be hazardous, to interfere with the child’s education or to be harmful to the child’s health or physical, mental, spiritual, moral or social development so as to respond to the multidimensional reality of child labour;

66. Also recognizes that the prevention and eradication of child labour and action towards the achievement of the Millennium Development Goals, in particular those related to education, poverty eradication, gender equality and global partnership for development, mutually reinforce each other;

67. Further recognizes that, given the role of the family environment in the full and harmonious development of the child and in preventing and eradicating child labour, children and their families should be entitled to receive comprehensive protection and support;

68. Recognizes that child labour contributes to the perpetuation of poverty and remains a central obstacle to realizing the right of all children to education and to protection from violence, abuse and exploitation and that education, at the same time, including literacy and adult education initiatives within the framework of international and regional cooperation, is a key element in preventing and eradicating poverty and child labour;
69. Takes note with appreciation of the establishment of the Global Task Force on Child Labour and Education for All by a number of relevant organizations of the United Nations system and civil society representatives and of the effort to integrate more closely work on tackling child labour and promoting education for all children;

70. Urges all States that have not yet ratified 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 as a matter of priority;

71. Recognizes the decisive role of employers’ and workers’ organizations in the prevention and eradication of child labour and that their continuous commitment and engagement remain essential;

72. Also recognizes the prevalence of violence against children in many work settings, including physical punishment, humiliation and sexual harassment, including in the context of unregulated domestic work, and encourages the International Labour Organization to pay particular attention to violence against children in work settings, including the issue of domestic work;

73. 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;

74. Also calls upon all States:

(a) To elaborate and implement strategies for the prevention and elimination of child labour contrary to accepted international standards, including time-bound strategies for the immediate elimination of the worst forms of child labour, and for the protection of children from all forms of economic exploitation, giving special attention to specific dangers faced by girls and by boys;

(b) To increase the focus on access to quality education as a way to help attract and keep children in school, including by emphasizing the goal of a well-trained teaching force with appropriate salaries and working and living conditions and ongoing professional support for children in educational settings, as well as increasing access to information and communications technologies for schools, and calls upon the international community to provide cooperation in these fields;

(c) To assess and systematically examine the magnitude, nature and causes of child labour and to strengthen the collection and analysis of data on child labour, giving special attention to specific dangers faced by girls;

(d) To take concrete measures for the rehabilitation and social integration of children removed from situations involving the worst forms of child labour by, inter alia, ensuring access to education and social services;

(e) To take appropriate steps to assist one another in the elimination of the worst forms of child labour through enhanced international cooperation and/or assistance, including support for social and economic development, poverty eradication programmes and universal education;

(f) To promote policies and legislation aimed at addressing national priorities relating to the prevention and eradication of child labour through family-centred components of policies and programmes as part of an integrated comprehensive approach to development, bearing in mind equality between women and men;

(g) To ensure that the applicable requirements of the International Labour Organization for the employment of girls and boys are respected and effectively enforced, to ensure also that girls who are employed have equal access to decent work and equal pay and remuneration, and are protected from economic exploitation, discrimination, sexual harassment, violence and abuse in the workplace, are aware of their rights and have access to formal and non-formal education, skills development and vocational training, and to raise government and public awareness as to the nature and scope of the special needs of girls, including migrant girls, employed as domestic workers and of those performing excessive domestic chores in their own households;

(h) To put in place programmes and social protection systems, guided by the principle of the best interests of the child, to support and protect migrant children, especially the girl child, who are vulnerable to child labour, including the worst forms of child labour;

(i) To develop gender-sensitive measures, including national action plans, where appropriate, to eliminate child labour, including the worst forms of child labour, including commercial sexual exploitation, slavery-like practices, forced and bonded labour, trafficking and hazardous forms of child labour, and to ensure that children have access to education and vocational training, health services, food, shelter and recreation;

75. Urges all States to pursue a national policy designed to ensure the effective eradication of child labour, and encourages those States that have not yet done so to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons;

76. Calls upon all States and the United Nations system to strengthen international cooperation as a means of assisting Governments in ensuring the realization of the rights of the child and in attaining the objective of eradicating child labour contrary to accepted international standards;

77. Calls upon all States to protect children from all forms of economic exploitation by mobilizing national partnerships and international cooperation, to improve the conditions of children by, inter alia, providing working children with free basic education and vocational training and integrating them into the education system in every way possible, and to encourage support for social and economic policies aimed at poverty eradication and at providing families, particularly women, with employment and income-generating opportunities;

78. Calls upon the international community to promote international cooperation to assist developing countries, upon request, in addressing child labour and its root
causes, inter alia, through social and economic policies aimed at poverty eradication, while stressing that labour standards should not be used for protectionist trade purposes;

79. **Calls upon** States and the international community to mainstream action relating to child labour into national poverty eradication and development efforts, especially in policies and programmes in the areas of health, education, employment and social protection;

80. **Welcomes** the efforts of the Committee on the Rights of the Child in the area of child labour, and encourages the Committee, as well as other relevant human rights treaty bodies, within their respective mandates, to continue to monitor this growing problem when examining the reports of States parties;

**IV**

**Follow-up**

81. **Decides:**

(a) To request the Secretary-General to submit to the General Assembly at its sixty-fourth 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 addressed in the present resolution, with a focus on international efforts and national progress in tackling child labour and progress towards meeting the target of eliminating the worst forms of child labour by 2016, as agreed in the context of the International Labour Organization;

(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 activities undertaken in discharging her mandate, including information on her field visits and on the progress achieved and the challenges remaining on the children and armed conflict agenda;

(c) To invite the Chairperson 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-fourth session as a way to enhance communication between the Assembly and the Committee;

(d) To invite all Member States, organizations of the United Nations system, non-governmental organizations and individuals to observe the twentieth anniversary of the adoption of the Convention and to request the Secretary-General to take the measures necessary, within existing resources, for the observance of this anniversary by the United Nations;

(e) To continue its consideration of the question at its sixty-fourth 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 “The right of the child to express his or her views freely in all matters affecting him or her”.

