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COMMISSION ON HUMAN RIGHTS  
Fifty-ninth session  
Agenda item 17

**PROMOTION AND PROTECTION OF HUMAN RIGHTS**

**Argentina, Austria, Belgium, Brazil, Burkina Faso, Burundi\*, Canada, Chile, Costa Rica, Croatia, Czech Republic\*, Denmark\*, Dominican Republic\*, El Salvador\*, Finland\*, France, Germany, Greece\*, Guatemala, Haiti\*, Honduras\*, Hungary\*, Ireland, Italy\*, Kenya, Liechtenstein\*, Luxembourg\*, Malta\*, Mexico, Netherlands\*, New Zealand\*, Nigeria\*, Norway\*, Peru, Poland, Portugal\*, Romania\*, Senegal, Slovakia\*, Slovenia\*, Spain\*, Sudan\*, Sweden, Switzerland\*, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution**

**2003/... Protection of human rights and fundamental freedoms while countering terrorism**

*The Commission on Human Rights,*

*Reaffirming* the purposes and principles of the Charter of the United Nations,

*Reaffirming also* the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

*Recalling* that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

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

*Recalling also* the relevant resolutions of the General Assembly and the Security Council on measures to eliminate international terrorism,

*Recalling further* General Assembly resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

*Reiterating* paragraph 17 of section I of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, which states that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

*Noting* General Assembly resolutions 56/160 of 19 December 2001 and its own resolution 2002/35 of 22 April 2002, on human rights and terrorism,

*Reaffirming* its unequivocal condemnation of all acts, methods and practices of terrorism, in all their forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

*Stressing* that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling* that, in accordance with article 4 of the International Covenant on Civil and Political Rights, certain rights are recognized as non-derogable in any circumstances and that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations,

*Taking note* of General Comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001,

1. *Welcomes* General Assembly resolution 57/219 of 18 December 2002;
2. *Takes note* of the report of the Secretary-General submitted pursuant to General Assembly resolution 57/219 (E/CN.4/2003/120) and welcomes its conclusions on the necessity of ensuring respect for human rights in the international campaign to eliminate the practice and threat of terrorism and on the important dual role that the United Nations has in promoting the maintenance of international peace and security while also seeking to achieve international cooperation in encouraging respect for the human rights and fundamental freedoms of all;
3. *Affirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;
4. *Invites* the United Nations High Commissioner for Human Rights and the Human Rights Committee to continue the important dialogues they have established with the Counter-Terrorism Committee of the Security Council and to further their mutual cooperation;
5. *Request* all relevant special procedures and mechanisms of the Commission on Human Rights, as well as the United Nations human rights treaty bodies, to consider, within their mandates, the protection of human rights and fundamental freedoms in the context of measures to combat terrorism;
6. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission on Human Rights and the relevant comments and views of United Nations human rights treaty bodies;
7. *Requests* the High Commissioner for Human Rights, making use of existing mechanisms:
  - (a) To continue to examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

(b) To continue to make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

(c) To continue to provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

8. *Requests* the High Commissioner for Human Rights to submit a report on the implementation of the present resolution to the General Assembly at its fifty-eighth session and to the Commission at its sixtieth session.

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