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REPORT TO THE GENERAL ASSEMBLY ON THE FIRST SESSION OF THE HUMAN RIGHTS COUNCIL**

Vice-President and Rapporteur: Mr. Musa Burayzat (Jordan)

[Note: The present draft report only reflects the proceedings up to the conclusion of the 21st meeting, on Thursday, 29 June 2006. As the Council has not concluded its work and will continue to take action on draft resolutions and draft decisions before it at its 22nd to 24th meetings on Friday, 30 June, the proceedings and texts of the resolutions and decisions adopted will be included in the final report of the Council.]

* Agenda of the first session of the Human Rights Council (A/HRC/1/1).

** The format of the present report is based on the agenda and programme of work for the first session as adopted by the Council. It should therefore not serve as a precedent for future sessions of the Council.

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[Note: All resolutions and decisions adopted by the Council, as well as President's statements agreed on by the Council by consensus will be included in the final report. The present draft report only reflects those resolutions and decisions adopted at the 21st meeting on Thursday, 29 June 2006.]

II. ELECTION OF OFFICERS; ADOPTION OF THE AGENDA AND ORGANIZATION OF THE WORK OF THE SESSION

A. Opening and duration of the session

1. The Human Rights Council held its first session at the United Nations Office at Geneva from 19 to 30 June 2006 (see also paragraphs 20 and 21 below). It held 24 meetings (see A/HRC/2006/SR.1-24)¹ during the session.
2. The session was opened by Mr. Jan Eliasson, President of the General Assembly at its sixtieth session.
3. At the 1st meeting, on 19 June 2006, Mr. Kofi Annan, the United Nations Secretary-General, made a statement.
4. At the same meeting, at the 10th meeting, on 23 June, and at the 20th meeting, on 29 June, Ms. Louise Arbour, United Nations High Commissioner for Human Rights, made statements.
5. Also at the same meeting, Ms. Wangari Maathai, Nobel Peace Laureate for 2004, made a statement.

B. Attendance

6. The session was attended by representatives of States members of the Council, observer States of the Council, observers for non-member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations. An attendance list is given in annex V to the present report.

¹ Summary records of each of the meetings are subject to correction. They are considered final with the issuance of a consolidated corrigendum (A/HRC/1/SR.1-24/Corrigendum).

C. Election of officers

7. At the informal consultations on preparations for the first session of the Council, held on 18 May 2006, the States members of the Council agreed on the following statement in connection with the election of officers:

“We agree to the designation of the first Chair of the Human Rights Council to be from the Group of Latin American and Caribbean States.

“We agree that the Bureau will comprise one Chair and four Vice-Chairs, on the basis of equitable geographical distribution, with one Vice-Chair also acting as Rapporteur.

“The Chair-designate, as a matter of priority and expeditiously, will hold consultations on the remaining related issues, inter alia, the principle of geographic rotation for the Council’s Chairmanship from four regions, other than the Group of Latin American and Caribbean States, starting from next year.”

8. At the 1st meeting, on 19 June 2006, the Council decided that its officers would be known as President and Vice-President. At the same meeting, the Council, on the basis of the above agreement, elected the following officers by acclamation:

President: Mr. Luis Alfonso de Alba (Mexico)

Vice-Presidents: Mr. Tomáš Husák (Czech Republic)
Mr. Mohammed Loulichki (Morocco)
Mr. Blaise Godet (Switzerland)

Vice-President and Rapporteur: Mr. Musa Burayzat (Jordan)

9. At the same meeting, a statement in connection with the election of officers was made by the representative of Brazil (on behalf of the Group of Latin American and Caribbean States).

10. Also at the same meeting, the President of the Human Rights Council, Mr. Luis Alfonso de Alba, made a statement.

D. High-level segment

11. At its first session, the following guest speakers addressed the Council during the high-level segment:

(a) At the 2nd meeting, on 19 June 2006: Ms. Micheline Calmy-Rey, Federal Councillor, Head of the Federal Department of Foreign Affairs of Switzerland; Mr. Francisco Santos Calderón, Vice-President of Colombia; Ms. María Teresa Fernández de la Vega, Vice-President and Minister of the Presidency of Spain; Mr. K.P. Sharma Oli, Deputy Prime Minister and Minister of Foreign Affairs of Nepal; Ms. Ursula Plassnik, Federal Minister for Foreign Affairs of Austria (on behalf of the European Union, acceding and candidate countries); Mr. Jorge Taiana, Minister of Foreign Affairs, International Trade and Worship of Argentina; Mr. Peter MacKay, Minister for Foreign Affairs of Canada; Mr. Bernard Bot, Minister of Foreign Affairs of the Netherlands; Ms. Paulina Veloso, Minister of the Presidency of Chile; Mr. Erkki Tuomioja, Minister for Foreign Affairs of Finland; and Mr. Mihai-Razvan Ungureanu, Minister of Foreign Affairs of Romania;