**RECORDED VOTE ON RESOLUTION 63/241:**

**In favour:** Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, 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, 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, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

**Against:** United States.

**Abstaining:** None.

**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], rose to 40, with Jamaica, Paraguay and Rwanda becoming parties in 2008.

**Implementation**

**Monitoring body.** The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families held its eighth (14–25 April) [A/63/48] and ninth (24–28 November) [A/64/48] sessions in Geneva. Under article 74 of the Convention, the Committee considered the reports of Bolivia, El Salvador and Syria, and adopted concluding observations on them. The Committee noted with concern that many initial reports from States parties under article 73 of the Convention requiring them to report on the measures they had taken to give effect to the provisions of the Convention, had not yet been received. It decided to send reminders to those States whose reports were overdue. The Committee adopted its guidelines for the submission of periodic reports by States parties, which were annexed to its report. It also adopted a proposal on the topic of migration, development and human rights in preparation for the Global Forum on Migration and Development 2008 (see p. 1185).
was suggested that the Special Adviser could contribute enough to ensure timely and effective prevention. It noted the difficulty experienced by the United Nations in recognizing the prevention of genocide, the report noted the difficulty of prevention on the ground, and to utilize opportunities provided for UN agencies, departments and programmes to play a preventive role.

**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].

**Report of Secretary-General.** Pursuant to a Human Rights Council request [YUN 2007, p. 689], the Secretary-General submitted in March an updated report [A/HRC/7/37] on the implementation of the Five-Point Action Plan to prevent genocide [YUN 2006, p. 784] and on the activities of the Special Adviser on the Prevention of Genocide. In terms of the implementation of the Action Plan, some progress was made in developing a culture of prevention within the UN system, including improved coordination in the response of different UN entities. However, UN system capacity for effective and timely prevention needed further strengthening. The report also covered the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as embodied in the 2005 World Summit Outcome [YUN 2005, p. 48]. In February, the Secretary-General appointed as Special Adviser Edward Luck (United States) to develop ideas contained in the Outcome that would assist the Assembly in its consideration of the responsibility to protect.

Within the context of his mandate, the activities of the Special Adviser on the Prevention of Genocide focused on the importance of adapting his work to the challenges of prevention on the ground, including the interrelated areas of protecting populations at risk, accountability, humanitarian assistance and addressing the underlying causes of conflict. In that regard, the Special Adviser was developing a strategy and methodology to identify and address gaps between those responsibilities and responses to conditions on the ground, and to utilize opportunities in the UN response to specific country situations. The Special Adviser’s activities also related to individual countries. Activities with regard to post-electoral violence in Kenya included dispatching staff to the country and making recommendations to the Secretary-General following the missions to that country. He also engaged with governmental, intergovernmental and non-governmental actors to strengthen collaboration. Concerning challenges and opportunities for the prevention of genocide, the report noted the difficulty experienced by the United Nations in recognizing the risks of large-scale violence and in acting early enough to ensure timely and effective prevention. It was suggested that the Special Adviser could contribute to improving that situation by ensuring that risks of large-scale violence were promptly recognized and opportunities provided for UN agencies, departments and programmes to play a preventive role.

**Human Rights Council action.** On 28 March [A/63/53 (res. 7/25)], the Human Rights Council, considering the sixtieth anniversary of the Convention, reiterated the responsibility of each State to protect its population from genocide, and called on States that had not become parties to the Convention to do so as a matter of priority. States should cooperate in strengthening collaboration among mechanisms that contributed to the early detection and prevention of massive, serious and systematic violations of human rights that led to genocide. The Council welcomed the decisions of the Secretary-General and of the Assembly in resolution 62/238 [YUN 2007, p. 1451] to retain the mandate of the Special Adviser, to upgrade the position to the level of Under-Secretary-General and to strengthen the office. The Council requested the High Commissioner to circulate the Secretary-General’s reports to obtain views, and to report to the Council at its tenth (2009) session. The High Commissioner should elaborate and implement commemorative events to mark the sixtieth anniversary of the Convention, including a seminar on the prevention of genocide. The Secretary-General should submit to the Council’s tenth session an updated report on UN system efforts to prevent genocide and on the activities of the Special Adviser.

**Convention on rights of persons with disabilities**

**Accessions and ratifications**

As at 31 December, the number of States parties to the Convention on the Rights of Persons with Disabilities, adopted by the General Assembly in resolution 61/106 [YUN 2006, p. 785], stood at 46. During the year the Convention was ratified or acceded to by Argentina, Australia, Austria, Brazil, Chile, China, Costa Rica, Ecuador, Egypt, Guinea, Honduras, Jordan, Kenya, Lesotho, Mali, New Zealand, the Niger, Paraguay, Peru, the Philippines, Qatar, the Republic of Korea, Rwanda, San Marino, Saudi Arabia, Slovenia, Sweden, Thailand, Tunisia, Turkmenistan, Uganda and Vanuatu. The Optional Protocol, which established an individual complaints mechanism, was ratified during the year by Argentina, Austria, Bangladesh, Brazil, Chile, Costa Rica, Ecuador, Guinea, Mali, the Niger, Paraguay, Peru, Rwanda, San Marino, Saudi Arabia, Slovenia, Sweden, Tunisia and Uganda, bringing the number of States parties to 27 as at 31 December. The Convention and its Optional Protocol entered into force on 3 May.
In August, the Secretary-General reported on the status of the Convention and its Optional Protocol [A/63/264 & Corr.1].

