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CIVIL AND POLITICAL RIGHTS

Albania*, Argentina, Armenia, Austria*, Belgium*, Bulgaria*, Croatia*, Cyprus*, Denmark*, Estonia*, France, Germany, Greece*, Hungary, Iceland*, Ireland, Italy, Japan, Lithuania*, Luxembourg*, Mexico, Netherlands, Norway*, Poland*, Portugal*, Romania, Slovakia*, Slovenia*, Spain*, Sweden*, Switzerland* and United Kingdom of Great Britain and Northern Ireland: draft resolution

2005/... Human rights and forensic science

The Commission on Human Rights,

Recalling all its previous resolutions on human rights and forensic science, the latest of which is resolution 2003/33 of 23 April 2003,

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, the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment

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

or Punishment (the Istanbul Principles) annexed to Commission resolution 2000/43 of 20 April 2000 and General Assembly resolution 55/89 of 4 December 2000, as well as the updated Set of principles for the promotion and protection of human rights through action to combat impunity (E/CN.4/2005/102/Add.1), the 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, and the guidelines for the Conduct of United Nations Inquiries into Allegations of Massacres,

Bearing in mind the operational best practices regarding the management of human remains and information on the dead contained in the report of the International Committee of the Red Cross entitled *The Missing and their Families*,

Recognizing 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 and identification procedures of both dead and living persons, and underlines the importance of dignified handling of human remains, including their proper management and disposal, as well as of respect for the needs of families,

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 between Governments, intergovernmental organizations and non-governmental organizations;

2. *Urges* States to ensure the safety and security of forensic and related experts, in particular in situations where their safety and security are at risk;

3. *Welcomes* the consolidated database of forensic experts at the Office of the United Nations High Commissioner for Human Rights, and requests the High Commissioner for Human Rights to keep the database continuously updated in consultation with Governments, relevant United Nations bodies, non-governmental organizations and professional organizations of forensic and related experts;

4. *Recommends* that the Office of the High Commissioner encourage forensic experts to coordinate further and promote the consolidation of relevant guidelines, with a view to harmonizing the procedures in forensic investigation and repatriation;

5. *Also recommends* that the Office of the High Commissioner encourage, as appropriate, the dissemination and use of the principles, best practices and manuals referred to in the present resolution and the promotion of forensic capacity-building, including training where necessary, particularly in countries without sufficient expertise in forensic science and related fields, for example through the training of local teams;

6. *Further recommends* that the High Commissioner, with a view to promoting quality and consistency of forensic practice, facilitate the development and implementation of a common framework of operations based on existing standards and principles;

7. *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 Executions and in the Istanbul Principles;

8. *Urges* Governments to make every effort to ensure that personal information, including medical and genetic data, is not used in a way that may infringe human rights, such as the right to privacy;

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 provide for the Commission at its sixty-third session an updated version of the report requested in resolution 2003/33;

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