(b) At the 3rd meeting, on the same day: Mr. Mahinda Samarasinghe, Minister of Disaster Management and Human Rights of Sri Lanka; Mr. Jean Asselborn, Deputy Prime Minister, Minister for Foreign Affairs and Immigration of Luxembourg; Mr. Pierre Claver Maganga Moussavou, Minister of State, Minister for Rebuilding Human Rights of Gabon; Mr. Vuk Drašković, Minister of Foreign Affairs of the Republic of Serbia; Mr. Philippe Douste-Blazy, Minister of Foreign Affairs of France; Mr. Mohamed Bouzoubaâ, Minister of Justice of Morocco; Mr. Celso Amorim, Minister of Foreign Affairs of Brazil; Mr. Frank-Walter Steinmeier, Federal Minister for Foreign Affairs of Germany; Mr. Ban Ki-moon, Minister of Foreign Affairs and Trade of the Republic of Korea; at the 5th meeting, on 20 June, a statement in exercise of the right of reply was made by the observer for the Democratic People's Republic of Korea; Mr. Anand Sharma, Minister of State for External Affairs of India; Ms. Rita Kieber-Beck, Minister of Foreign Affairs of Liechtenstein; Mr. Nana Akufo-Addo, Minister for Foreign Affairs of Ghana; Mr. Oluyemi Adeniji, Minister of Foreign Affairs of Nigeria; Mr. Madan Murlidhar Dulloo, Minister of Foreign Affairs, International Trade and Cooperation of Mauritius; Mr. Ahmad Shabery Cheek, Parliamentary Secretary, Ministry of Foreign Affairs of Malaysia; Mr. Theodore Kassimis, Deputy Minister for

Foreign Affairs of Greece; Mr. Fuad Hasanovic, Deputy Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia; Mr. Gianni Vernetti, State Minister for Foreign Affairs of Italy; Ms. Belela Herrera, Vice-Minister for Foreign Affairs of Uruguay; Ms. Akiko Yamanaka, Vice-Minister for Foreign Affairs of Japan; at the 5th meeting, on 20 June, a statement in exercise of the right of reply was made by the observer for the Democratic People's Republic of Korea, in connection with which a statement in exercise of the same right was made by the representative of Japan, followed by a second statement by the observer for the Democratic People's Republic of Korea, and by the representative of Japan; Mr. Bernardo Ivo Cruz, Secretary of State for Foreign Affairs of Portugal;

(c) At the 4th meeting, on 20 June: Mr. Ivailo Kalfin, Deputy Prime Minister and Minister of Foreign Affairs of Bulgaria; Mr. Ian McCartney, Minister of State Responsible for Human Rights, Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland; Mr. Juli Minoves, Minister of Foreign Affairs, Culture and Cooperation of Andorra; Ms. Kolinda Grabar-Kitarović, Minister of Foreign Affairs and European Integration of Croatia; Mr. Felipe Pérez Roque, Minister of Foreign Affairs of Cuba; at the 5th meeting, on the same day, a statement in exercise of the right of reply was made by the observer for the United States of America, in connection with which a statement in exercise of the same right was made by the representative of Cuba; Mr. Urmas Paet, Foreign Minister of Estonia; Mr. Zst Skweyiya, Minister of Social Development of South Africa; Mr. Turki Bin Khalid Al-Sudairy, President of the Human Rights Commission of Saudi Arabia; Mr. Noel Treacy, Minister of State of Ireland; Mr. Borys Tarasyuk, Minister for Foreign Affairs of Ukraine; Ms. Khadiga Al-Haisami, Minister for Human Rights of Yemen; Mr. Sid' Ahmed Ould El Bou, Commissioner on Human Rights, the Fight against Poverty, and Social Inclusion of Mauritania; Mr. Mohammed Ali Al Mardi, Minister of Justice and Chairman of the Advisory Council for Human Rights of Sudan; Mr. Mladen Ivanić, Minister of Foreign Affairs of Bosnia and Herzegovina; Mr. Abdelwaheb Abdallah, Minister of Foreign Affairs of Tunisia; and Mr. U. Nyan Win, Minister for Foreign Affairs of Myanmar;

(d) At the 5th meeting, on the same day: Mr. Giovanni Lajolo, Secretary for Relations with States of the Holy See; Ms. Marie-Madeleine Kalala, Minister for Human Rights of the Democratic Republic of the Congo; Ms. Ana Pessoa, Minister for State Administration of Timor-Leste; Ms. María del Refugio González, Deputy Foreign Minister for Multilateral Affairs

and Human Rights of Mexico; Mr. Sotos Zackheos, Vice-Minister of Foreign Affairs of Cyprus; at the 8th meeting, on 22 June, a statement in exercise of the right of reply was made by the observer for Turkey, in connection with which a statement in exercise of the same right was made by the observer for Cyprus, followed by a second statement by the observer for Turkey, and by the observer for Cyprus; Mr. Yang Jiechi, Vice-Minister of Foreign Affairs of China; Mr. Alexandre V. Yakovenko, Deputy Minister of Foreign Affairs of the Russian Federation; Mr. Janusz Stańczyk, Under-Secretary of State, Ministry of Foreign Affairs of Poland; Mr. Mahmud Mammadquliyev, Deputy Foreign Minister of Azerbaijan; at the 6th meeting, on 21 June, a statement in exercise of the right of reply was made by the observer for Armenia; Ms. Marta Altolaguirre Larraondo, Under-Secretary of Cooperation, Secretary of Planning and Programming of Guatemala; Mr. Oskaras Jusys, Secretary of the Ministry of Foreign Affairs of Lithuania; and Mr. Le Van Bang, Deputy Minister, Ministry of Foreign Affairs of Viet Nam;