**Conference of States Parties.** The Conference of States Parties to the Convention, at its first session (New York, 31 October and 3 November) [CRPD/CSP/2008/4], elected, in accordance with article 34 of the Convention, the 12 members of the Committee on the Rights of Persons with Disabilities—the body of independent experts that would monitor implementation of the Convention by States parties. Six experts were selected to serve a two-year term, beginning on 1 January 2009, while the other six experts would serve for four years, beginning on 1 January 2009. In accordance with article 40 of the Convention, an interactive panel discussion focused on “The Convention of the Rights of Persons with Disabilities as a human rights instrument and a tool for achieving the Millennium Development Goals”.

**UN Inter-Agency Support Group.** The United Nations Inter-Agency Support Group for the Convention on the Rights of Persons with Disabilities, formed to coordinate UN system support to the Convention, issued a statement articulating UN system commitment 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 dignity as laid out in the Convention.

**Human Rights Council action.** On 27 March [A/63/53 (res. 7/9)], the Human Rights Council called upon Governments to prevent and prohibit all forms of discrimination against persons with disabilities, and to ensure their full and effective participation and inclusion, as well as respect for their autonomy, independence and equality of opportunity. It encouraged States to raise awareness about the rights of persons with disabilities and promote positive perceptions and greater social awareness. It requested OHCHR to prepare a study to enhance awareness and understanding of the Convention, to be made available on the OHCHR website in an accessible format prior to the Council’s tenth (2009) session. It decided to hold an annual interactive debate on the rights of persons with disabilities; the first debate, to be held at its tenth session, would focus on key legal measures for ratification and effective implementation of the Convention.

(For information on the Organization’s efforts to protect the rights of persons with disabilities, see p. 856.)

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 71], the General Assembly, on the recommendation of the Third Committee [A/63/430/Add.5], adopted **resolution 63/192** without vote [agenda item 64 (c)].

**Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto**

The General Assembly,

Recalling its previous relevant resolutions, the most recent of which was resolution 62/170 of 18 December 2007, as well as relevant resolutions of the Human Rights Council, the Commission for Social Development and the Commission on Human Rights,

1. **Welcomes** the entry into force of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto on 3 May 2008;

2. **Also welcomes** the fact that, since the opening for signature of the Convention and the Optional Protocol on 30 March 2007, one hundred and thirty-seven States have already signed and forty-five States have ratified the Convention and eighty States have signed and twenty-seven States have ratified the Optional Protocol, and that one regional integration organization has signed the Convention;

3. **Calls upon** those States that have not yet done so to consider signing and ratifying the Convention and the Optional Protocol as a matter of priority;

4. **Welcomes** the holding of the first session of the Conference of States Parties to the Convention on 31 October and 3 November 2008, and the establishment of the Committee on the Rights of Persons with Disabilities;

5. **Also welcomes** the report of the Secretary-General;

6. **Further welcomes** the Joint Statement of Commitment to the Convention of the Inter-Agency Support Group on the Convention;

7. **Invites** the Secretary-General to intensify efforts to assist States to become parties to the Convention and the Optional Protocol, including by providing assistance with a view to achieving universal adherence;

8. **Requests** the Secretary-General to provide the staff and facilities necessary to support the effective performance of the functions of the Conference of States Parties and of the Committee established under the Convention and the Optional Protocol, as well as for the dissemination of information on the Convention and the Optional Protocol, taking into account the provisions of the Convention, in particular on accessibility;

9. **Also requests** the Secretary-General to continue the progressive implementation of 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, including interim arrangements;

10. **Further requests** the Secretary-General to take further actions to promote the rights of persons with disabilities in the United Nations system in accordance with the Convention, including the retention and recruitment of persons with disabilities;

11. **Requests** United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations, to continue to strengthen efforts undertaken to disseminate accessible information on the Convention and the Optional Protocol, including to children and young people to promote their understanding, and to assist States parties in implementing their obligations under those instruments;
12. Requests the Secretary-General to submit to the General Assembly at its sixty-fourth session a report on the status of the Convention and the Optional Protocol and the implementation of the present resolution.

**International Convention for protection from enforced disappearance**

**Accessions and ratifications**

As at 31 December, the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in resolution 61/177 [YUN 2006, p. 800], had seven States parties. In 2008, Bolivia, France, Honduras, Mexico and Senegal became parties to the Convention, which would enter into force when ratified or acceded to by 20 States.

**Human Rights Council action.** On 28 March [A/63/53 (res. 7/26)], the Human Rights Council encouraged States that were in the process of becoming parties to the Convention to complete their internal procedures towards that end as expeditiously as possible; and those States that had not done so to become parties. It invited States to join the campaign for the sharing of information on best practices and to work towards the early coming into force of the Convention.

(For insight on the operation of the Organization’s mechanism to protect all persons from enforced disappearances, see the work of the Working Group on Enforced or Involuntary Disappearances on p. 807.)

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/63/430/Add.2], adopted resolution 63/186 without vote [agenda item 64 (b)].

