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CIVIL AND POLITICAL RIGHTS

**Andorra*, Australia, Austria, Belgium, Canada, Denmark*, Finland*,
France, Germany, Greece*, Hungary*, Iceland*, Ireland, Italy*, Japan,
Luxembourg*, Netherlands*, Norway*, Poland, Portugal*, Romania*,
Slovakia*, Slovenia*, Spain*, Sweden, Switzerland*, United Kingdom
of Great Britain and Northern Ireland, United States of America:
draft resolution**

2003/... Human rights and forensic science

The Commission on Human Rights,

Recalling its resolutions 1993/33 of 5 March 1993, 1994/31 of 4 March 1994, 1996/31 of 19 April 1996, 1998/36 of 17 April 1998 and 2000/32 of 20 April 2000,

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights on human rights and forensic science (E/CN.4/2002/67), submitted pursuant to Commission resolution 2000/32,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recognizing that forensic science is an important tool in detecting evidence of torture and other cruel, inhuman or degrading treatment or punishment and extrajudicial, summary or arbitrary executions, and recalling in this context the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989, as well as the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment annexed to Commission resolution 2000/43 and General Assembly resolution 55/89 of 4 December 2000,

Recognizing also that forensic investigations can play an important role in combating impunity by providing the evidentiary basis on which prosecutions can successfully be brought against persons responsible for grave violations of human rights and international humanitarian law,

Noting that the practice of forensic science includes examinations of both dead and living persons, and also includes identification procedures,

Noting also the need of Governments, intergovernmental organizations and non-governmental organizations for forensic scientific expertise in investigating deaths and clarifying disappearances,

Aware that several special rapporteurs have used or referred to the need for the assistance of experts in various forensic disciplines in the context of the implementation of their mandates,

1. *Welcomes* the increased use of forensic investigations in situations where grave violations of human rights and international humanitarian law have occurred, and encourages further coordination concerning, inter alia, the planning and realization of such investigations, as well as the protection of forensic and related experts, between Governments, intergovernmental organizations and non-governmental organizations;

2. *Notes* the progress made by the Office of the United Nations High Commissioner for Human Rights in the use of forensic experts, including the revised Cooperation Service Agreement (E/CN.4/1998/32, annex II) regulating the use of forensic experts provided either by a Member State or by a non-governmental organization;

3. *Welcomes* the publication by the Office of the High Commissioner for Human Rights of the Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Professional Training Series No. 8);

4. *Welcomes* the establishment of a consolidated database of forensic experts at the Office of the High Commissioner, and requests the High Commissioner to keep the database continuously updated in consultation with Governments, relevant United Nations bodies and professional organizations of forensic and related experts;

5. *Recommends* that the Office of the High Commissioner encourage forensic experts to coordinate further and produce additional manuals on examinations of living persons;

6. *Also recommends* that the Office of the High Commissioner encourage, as appropriate, the dissemination and use of the manuals referred to in the present resolution and the setting up of courses aimed at providing training in forensic activities relating to victims of human rights violations, particularly in countries without sufficient expertise in forensic science and related fields, for example through the training of local teams;

7. *Further recommends* that the Secretary-General, with a view to promoting quality and consistency, establish procedures to evaluate the use of forensic expertise and the results of those efforts;

8. *Encourages* Governments to establish thorough, prompt and impartial investigation and documentation procedures, such as those reflected in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Execution and in the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

9. *Requests* the Secretary-General to provide appropriate resources, from within existing overall United Nations resources, to fund the activities of the Office of the High Commissioner in implementing the present resolution, including a revision of the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;

10. *Requests* the Office of the High Commissioner to report to the Commission at its sixty-first session on progress made in this matter;

11. *Decides* to consider this question at its sixty-first session under the same agenda item.