(e) At the 6th meeting, on 21 June: Ms. Esperança Machavela, Minister of Justice of Mozambique; Mr. Moses Refiloe Masemene, Minister of Justice, Human Rights and Rehabilitation and of Law and Constitutional Affairs of Lesotho; Mr. Patrick A. Chinamasa, Minister of Justice, Legal and Parliamentary Affairs of Zimbabwe; Mr. Mohammed Bedjaoui, Minister of State, Minister for Foreign Affairs of Algeria; Ms. Françoise Ngendahayo, Minister for National Solidarity, Human Rights and Gender of Burundi; Mr. Ahmed Shaheed, Minister of Foreign Affairs of the Maldives; Ms. Edda Mukabagwiza, Minister of Justice of Rwanda; Mr. Francisco Carrión Mena, Minister of External Relations of Ecuador; Mr. Vartan Oskanian, Minister of Foreign Affairs of Armenia; at the same meeting, a statement in exercise of the right of reply was made by the representative of Azerbaijan; Mr. George Manjgaladze, Deputy Minister of Foreign Affairs of Georgia; Mr. Raymond Johansen, State Secretary, Ministry of Foreign Affairs of Norway; Mr. Jaroslav Bašta, First Deputy Minister of Foreign Affairs of the Czech Republic; Ms. Edith Harxhi, Deputy Minister of Foreign Affairs of Albania; Mr. Shaikh Abdulaziz Bin Mubarak Al Khalifa, Deputy Minister for Foreign Affairs of Bahrain; Mr. Anthony Abela, Parliamentary Secretary, Ministry of Foreign Affairs of Malta; and Mr. Michael Zilmer-Johns, State Secretary, Ministry of Foreign Affairs of Denmark.

(f) At the 8th meeting, on 22 June: Mr. Dimitrij Rupel, Minister of Foreign Affairs of Slovenia (also on behalf of the Human Security Network); Ms. Mame Bassine Niang, Minister, High Commissioner for Human Rights and the Promotion of Peace of Senegal; Mr. Gabriel Entcha-Ebia, Minister of Justice and Human Rights of Congo; Mr. N. Hassan Wirajuda, Minister for Foreign Affairs of Indonesia; Mr. Manouchehr Mottaki, Minister for Foreign Affairs of Iran (Islamic Republic of); Mr. Alberto G. Romulo, Secretary of Foreign Affairs of the Philippines; Ms. Massan Loretta Acouetey, Minister for Human Rights, Democracy and Reconciliation of Togo; Mr. Joseph Dion Ngute, Minister Delegate, Ministry of External Relations in Charge of the Commonwealth; Ms. Mary Pili Hernández, Vice-Minister for Foreign Affairs of Venezuela (Bolivarian Republic of); and Mr. Anders B. Johnsson, Secretary General of the Inter-Parliamentary Union.

E. General segment

12. At the 7th meeting, on 21 June 2006, the Council heard statements during its general segment by the following:

(a) Representatives of States members of the Council: Jordan; Mali; Pakistan (on behalf of the Organization of the Islamic Conference); and Peru. At the same meeting, in connection with the statement made by the representative of Pakistan (on behalf of the Organization of the Islamic Conference), a statement in exercise of the right of reply was made by the representative of India. This was followed by a statement in exercise of the same right by the representative of Pakistan, and by a second statement by the representative of India;

(b) Representatives of observer States of the Council: Australia; Bhutan; Costa Rica; Democratic People's Republic of Korea; Egypt; Iraq; Lebanon; Libyan Arab Jamahiriya; New Zealand; Singapore; Slovakia; Sweden; Syrian Arab Republic; Thailand; and the United States of America;

(c) Observers for intergovernmental organizations: African Union; International Organization of the Francophonie; League of Arab States; and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe;

(d) Observers for United Nations entities, specialized agencies and related organizations: International Labour Organization; Office of the United Nations High Commissioner for Refugees; United Nations Children's Fund; United Nations Educational, Scientific and Cultural Organization; and the World Bank;

(e) Observers for other entities: Order of Malta;

(f) Other participants: Chairperson of the United Nations Permanent Forum on Indigenous Issues, Ms. Victoria Tauli-Corpuz; the Independent Expert appointed by the Secretary-General to lead the study on the question of violence against children, Mr. Paulo Sérgio Pinheiro; Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Ms. Rachel Mayanja.

