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COMMISSION HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-fourth session
Agenda item 2

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF
RACIAL DISCRIMINATION AND SEGREGATION, IN ALL
COUNTRIES, WITH PARTICULAR REFERENCE TO
COLONIAL AND OTHER DEPENDENT COUNTRIES AND
TERRITORIES: REPORT OF THE SUB-COMMISSION
UNDER COMMISSION ON HUMAN RIGHTS
RESOLUTION 8 (XXIII)**

**Mr. Eide, Mr. Decaux, Ms. Motoc, Mr. Preware, Mr. Sattar, Mr. Sorabjee,
Mrs. Warzazi, Mr. Yimer, Mr. Yokota, Ms. Zerrougui: draft resolution**

2002/... Situation and future of human rights

The Sub-Commission on the Promotion and Protection of Human Rights,
Referring to the obligations placed on all States by the Charter of the United Nations,
Recalling that all the principles and norms enshrined in the Universal Declaration of
Human Rights and all international human rights instruments must be respected and faithfully
implemented,

Also recalling the commitments entered into by all States which signed the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,

Welcoming the progress achieved by a number of States, in particular in the promotion of and respect for all human rights, and in the establishment and strengthening of democracy and the rule of law,

Recording, however, its deep concern regarding the situation and future of human rights throughout the world since the tragic attacks of 11 September 2001,

Reaffirming the condemnation of these heinous acts and recalling the various relevant resolutions adopted by the Security Council and the General Assembly,

1. *Emphasizes* that all measures adopted against terrorism should be strictly in keeping with international law, and particularly with international norms and obligations in the sphere of human rights;

2. *Draws attention* to the incompatibility of certain laws, regulations and practices recently introduced by a number of countries, in particular those which call into question the judicial guarantees which are intrinsic to the rule of law, notably in relation to police custody, arbitrary detention, incommunicado detention, the rights of the defence and the right to an effective remedy;

3. *Denounces* measures which constitute acts of torture and cruel, inhuman or degrading punishment or treatment, and thus violate norms which may not be derogated from in any circumstances;

4. *Deplores* the serious violations of other fundamental freedoms, in particular freedom of expression and respect for privacy, freedom of movement, as well as the restrictions placed on immigration and on the right to asylum;

5. *Observes* that these violations often go hand in hand with flagrant discrimination based on nationality, ethnic origin or religion;

6. *Condemns* violations of the principles of international humanitarian law, which must be respected everywhere and in all circumstances;

7. *Expresses its full support* for the efforts of the International Committee of the Red Cross to monitor effective observance of the principles of international humanitarian law;

8. *Urges* all States to respect the international norms relating to human rights and the principles of international humanitarian law, and, if they have not already done so, to ratify the relevant instruments, in particular the additional protocols to the Geneva Conventions of 12 August 1949, and to accept the jurisdiction of the International Fact-Finding Commission provided for in article 90 of Protocol I of 8 June 1977;

9. *Recommends* to all States that they should not obstruct the work of the International Criminal Court and should ratify the Rome Statute as soon as possible;

10. *Decides* to keep the matter before it at its fifty-fifth session.