**International Convention for the Protection of All Persons from Enforced Disappearance**

The General Assembly,

Reaffirming its resolution 61/177 of 20 December 2006, by which it adopted and opened for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance,

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

Recalling also Human Rights Council resolution 7/12 of 27 March 2008, by which the Council extended the mandate of the Working Group on Enforced or Involuntary Disappearances for a further period of three years,

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

Acknowledging that acts of enforced disappearance are recognized in the Convention as crimes against humanity, in certain circumstances,

Recognizing that the entry into force of the Convention, as soon as possible, through its ratification by twenty States, will be a significant event,

1. Welcomes the adoption on 20 December 2006 of the International Convention for the Protection of All Persons from Enforced Disappearance, and looks forward to its entry into force at an early date;

2. Also welcomes the fact that since the signing ceremony for the Convention, on 6 February 2007, eighty States have signed the Convention and seven have ratified it, and calls upon States which have not yet done so to consider signing and ratifying the Convention as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

3. Requests the Secretary-General and the United Nations High Commissioner for Human Rights to intensify efforts to assist States to become parties to the Convention, with a view to achieving universal adherence;

4. Requests United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances, to continue undertaking efforts to disseminate information on the Convention, to promote understanding of it, to prepare for its entry into force and to assist States parties in implementing their obligations under this instrument;

5. Requests the Secretary-General to submit to the General Assembly at its sixty-fourth session a report on the status of the Convention and the implementation of the present resolution.

**Other activities**

**Follow-up to 1993 World Conference**

**Report of High Commissioner.** In February, the High Commissioner issued a report [A/HRC/7/38 & Add.1,2] on follow-up to the World Conference on Human Rights [YUN 1993, p. 908], which created the basis for the establishment of OHCHR. The report elaborated on the themes identified in the Strategic Management Plan for 2006–2007 [YUN 2006, p. 766] and their implementation. It reviewed efforts to strengthen country engagement, as well as activities for the sixtieth anniversary of the Universal Declaration of Human Rights (see p. 726). The report focused on the commitment to fight racism, particularly within the Durban Review process (see p. 762); the preparation of the OHCHR Strategic Management Plan for 2008–2009; support for human rights instruments; and the potential role of the Universal Periodic Review in promoting their universal application.
On 18 December, the General Assembly took note of the Third Committee’s report [A/63/430/Add.4] on the implementation of and follow-up to the Vienna Declaration and Programme of Action, adopted at the 1993 World Conference (decision 63/535).

Human rights education

Public information

Progress report. A joint progress report of the Secretary-General and OHCHR, submitted in February [A/HRC/7/34], covered public information activities in human rights and global activities carried out for the sixtieth anniversary of the Universal Declaration of Human Rights, carried out by OHCHR and DPT, including the UN information services in Geneva and Vienna, and other UN information centres. It described a variety of information products, services and activities, with an emphasis on the use of modern communication tools.

World programme for human rights education

Report of High Commissioner. In July [A/HRC/9/4 & Corr.1], the High Commissioner reported on OHCHR activities from January 2007 to June 2008 to implement the World Programme for Human Rights Education, proclaimed by the General Assembly in 2004 [YUN 2004, p. 678]. In 2005, the Assembly had adopted the plan of action for the World Programme’s first phase (2005–2007) [YUN 2005, p. 745], which focused on primary and secondary school systems. Activities centred on promoting and assisting national implementation of the plan of action, as well as on coordinating related international efforts. OHCHR devoted a section of its website to the World Programme, supported the collection and documentation of good practices on human rights education in regional school systems, and was developing a compendium of good practices for Central Asia, Europe and North America. OHCHR contributed to the implementation of the World Programme and its plan of action by facilitating information-sharing and networking among all actors; supporting national capacities for human rights education and training, as well as grass-roots human rights education initiatives; developing and disseminating human rights training and education materials; and globally disseminating the Universal Declaration of Human Rights.

Human Rights Council action. On 24 September [A/63/53/Add.1 (res. 9/12)], the Human Rights Council encouraged States to adopt and implement programmes of human rights education, such as the World Programme for Human Rights Education, in all learning institutions, including capacity-building programmes for law enforcement professionals, in order to advance a culture of respect for human rights.

International Year of Human Rights Learning

The General Assembly,

Recalling that the purposes and principles contained in the Charter of the United Nations include promoting and encouraging respect for human rights and fundamental freedoms for all,

Recalling also its resolution 60/251 of 15 March 2006, in which it decided that the Human Rights Council should, inter alia, promote human rights education and learning as well as advisory services, technical assistance and capacity-building,

Recalling further the 2005 World Summit Outcome, in which Heads of State and Government expressed their support for the promotion of human rights education and learning at all levels, including through the implementation of the World Programme for Human Rights Education, as appropriate, and encouraged all States to develop initiatives in that regard,

Recalling its resolution 62/171 of 18 December 2007, by which it proclaimed the year commencing on 10 December 2008 the International Year of Human Rights Learning,

Considering that the sixtieth anniversary of the Universal Declaration of Human Rights in 2008 is a suitable occasion for the United Nations to increase its efforts to promote a human rights culture worldwide through human rights learning as a way of life, at all levels,

Reaffirming the complementarities between the World Programme for Human Rights Education and the International Year of Human Rights Learning,

Recognizing human rights learning as encompassing the acquisition and internalization of knowledge and understanding of one’s own and others’ human dignity,