F. Other statements

13. At the 8th meeting, on 21 June 2006, the Vice-Chairperson of the International Coordinating Committee of National Human Rights Institutions, Mr. Javier Moctezuma Barragán, made a statement.

14. At the same meeting, the following speakers designated by non-governmental organizations also made statements: Mr. Arnold Tsunga; Ms. Nataša Kandić; Ms. Sunila Abysekera; and Ms. Marta Ocampo de Vásquez.

15. Also at the same meeting, the Council, at the proposal of the President, observed a minute of silence in honour of the victims of all forms of violations of human rights in all regions of the world.

G. Adoption of the agenda

16. At the 9th meeting, on 21 June 2006, the Council considered the draft agenda drawn up by the President for the first session. The agenda (A/HRC/1/1) was adopted without a vote. For the text as adopted, please see annex I to the report.

H. Organization of work

17. The Council considered the organization of its work at its 9th meeting, on 21 June 2006, and on its 11th meeting on 23 June.

18. At its 11th meeting, on 23 June, the Council adopted its programme of work for its session. For the text of the programme of work, as adopted, please see annex II of the report.

19. At the same meeting, the Council considered modalities for time management during the first session on the understanding that the Council will address the question of its organization and methods of work in the future and that such modalities shall be applied on an interim basis and shall not serve as a precedent for future sessions.

I. Meetings and documentation

20. As indicated in paragraph 1 above, the Council held 24 fully serviced meetings.

21. The 1st meeting, on 19 June 2006, the 13th meeting, on 26 June, the 16th meeting, on 27 June, and the 23rd meeting, on 30 June, were additional meetings without additional financial implications.

22. Draft resolutions and draft decisions for action by the General Assembly will be contained in chapter I of the present report.

23. The texts of the resolutions adopted by the Council as at the conclusion of its 21st meeting, on 29 June 2006 are contained in chapter VI of the present report.

24. Annex I will contain the agenda of the first session of the Council as adopted.

25. Annex II will contain the programme of work for the first session as adopted.

26. Annex III will contain the estimated administrative and programme budget of Council resolutions and decisions.

27. Annex IV will contain the list of attendance.

28. Annex V will contain the list of documents issued for the first session of the Council.

III. REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

29. The Council considered agenda item 3 at its 10th meeting, on 23 June 2006. At the same meeting, the United Nations High Commissioner for Human Rights, Ms. Louise Arbour, made a statement in connection with her report prepared for the sixty-second session of the Commission on Human Rights (E/CN.4/2006/10 and Add.1 and Corr.1-2 and Add.2, as well as E/CN.4/2006/119).

30. In the ensuing exchange of views, the representatives of Argentina, Austria² (on behalf of the European Union), Canada, China, Finland, Guatemala, India, Indonesia, Japan, Jordan, Mexico, Morocco, the Netherlands, Pakistan (on behalf of the Organization of the Islamic Conference), Peru, Poland, Republic of Korea, Russian Federation, Sri Lanka, Switzerland, United Kingdom of Great Britain and Northern Ireland and Uruguay, as well as the observers for Belgium, Democratic People's Republic of Korea, Iran (Islamic Republic of), Norway, Palestine, Sudan, Syrian Arab Republic, Thailand, the United States of America, and Uzbekistan, and the observers for the following non-governmental organizations: Consultative Council of Jewish Organizations; International Commission of Jurists; and the International Service for Human Rights, made statements and posed questions to the High Commissioner.

31. At the same meeting, the High Commissioner made her concluding remarks.

IV. IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED "HUMAN RIGHTS COUNCIL"

32. The Council considered agenda item 4 at its 11th meeting, on 23 June 2006, at its 12th to 14th meetings, on 26 June, at its 15th to 17th meetings, on 27 June, at its 18th and 19th meetings, on 28 June, and at its 20th meeting on 29 June.

² Observer State of the Council speaking on behalf of States members.

A. Exchange of views with the Chairperson of the Coordinating Committee of Special Procedures, the Vice-Chairperson of the fifty-seventh session of the Sub-Commission on the Promotion and Protection of Human Rights, and the Chairperson of the 18th Meeting of Human Rights Treaty Body Chairpersons

33. At the 11th meeting, on 23 June, the Chairperson of the Coordinating Committee of Special Procedures, Mr. Vitit Muntarbhorn, the Vice-Chairperson of the fifty-seventh session of the Sub-Commission on the Promotion and Protection of Human Rights, Mr. Ibrahim Salama, and the Chairperson of the 18th Meeting of Human Rights Treaty Body Chairpersons, Ms. Christine Chanet, made statements.

