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COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
Agenda item 17

**PROMOTION AND PROTECTION OF HUMAN RIGHTS**

**Congo, Cuba, Egypt, Guinea, Jordan\*, Kenya, Kuwait\*, Lebanon\*,  
Malaysia, Mauritania, Mexico, Nepal, Nigeria, Oman\*, Pakistan,  
Qatar, Saudi Arabia, South Africa, Switzerland\* and Tunisia\*:  
draft resolution**

**2005/... Protection of the human rights of civilians in armed conflicts**

*The Commission on Human Rights,*

*Guided* by the Charter of the United Nations and the Universal Declaration of  
Human Rights,

*Recalling* the International Covenants on Human Rights, the Convention on the  
Prevention and Punishment of the Crime of Genocide, the Geneva Conventions, of  
12 August 1949, and the Additional Protocols thereto of 8 June 1977, and other human rights  
and international humanitarian law instruments, together with the Vienna Declaration and  
Programme of Action,

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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.

*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms,

*Gravely concerned* about violations of human rights law and international humanitarian law during armed conflicts, in all parts of the world, and their impact on the civilian population, especially women, children and vulnerable groups,

*Reiterating* that effective international measures to guarantee and monitor the implementation of human rights standards should be taken in respect of civilian populations in situations of armed conflicts, including people under foreign occupation, and that effective legal protection against the violation of their human rights should be provided, in accordance with human rights norms and international law, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable norms of international humanitarian law,

*Acknowledging* that human rights law and international humanitarian law are complementary and mutually reinforcing,

*Considering* that all human rights require protection equally and that the protection provided by human rights law continues in armed conflict situations, taking into account when international humanitarian law applies as *lex specialis*,

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

1. *Emphasizes* that conduct that violates international humanitarian law, including grave breaches of the Geneva Conventions, of 12 August 1949, or of the Protocol Additional thereto of 8 June 1977 relating to the Protection of Victims of International Armed Conflicts (Protocol I), may also constitute a gross violation of human rights;

2. *Urges* all parties to armed conflicts to comply with their obligations under international humanitarian law, in particular to ensure respect for and protection of the civilian population, and also urges all States to comply with their human rights obligations in this context;

3. *Stresses* the importance of combating impunity in order to prevent violations of international human rights and humanitarian law perpetrated against civilians in armed conflicts, and urges States to end impunity for such crimes by bringing the perpetrators to justice in accordance with their international obligations;

4. *Calls upon* States to respect and to ensure respect for relevant international humanitarian law instruments and customary international law;

5. *Invites* the international community to support regional efforts aimed at the protection of civilians in armed conflicts, and welcomes the recent appointment by the African Union of a Special Representative on the Protection of Civilians in Armed Conflict Situations in Africa;

6. *Takes note with appreciation* of decision 2004/118 of 12 August 2004 of the Sub-Commission on the Promotion and Protection of Human Rights requesting a working paper on human rights law and international humanitarian law, and looks forward to its conclusions and recommendations;

7. *Decides* to consider this issue at its sixty-second session under the same agenda item.

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