Reaffirming that activities undertaken during the International Year of Human Rights Learning should broaden and deepen human rights learning on the basis of the principles of universality, indivisibility, interdependency, impartiality and objectivity, and on non-selectivity, constructive dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights and fundamental freedoms, bearing in mind the duty of the State, regardless of its political, economic or cultural system, to promote and protect all human rights and fundamental freedoms, and the significance of national and regional particularities and various historical, cultural and religious backgrounds,

Acknowledging that civil society, academia, the private sector, where appropriate, and parliamentarians can play an important role at the national, regional and international levels in the promotion and protection of human rights, including in the development of ways and means to promote and implement learning about human rights as a way of life at the community level,

1. Reaffirms its conviction that every woman, man, youth and child can realize his or her full human potential through learning about all human rights and fundamental freedoms for all.
freedoms, including the ability to act on that knowledge in order to ensure the effective realization of human rights and fundamental freedoms for all;

2. Urges Member States to develop throughout the International Year of Human Rights Learning and beyond, in coordination with civil society, the private sector, academia and parliamentarians and regional organizations, including the appropriate specialized agencies, funds and programmes of the United Nations system, international strategies and/or regional, national and local programmes of action aimed at broad-based and sustained human rights learning at all levels, bearing in mind the complementary efforts undertaken within the framework of the World Programme for Human Rights Education;

3. Calls upon the United Nations High Commissioner for Human Rights and the Human Rights Council to support, cooperate and collaborate with civil society, the private sector, academia, regional organizations and other relevant stakeholders, as well as with organizations, programmes and funds of the United Nations system, in efforts to develop, in particular, the design of international strategies and/or regional, national and local programmes of action aimed at broad-based and sustained human rights learning for all, including seminars and workshops for community leaders, keeping in mind a long-term multi-year process involving several countries in all regions;

4. Requests the Secretary-General to include the implementation of the present resolution in the report to the General Assembly at its sixty-fourth session, in accordance with its resolution 62/171.

National institutions

Reports of Secretary-General. In a January report [A/HRC/7/69], the Secretary-General reviewed OHCHR activities in 2007 to establish and strengthen national human rights institutions; measures taken by Governments and such institutions in that regard; and cooperation between such institutions and international human rights mechanisms. Information was also provided on the work of specific national human rights institutions in respect of thematic issues.

The Secretary-General concluded that national human rights institutions compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), adopted by the General Assembly in 1993 [YUN 1993, p. 898], were key elements of strong and effective national human rights protection systems. They could support Governments in ensuring that international human rights norms were translated into consistent national laws and practices. OHCHR would provide secretariat support to ICC in upholding the Paris Principles and ensure the review of compliance by those institutions. The process had resulted in an increase in applications for accreditation and the rise in the number of institutions with “A status” (compliance with the Paris Principles), as well as in the access recognized for such institutions by international human rights mechanisms.

Also in January [A/HRC/7/70], the Secretary-General reported on the ICC process for accrediting national human rights institutions, and on ways of enhancing the participation of those institutions in the work of the Human Rights Council. An annex to the report listed 60 national institutions that were in compliance with the Paris Principles (“A status”); 3 institutions accredited that status with reserve, as the documentation submitted was insufficient to confer “A status”; 12 institutions not fully in compliance or which had provided insufficient information (“B status”); 9 institutions that were non-compliant (“C Status”); and 1 institution that had been suspended.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/63/430/Add.2], adopted resolution 63/172 without vote [agenda item 64 (b)].

National institutions for the promotion and protection of human rights

The General Assembly,

Recalling its resolutions and those of the Commission on Human Rights concerning national institutions for the promotion and protection of human rights,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights (“the Paris Principles”),

Reaffirming the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing the important role of the United Nations in assisting the development of independent and effective national human rights institutions, guided by the Paris Principles, and recognizing also in this regard the potential for strengthened and complementary cooperation between the United Nations and those national institutions in the promotion and protection of human rights,
Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in remediating human rights violations, in disseminating information on human rights and in education in human rights,

Recalling also the Beijing Declaration and Platform for Action, in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Reaffirming 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,

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

Recalling the programme of action adopted by national institutions, at their meeting held in Vienna in June 1993 during the World Conference on Human Rights, for the promotion and protection of human rights, in which it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Noting the valuable role played and contributions made by national institutions in United Nations meetings dealing with human rights and the importance of their continued appropriate participation,

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums,

Taking note with appreciation of the reports of the Secretary-General to the Human Rights Council on national institutions for the promotion and protection of human rights and on the accreditation process of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights,

Noting with satisfaction the strengthening of the accreditation procedure of the International Coordinating Committee of National Institutions,

Noting with appreciation the continuing work of the regional human rights networks in Europe, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia Pacific Forum of National Human Rights Institutions and the Network of African National Human Rights Institutions,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee of National Institutions,

1. Takes note with appreciation of the report of the Secretary-General;

2. Reaffirms the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles");

3. Recognizes the role of independent national institutions for the promotion and protection of human rights in working together with Governments to ensure full respect for human rights at the national level, including by contributing to follow-up actions, as appropriate, to the recommendations resulting from the international human rights mechanisms;

4. Welcomes the increasingly important role of national institutions for the promotion and protection of human rights in supporting cooperation between their Governments and the United Nations for the promotion and protection of human rights;

5. Recognizes that, in accordance with the Vienna Declaration and Programme of Action, it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

6. Also recognizes that national institutions have a crucial role in promoting and ensuring the indivisibility and interdependence of all human rights, and calls upon States to ensure that all human rights are appropriately reflected in the mandate of their national human rights institutions when established;