34. In the ensuing exchange of views, the representatives of Algeria, Argentina, Austria³ (on behalf of the European Union, acceding countries - Bulgaria and Romania, candidate countries - Turkey, Croatia and The former Yugoslav Republic of Macedonia, as well as countries in the process of stabilization and association and potential candidates - Albania, Bosnia and Herzegovina, Republic of Serbia, and Ukraine and the Republic of Moldova), Brazil, Canada, Cuba, Finland, Indonesia, Japan, Mexico, Pakistan, the Philippines, Republic of Korea, the Russian Federation, Senegal, Switzerland, as well as the observer for Chile, and the observers for the following non-governmental organizations: Human Rights Watch (also on behalf of Amnesty International, International Federation of Human Rights Leagues and International Service for Human Rights); International Federation of University Women; International Women's Rights Action Watch; Minnesota Advocates for Human Rights; and World Organization against Torture (also on behalf of the Association for the Prevention of Torture and International Federation of Human Rights Leagues), made statements and posed questions to the speakers.

35. At the same meeting, Mr. Muntarbhorn, Mr. Salama and Ms. Chanet made their concluding remarks.

³ See footnote 2 above.

B. Discussion on issues identified by the President on the basis of consultations with States members and observer States of the Council, including the situation of human rights in Palestine and the other occupied Arab territories; support for the Abuja Peace Agreements: backing efforts for the strengthening of the promotion and protection of human rights; avoiding incitement to hatred and violence for reasons of religion or race through the promotion of tolerance and dialogue; the human rights of migrants in the context of the High-Level Dialogue on International Migration and Development during the sixty-first session of the General Assembly in September 2006; and the role of human rights defenders in promoting and protecting human rights

36. At the 12th and 13th meetings, on 26 June 2006, the Council held a discussion on issues identified by the President on the basis of consultations with States members and observer States of the Council. Statements were made by the following:

(a) Representatives of States members of the Council: Algeria (on behalf of the Group of African States); Argentina; Austria⁴ (on behalf of the European Union); Azerbaijan; Bahrain; Bangladesh; Brazil; Canada; China; Cuba; France; Germany; India; Indonesia; Japan; Jordan; Malaysia; Mali; Mexico; Morocco; the Netherlands; Pakistan (on behalf of the Organization of the Islamic Conference); Peru; the Philippines; Saudi Arabia; Senegal; South Africa; Sri Lanka; Switzerland; Tunisia (also on behalf of the Group of Arab States); and the United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of concerned countries: Israel; Lebanon; Palestine; Syrian Arab Republic; and Sudan;

(c) Representatives of observer States of the Council: Chile; Egypt; Iran (Islamic Republic of); Iraq; Kuwait; Libyan Arab Jamahiriya; Nepal; Nicaragua; Norway; Qatar; Spain; Sweden; United Arab Emirates; the United States of America; and Uzbekistan;

(d) Observers for the following non-governmental organizations: Asian Forum for Human Rights and Development (also on behalf of Asia Pacific Forum on Women, Law and Development, Centre for Organization, Research and Education and International Women's Rights Action Watch); Association for World Education (also on behalf of World Union for Progressive Judaism); Baha'i International Community; Colombian Commission of Jurists;

⁴ See footnote 2 above.

Coordinating Board of Jewish Organizations (also on behalf of B'nai B'rith International, Dzeno Association, Indian Social Institute, International Association of Jewish Lawyers and Jurists, S.M. Sehgal Foundation, United Nations Watch, Women's International Zionist Organizations and World Union of Progressive Judaism); Human Rights Advocates; Human Rights Watch (also on behalf of International Commission of Jurists and International Federation of Human Rights Leagues); International Association of Democratic Lawyers; International Federation of Human Rights Leagues (also on behalf of World Organization against Torture); International Humanist and Ethical Union; International Service for Human Rights; International Women's Rights Action Watch; Movement against Racism and for Friendship among Peoples; Union de l'Action Féminine; and World Federation of United Nations Associations.

37. At the 13th meeting, on the same day, statements in exercise of the right of reply were made by the representatives of Algeria and Cuba, and the observers for Colombia, the Democratic People's Republic of Korea, Iran (Islamic Republic of), Palestine, Syrian Arab Republic, and Sudan.

C. Consideration of the report of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action

38. At the 13th meeting, on 26 June 2006, the Chairperson-Rapporteur of the Intergovernmental Working Group established to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action, Mr. Juan Martabit, presented the report of the Working Group prepared for the sixty-second session of the Commission on Human Rights (E/CN.4/2006/18).

39. In the ensuing discussion, and also at the 14th meeting, on the same day, statements were made by the following:

(a) Representatives of States members of the Council: Algeria (on behalf of the Group of African States); Argentina; Austria⁵ (on behalf of the European Union, acceding

⁵ See footnote 2 above.

countries - Bulgaria and Romania, candidate countries - Turkey, Croatia and The former Yugoslav Republic of Macedonia, as well as countries in the process of stabilization and association and potential candidates - Albania, Bosnia and Herzegovina, Republic of Serbia); Azerbaijan; Brazil (also on behalf of the Group of Latin American and Caribbean States); Cameroon; China; Cuba; Mexico; Morocco; Pakistan (on behalf of the members of the Organization of the Islamic Conference that are States members of the Council); Poland; Russian Federation; Senegal; South Africa; Switzerland; and Uruguay;

(b) Representatives of observer States of the Council: Iran (Islamic Republic of); and the United States of America;

(c) Observers for the following non-governmental organizations: Movement against Racism and for Friendship among Peoples; and Women's International League for Peace and Freedom (also on behalf of International Youth and Student Movement for the United Nations, Interfaith International, Movement against Racism and for Friendship among Peoples, and North South XXI).

40. At the 14th meeting, on the same day, Mr. Martabit made his concluding remarks.

D. Consideration of the report of the Working Group on the Right to Development

41. At the 14th meeting, on 26 June 2006, the Chairperson-Rapporteur of the Working Group on the Right to Development, Mr. Ibrahim Salama, presented the report of the Working Group prepared for the sixty-second session of the Commission on Human Rights (E/CN.4/2006/26).

42. In the ensuing discussion, and also at the 15th meeting, on 27 June, statements were made by the following:

(a) Representatives of States members of the Council: Algeria; Argentina; Austria⁶ (on behalf of the European Union, acceding countries - Bulgaria and Romania, candidate countries - Turkey, Croatia and The former Yugoslav Republic of Macedonia, as well as

⁶ See footnote 2 above.

countries in the process of stabilization and association and potential candidates - Albania, Bosnia and Herzegovina, Republic of Serbia); Bangladesh; Brazil (also on behalf of the Group of Latin American and Caribbean States); China; Cuba; Indonesia; Malaysia (on behalf of the Non-Aligned Movement and China); Morocco; Nigeria; Pakistan (on behalf of the members of the Organization of the Islamic Conference that are States members of the Council); the Philippines; Poland; Russian Federation; Senegal; South Africa; and Zambia;

(b) Representatives of observer States of the Council: Luxembourg; Thailand; and the United States of America;

(c) Observers for the following non-governmental organizations: Europe - Third World Centre; Franciscans International; and Indian Movement "Tupaj Amaru";

(d) Observer for the following national human rights institution: National Human Rights Commission of India.

43. At the 15th meeting, on 27 June, Mr. Salama made his concluding remarks.

E. Consideration of the report of the Open-ended Working Group established with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights

44. At the 15th meeting, on 27 June 2006, the Chairperson-Rapporteur of the Open-ended Working Group established with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, Ms. Catarina de Albuquerque, presented the report of the Working Group prepared for the sixty-second session of the Commission on Human Rights (E/CN.4/2006/47).

45. In the ensuing discussion, statements were made by the following:

(a) Representatives of States members of the Council: Algeria (on behalf of the Group of African States); Argentina; Austria⁷ (on behalf of the European Union, acceding countries - Bulgaria and Romania, candidate countries - Turkey, Croatia and The former

⁷ See footnote 2 above.

Yugoslav Republic of Macedonia, as well as countries in the process of stabilization and association and potential candidates - Albania, Bosnia and Herzegovina, Republic of Serbia, and Ukraine and the Republic of Moldova); Azerbaijan; Brazil (also on behalf of the Group of Latin American and Caribbean States); Guatemala; India; Indonesia; Japan; Mexico; Morocco; the Netherlands; Peru; the Philippines; Republic of Korea; Russian Federation; Senegal; South Africa; Switzerland; United Kingdom of Great Britain and Northern Ireland; and Uruguay;

(b) Representatives of observer States of the Council: Australia; Belgium; Chile; Iran (Islamic Republic of); Portugal; Spain; and the United States of America;

(c) Observers for the following non-governmental organizations: Centre on Housing Rights and Evictions (also on behalf of Amnesty International, FoodFirst Information and Action Network; Franciscans International; International Commission of Jurists; International Federation of Human Rights Leagues; and International Women's Rights Action Watch); Europe - Third World Centre; Permanent Assembly for Human Rights; and Union de l'Action Féminine.

46. At the same meeting, Ms. de Albuquerque made her concluding remarks.

47. At the 16th meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Algeria.

F. Consideration of the report of the intersessional Open-ended Working Group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearances

48. At the 15th meeting, on 27 June 2006, the Chairperson-Rapporteur of the intersessional Open-ended Working Group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance, Mr. Bernard Kessedjian presented the report of the Working Group prepared for the sixty-second session of the Commission on Human Rights (E/CN.4/2006/57).

49. In the ensuing discussion, and also at the 16th meeting, on the same day, statements were made by the following:

(a) Representatives of States members of the Council: Algeria; Argentina; Austria⁸ (on behalf of the European Union, acceding countries - Bulgaria and Romania, candidate countries - Turkey, Croatia and The former Yugoslav Republic of Macedonia, as well as countries in the process of stabilization and association and potential candidates - Albania, Bosnia and Herzegovina, Republic of Serbia, countries of the European Free Trade Association - Iceland and Liechtenstein, and Ukraine and the Republic of Moldova); Azerbaijan; Bangladesh; Brazil (also on behalf of the Group of Latin American and Caribbean States); Cameroon; China; Cuba; Ecuador; France; Guatemala; India; Indonesia; Japan; Mexico; Morocco; Pakistan; Russian Federation; Senegal; and Uruguay;