7. Encourages Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action;

8. Welcomes the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights;

9. Encourages national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

10. Recognizes the role played by national institutions for the promotion and protection of human rights in the Human Rights Council, including its universal periodic review mechanism and the special procedures, as well as in the human rights treaty bodies, in accordance with Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007 and Commission on Human Rights resolution 2005/74 of 20 April 2005;

11. Notes with satisfaction the efforts of those States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

12. Acknowledges the role of national institutions in the strengthening of the rule of law and the promotion and protection of human rights in all sectors, and encourages cooperation, where appropriate, with the United Nations...
system, international financial institutions, and non-
governmental organizations;

13. Urges the Secretary-General to continue to give
high priority to requests from Member States for assistance
in the establishment and strengthening of national human
rights institutions;

14. Commends the high priority given by the Office
of the United Nations High Commissioner for Human
Rights to work on national institutions, encourages the
High Commissioner, in view of the expanded activities
relating to national institutions, to ensure that appropriate
arrangements are made and budgetary resources provided
to continue and further extend activities in support of na-
tional human rights institutions, and invites Governments
to contribute additional voluntary funds to that end;

15. Welcomes the national institutions website as an
important vehicle for the delivery of information to na-
tional institutions and also the launch of a database of com-
parative analysis of procedures and methods of complaint-
handling by national human rights institutions;

16. Notes with appreciation the increasingly active and
important role of the International Coordinating Com-
mittee of National Institutions for the Promotion and Protec-
tion of Human Rights, in close cooperation with the Of-
cine of the High Commissioner, in assisting Governments
and national institutions, when requested, to follow up on
relevant resolutions and recommendations concerning the
strengthening of national institutions;

17. Also notes with appreciation the holding of regular
meetings of the International Coordinating Committee of
National Institutions and the arrangements for the partici-
pation of national human rights institutions in the sessions
of the Human Rights Council;

18. Requests the Secretary-General to continue to
provide the necessary assistance for holding meetings of the
International Coordinating Committee of National In-
tstitutions during the sessions of the Human Rights Council,
in cooperation with the Office of the High Commissioner;

19. Encourages national institutions to seek accredita-
tion status through the International Coordinating Com-
mittee of National Institutions, and notes with satisfaction
the strengthening of the accreditation procedure and the
continued assistance of the Office of the High Commiss-
ioner in this regard, as well as the assistance of the Of-
cine to the conferences of the International Coordinating
Committee;

20. Welcomes the continuation of the practice of na-
tional institutions convening regional meetings in some re-
 gions, and its initiation in others, and encourages national
institutions, in cooperation with the High Commissioner,
to organize similar events with Governments and non-
governmental organizations in their own regions;

21. Requests the Secretary-General to continue to pro-
vide the necessary assistance for holding international
and regional meetings of national institutions;

22. Recognizes the important and constructive role that
the judiciary, parliament and civil society can play, in co-
operation with national institutions, for better promotion
and protection of human rights;

23. Encourages all Member States to take appropriate
steps to promote the exchange of information and experi-
ence concerning the establishment and effective operation
of national institutions;

24. Encourages all United Nations human rights
mechanisms as well as agencies, funds and programmes to
work within their respective mandates with Member States
and national institutions in the promotion and protection
of human rights with respect to, inter alia, projects in the
area of good governance and rule of law, and in this regard
welcomes the efforts made by the Office of the High Com-
missioner to develop partnerships in support of national
institutions;

25. Requests the Secretary-General to report to the
General Assembly at its sixty-fourth session on the imple-
mentation of the present resolution.

Also on 18 December [meeting 70], the Assembly,
on the recommendation of the Third Committee
[A/63/430/Add.2], adopted resolution 63/169 without
vote [agenda item 64 (b)].

The role of the Ombudsman, mediator and other
national human rights institutions in the
promotion and protection of human rights

The General Assembly,
Reaffirming its commitment to the principles and
purposes of the Charter of the United Nations and the
Universal Declaration of Human Rights,
Reaffirming the commitment of Member States, in ac-
cordance with the Charter, to promote and ensure the re-
spect of human rights and fundamental freedoms, without
distinction of any kind, such as race, colour, sex, language,
religion, political or other opinion, national or social origin,
property, birth or other status,
Recalling the principles relating to the status of national
institutions for the promotion and protection of human
rights, welcomed by the General Assembly in its resolution
48/134 of 20 December 1993 and annexed thereto,
Recognizing the role of the existing Ombudsman,
whether a male or female, mediator and other national
human rights institutions in the promotion and protection
of human rights and fundamental freedoms,
Underlining the importance of the autonomy and inde-
pendence of the Ombudsman, mediator and other national
human rights institutions, where they exist, in order to
enable them to consider all issues related to the field of their
competences,
Considering the role of the Ombudsman, mediator and
other national human rights institutions in promoting
good governance in public administrations, as well as im-
proving their relations with citizens, and in strengthening
the delivery of public services,
Considering also the important role of the existing
Ombudsman, mediator and other national human rights
institutions in contributing to the effective realization of
the rule of law and respect for the principles of justice and
equality,
Stressing that these institutions, where they exist, can
have an important role in advising the Government with
respect to bringing national legislation and national practices
in line with their international human rights obligations,
Stressing also the importance of international cooperation in the field of human rights, and recalling the role played by regional and international associations of the Ombudsman, mediator and other national human rights institutions in promoting cooperation and sharing best practices,

1. Encourages Member States:
   (a) To consider the creation or the strengthening of independent and autonomous Ombudsman, mediator and other national human rights institutions;
   (b) To develop, where appropriate, mechanisms of cooperation between these institutions, where they exist, in order to coordinate their action, strengthen their achievements and enable the exchange of lessons learned;

2. Also encourages Member States:
   (a) To consider conducting communication campaigns, with other relevant actors, in order to enhance public awareness on the importance of the role of the Ombudsman, mediator and other national human rights institutions;
   (b) To give serious consideration to implementing the recommendations and proposals of their Ombudsman, mediator and other national human rights institutions, with the aim of addressing claims of the complainants, consistent with the principles of justice, equality and rule of law;

3. Requests the Secretary-General to report to the General Assembly at its sixty-fifth session on the implementation of the present resolution;

4. Decides to consider this issue at its sixty-fifth session.

Regional arrangements

Workshop on regional arrangements. As requested by the Human Rights Council in 2007 [YUN 2007, p. 699], a workshop (Geneva, 24–25 November) [A/HRC/11/3], attended by 28 representatives of regional and subregional mechanisms, national human rights institutions and NGOs, as well as diplomats, addressed regional arrangements for human rights promotion and protection. The workshop examined human rights commissions and similar mechanisms, including emerging mechanisms; human rights courts; and the relationship of regional human rights mechanisms with the UN human rights system. Participants concluded that regional human rights commissions and courts played an invariable role in promoting and protecting international human rights standards. The High Commissioner should appoint a focal point to facilitate networking and information-sharing among the Human Rights Council, regional and subregional human rights mechanisms and OHCHR. The focal point should act as a clearing house of best practices and lessons learned in the experience of regional and subregional human rights mechanisms, including in the implementation of human rights standards at the regional level, and facilitate the provision of training to emerging regional and subregional mechanisms. The workshop should be held on a regular basis to promote the sharing of information and proposals for strengthening cooperation between the United Nations and human rights regional arrangements, and the identification of strategies for overcoming obstacles to human rights promotion and protection at the regional and international levels.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/63/430/Add.2], adopted resolution 63/170 without vote [agenda item 64 (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, and Human Rights Council resolution 6/20 of 28 September 2007,

Bearing in mind 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. 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;

2. 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;
3. 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;

4. 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;

5. Also welcomes the placement by the Office of the High Commissioner of regional representatives in sub-regions and in regional commissions;

6. 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 convening of the fourteenth annual Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, held in Bali, Indonesia, from 10 to 12 July 2007, which, inter alia, included a discussion on future challenges for the Regional Framework for the Promotion and Protection of Human Rights in the Asia-Pacific Region and adopted a comprehensive set of points for follow-up action entitled the “Bali Action Points”;

(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) The recent decision by the Association of Southeast Asian Nations (ASEAN) to develop a mechanism for the promotion and protection of human rights;

(f) 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;

(g) Ongoing initiatives to further develop arrangements for the promotion and protection of human rights by the Common Market of the South (Mercosur);

(h) Activities undertaken within the framework of cooperation between the Office of the High Commissioner and the League of Arab States;

(i) 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, and its various human rights bodies and mechanisms, the European Union and the Organization for Security and Cooperation in Europe, in particular for activities at the country level;

7. 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;

8. 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;

9. 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;

10. Requests the Secretary-General to submit to the General Assembly at its sixty-fifth 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;

11. Decides to consider the question further at its sixty-fifth session.

Africa

Report of Secretary-General. In response to General Assembly resolution 62/221 [YUN 2007, p. 699], the Secretary-General submitted, in September [A/63/367], a report reviewing the activities of the Yaoundé-based Subregional Centre for Human Rights and Democracy in Central Africa from September 2007 to August 2008. The report detailed activities in capacity-building carried out by Governments and civil society organizations; technical cooperation and advisory activities; democracy, peace and security support; public information and dissemination of documentation; commemorative activities, including those relating to the sixtieth anniversary of the Universal Declaration of Human Rights; and the strengthening of partnerships with Governments, subregional organizations, civil society organizations and UN agencies.
The Secretary-General said that the strategy undertaken by the Centre in 2006 [YUN 2006, p. 699] had started to bear fruit. The Centre had become very visible and was trusted by national and regional organizations to provide input, advice and expertise. Relationships with Governments had been enhanced, and counterparts in relevant ministries had been identified. The Centre did not have the capacity to respond to all the requests it received for technical cooperation, training and legal advice. In 2008, four Governments and one subregional network expressed interest in technical cooperation with the Centre. The Centre advanced implementation of the memorandum of understanding with the Economic Community of Central African States, in particular regarding child rights, peace and security and general human rights training. It planned to further develop its democracy and transitional justice programmes to make them useful tools in political peacebuilding processes and transitions in Central Africa, and continued to broaden its impact on gender-based discrimination and violence.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/63/430/Add.2], adopted resolution 63/177 without vote [agenda item 64 (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 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-seventh ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, in Luanda from 13 to 15 May 2008,

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. Takes note of the implementation of the new three-year strategy for the Centre, which aims to reinforce its activities;

4. Notes the efforts of the Secretary-General and the United Nations High Commissioner for Human Rights to ensure the full implementation of the relevant resolutions of the General Assembly in order to provide sufficient funds and human resources for the missions of the Centre;

5. Requests the Secretary-General and the High Commissioner to continue to provide additional funds and human resources within the existing resources of the 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;

6. Requests the Secretary-General to submit to the General Assembly at its sixty-fourth session a report on the implementation of the present resolution.