(b) Representatives of observer States of the Council: Belgium; Bolivia; Chile; Costa Rica; Greece; Spain; and the United States of America;

(c) Observer for the International Committee of the Red Cross;

(d) Observers for the following non-governmental organizations: Families of Victims of Involuntary Disappearance; Latin American Federation of Associations of Relatives of Disappeared Detainees (also on behalf of Amnesty International, Human Rights Watch, International Commission of Jurists, International Federation of Human Rights Leagues and International Service for Human Rights); Permanent Assembly for Human Rights; Philippines Human Rights Information Center (also on behalf of Asian Forum for Human Rights and Development, Humanist Committee on Human Rights, International NGO Forum on Indonesian Development and Non-Violence International); Union de l'Action Féminine; and World Federation of United Nations Associations;

(e) Observer for the following national human rights institution: Consultative Council on Human Rights of Morocco.

50. At the 16th meeting, on the same day, Mr. Kessedjian made his concluding remarks.

51. At the 17th meeting, on the same day, a statement in exercise of the right of reply was made by the representative of the Philippines.

⁸ See footnote 2 above.

G. Consideration of the report of the Open-ended intersessional Working Group on a draft United Nations declaration on the rights of indigenous peoples

52. At the 17th meeting, on 27 June 2006, the Chairperson-Rapporteur of the Open-ended intersessional Working Group on a draft United Nations declaration on the rights of indigenous peoples, Mr. Luis-Enrique Chávez, presented the report of the Working Group prepared for the sixty-second session of the Commission on Human Rights (E/CN.4/2006/79).

53. In the ensuing discussion, statements were made by the following:

(a) Representatives of States members of the Council: Algeria (on behalf of the Group of African States); Austria⁹ (on behalf of the European Union, acceding countries - Bulgaria and Romania, candidate countries - Turkey, Croatia and The former Yugoslav Republic of Macedonia, as well as countries in the process of stabilization and association and potential candidates - Albania, Bosnia and Herzegovina, Republic of Serbia, and Liechtenstein - as a country of the European Free Trade Association, and the Republic of Moldova); Bangladesh; Brazil (also on behalf of the Group of Latin American and Caribbean States); Cameroon; Canada; China; Cuba; Ecuador; Finland (on behalf of the Nordic States and Estonia); France; Guatemala; India; Japan; Mexico; Peru; Philippines; Russian Federation; South Africa; and Uruguay;

(b) Representatives of observer States of the Council: Australia (also on behalf of New Zealand and the United States of America); Bolivia; Chile; Congo; Iran (Islamic Republic of); Panama; and Spain;

(c) Observers for the following non-governmental organizations: Amnesty International (also on behalf of Action Canada for Population and Development, Agir Ensemble pour les Droits de l'Homme, Cultural Survival, DoCip, Friends World Committee for Consultation, Initiative Locale pour le Développement Intégré, International Commission of Jurists, International Federation of Human Rights Leagues, International Service for Human Rights, International Work Group for Indigenous Affairs, Netherlands Centre for Indigenous

⁹ See footnote 2 above.

Peoples, Rights and Democracy);¹⁰ Asociación Kunas Unidos por Napguana (on behalf of the Latin American Regional Caucus of Indigenous Peoples); Association of Indigenous Peoples of the North, Siberia and Far East of the Russian Federation (on behalf of the Russian Regional Caucus of Indigenous Peoples); Foundation for Aboriginal and Islander Research Action (on behalf of the Pacific Regional Caucus of Indigenous Peoples); Indian Council of South America; Indian Law Resource Center; Indian Movement “Tupaj Amaru”; International Human Rights Association of American Minorities; International Organization of Indigenous Resource Development (on behalf of the North American Regional Caucus of Indigenous Peoples); International Service for Human Rights; International Working Group on Indigenous Affairs (on behalf of the African Regional Caucus of Indigenous Peoples); Inuit Circumpolar Conference (on behalf of the Arctic Regional Caucus of Indigenous Peoples and the Saami Council); Juridical Commission for Auto-Development of First Andean Peoples; and Tebtebba Foundation (on behalf of the Asian Regional Caucus of Indigenous Peoples).

54. At the same meeting, Mr. Chávez made his concluding remarks.

H. Universal periodic review mechanism

55. At the 18th meeting, on 28 June 2006, the Council held a discussion on the universal periodic mechanism. Statements were made by the following:

(a) Representatives of States members of the Council: Algeria (on behalf of the Group of African States); Austria¹¹ (on behalf of the European Union, acceding countries - Bulgaria and Romania, candidate countries - Turkey, Croatia and The former Yugoslav Republic

¹⁰ Statement supported by the following non-governmental organizations: Asociación para la Cooperación con el Sur, Adivasi-Koordination, ALMACIGA Grupo de Trabajo Intercultural, ARC International, City Green Solutions, Coalition for Global Warming Solutions and Environmental Awareness, FERN, Forum Human Rights, Global Citizen Center, Global Exchange, Hawaii Institute for Human Rights, IBIS, Insamlingsstiftelsen Ett klick för skogen, KAIROS Canadian Ecumenical Justice Initiatives, KWIA Flemish Support Group for Indigenous Peoples, Lignes des droits et libertes, MiningWatch, Mugarik Gabe, Ontario Public Interest Research Group, Rainforest Action Network, Robin Wood, and Voluntariat International Femme Education Développement.