**Asia and the Pacific**


**Strengthening action to promote human rights**

**International cooperation in the field of human rights**

**Report of High Commissioner.** Pursuant to a Human Rights Council request [YUN 2007, p. 700], the High Commissioner, in February, submitted a report [A/HRC/7/31] on the enhancement of international cooperation in the field of human rights, which summarized replies received, in response to a request for information, from Belarus, Bosnia and Herzegovina, Cuba, Guatemala, Iran, Japan, Oman, the Russian Federation and Switzerland, as well as from two human rights organizations—the Asia Pacific Forum of National Human Rights Institutions and the Commonwealth Human Rights Initiative.
**Human Rights Council action.** On 27 March [A/63/53 (res. 7/3)], the Human Rights Council reaffirmed the importance of enhancing 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. Considering that international human rights cooperation should contribute to preventing human rights violations, it requested the High Commissioner to consult States, intergovernmental organizations and NGOs on ways to enhance international cooperation and dialogue within the UN human rights machinery, and to report to the Council in 2009.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/63/430/Add.2], adopted resolution 63/180 without vote [agenda item 64 (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 of its resolution 62/160 of 18 December 2007, Human Rights Council resolution 7/3 of 27 March 2008 and the resolutions of the Commission on Human Rights 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 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, the 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, including the Human Rights Council;

11. Decides to continue its consideration of the question at its sixty-fourth session.

Advisory services and technical cooperation

Report of Secretary-General. A report of the Secretary-General [A/HRC/10/57 & Corr.1] provided information on human rights advisory services and technical cooperation. In Africa, most activities were carried out by the 22 OHCHR entities in the region, including support to 11 UN peace operations. The OHCHR Africa programme helped Governments, institutions and civil society organizations to incorporate human rights principles into their efforts to respond to the human rights needs of their people, reduce poverty, fight impunity and address discrimination, especially against women.

In Asia, the Office’s capacity to implement technical cooperation was facilitated by the expansion of field presences, including the deployment of four human rights advisers in Indonesia, Maldives, Papua New Guinea and Sri Lanka. OHCHR also maintained two country offices in Cambodia and Nepal, two components of peacekeeping missions in Afghanistan and Timor-Leste and two regional offices in Bangkok, Thailand and Suva, Fiji. The Office worked with Member States, UN country teams and regional partners, including the Association of Southeast Asian Nations, the Pacific Islands Forum and the Asia Pacific Forum of National Human Rights Institutions.

In the Europe, North America and Central Asia region, the Office was increasingly engaged in Central Asia, where a regional office was established in Kyrgyzstan. The Office was also represented by human rights advisers to the UN country teams in the Russian Federation and the south Caucasus. Technical assistance and policy advocacy work in the region focused on impunity, weak institutions, women’s rights, restrictions on freedom of expression and association, human rights in the fight against terrorism, racism and xenophobia, the treatment of asylum-seekers, irregular migrants and Roma, as well as poverty and the right to housing.

Technical cooperation activities in Latin America were mainly implemented through the regional office for Latin America in Panama; the four country offices in Bolivia, Colombia, Guatemala and Mexico; two human rights advisers in Ecuador and Nicaragua; and the human rights component in the United Nations Stabilization Mission in Haiti. Priorities included addressing impunity and weak institutions; discrimination, particularly against Afro-descendants and indigenous persons; poverty and inequality; and violence, mainly against women and children.

In the Middle East and North Africa, the Office had a regional office in Beirut, Lebanon, and a country office in the Occupied Palestinian Territory. It also supported the Human Rights Office of the United Nations Assistance Mission for Iraq. Thematic priorities included freedom of expression, association and assembly; the fight against impunity; attending to the needs of countries in conflict; and the human rights of non-citizens, namely refugees, stateless persons and migrant workers.

Voluntary Fund

During the year, the Board of Trustees of the UN Voluntary Fund for Technical Cooperation in the Field of Human Rights held its twenty-eighth (May) and twenty-ninth (November) sessions in Geneva [A/HRC/10/57 & Corr.1]. At the sessions, the Board examined various components of the United Nations Human Rights Programme on Technical Cooperation funded by the Voluntary Fund. In November, the annual OHCHR consultation with heads of field presences gave the Board the opportunity to learn first-hand from field representatives about the implementation of technical cooperation activities on the ground. Activities were implemented by OHCHR advisers in UN country teams in 12 countries; by Human Rights Units of peace missions in eight such missions; and by OHCHR field presences in six countries and territories.

As at 31 December, the estimated balance of the Fund was $12,108,096. Income in 2008 was $14,674,741 and total expenditures $13,573,356.

Cooperation with human rights bodies

Report of Secretary-General. In a February report [A/HRC/7/45 & Corr.1], submitted in accordance with a 2006 Human Rights Council request [YUN 2006, p. 760], the Secretary-General described situations in which individuals or members of NGOs had allegedly suffered intimidation or reprisal for having cooperated with UN human rights bodies regarding human rights violations. The report summarized related cases in Fiji, Indonesia, the Philippines and the Russian Federation, and underlined the seriousness of the alleged reprisals. Many other cases had not been recorded in the report due to security concerns or because the victims had requested that their cases not be publicized. Victims suffered violations of the most fundamental human rights, including the right to liberty and security of person and the right to freedom from torture and cruel, inhuman or degrading treatment. The report observed that the gravity of those reprisals reinforced the need for all representatives of UN human rights bodies, in cooperation with States, to continue to take urgent steps to help prevent the occurrence of such acts.