¹¹ See footnote 2 above.

of Macedonia, as well as countries in the process of stabilization and association and potential candidates - Albania, Bosnia and Herzegovina, Republic of Serbia, and Ukraine and the Republic of Moldova); Azerbaijan; Bangladesh; Brazil; Canada (also on behalf of Australia and New Zealand); China; Cuba; Ghana; India; Indonesia; Japan; Malaysia; Mexico; Pakistan (on behalf of the Organization of the Islamic Conference); Philippines; Poland; Republic of Korea; Romania; Russian Federation; South Africa; Sri Lanka; Switzerland; Ukraine; Uruguay; and Zambia;

(b) Representatives of observer States of the Council: Armenia; Bhutan; Chile; Colombia; Côte d'Ivoire; The former Yugoslav Republic of Macedonia; Iran (Islamic Republic of); Liechtenstein; Nepal; Singapore; Thailand; the United States of America; and Viet Nam;

(c) Observers for the following non-governmental organizations: Asian Forum for Human Rights and Development (also on behalf of Ain o Salish Kendro Law and Mediation Centre, Asian Legal Resource Centre, and International NGO Forum on Indonesian Development); Human Rights Watch (also on behalf of International Commission of Jurists, International Federation of Human Rights Leagues, International Service for Human Rights, and World Organization against Torture); International Women's Rights Action Watch; and Movement against Racism and for Friendship among Peoples;

(d) Observers for the following national human rights institutions: Commission on Human Rights of the Philippines (also on behalf of the Consultative Council of Human Rights of Morocco, Mexican National Commission for Human Rights, and National Consultative Commission for Human Rights of France, on behalf of the European Group of National Human Rights Institutions).

I. Review of mandates and mechanisms

56. At the 19th meeting, 28 June 2006, the Council held a discussion on the review of mandates and mechanisms pursuant to paragraph 6 of General Assembly resolution 60/251. Statements were made by the following:

(a) Representatives of States members of the Council: Algeria (on behalf of the Group of African States); Argentina; Austria¹² (on behalf of the European Union, acceding countries - Bulgaria and Romania, candidate countries - Turkey, Croatia and The former Yugoslav Republic of Macedonia, as well as countries in the process of stabilization and association and potential candidates - Albania, Bosnia and Herzegovina, Republic of Serbia, and Liechtenstein - as a country of the European Free Trade Association, and Ukraine and the Republic of Moldova); Brazil; China; Cuba; Indonesia; Japan; Malaysia; New Zealand¹³ (also on behalf of Australia and Canada); Peru; Russian Federation; Switzerland; and Tunisia;

(b) Representatives of observer States of the Council: Chile; Colombia; Democratic People's Republic of Korea; Iran (Islamic Republic of); Norway; Singapore; Thailand; and the United States of America;

(c) Observers for the following non-governmental organizations: Amnesty International; Human Rights Watch (also on behalf of International Federation of Human Rights Leagues); Indian Movement "Tupaj Amaru"; International Indian Treaty Council (also on behalf of Foundation for Aboriginal and Islander Research Action, and Indigenous World Association); International League for the Rights and Liberation of Peoples; International Organization of Indigenous Resource Development (also on behalf of Asociación Kunas Unidos por Napguana, Foundation for Aboriginal and Islander Research Action, Indigenous World Association, International Indian Treaty Council, Juridical Commission for Auto-Development of First Andean Peoples, and Saami Council); Women's International League for Peace and Freedom (also on behalf of Asian Forum for Human Rights and Development, International Federation of University Women, Minnesota Advocates for Human Rights, Pax Romana, Union de l'Action Féminine, World Federation of United Nations Associations, and World Young Women's Christian Association); and World Organization against Torture.

¹² See footnote 2 above.

¹³ Observer State of the Council speaking on behalf of a State member.

J. Dialogue and cooperation on human rights

57. The Council held a discussion on dialogue and cooperation on human rights, including on human rights education and learning, advisory services, technical assistance and capacity-building, pursuant to preambular paragraph 10 and paragraph 5 (a) of General Assembly resolution 60/251.

58. Statements in this connection were made by the High Commissioner for Human Rights, Ms. Louise Arbour and the Deputy High Commissioner for Human Rights, Ms. Mehr Khan Williams.

59. Statements were also made by the following:

(a) Representatives of States members of the Council: Algeria (on behalf of the Group of African States); Austria¹⁴ (on behalf of the European Union, acceding countries - Bulgaria and Romania, candidate countries - Turkey, Croatia and The former Yugoslav Republic of Macedonia, as well as countries in the process of stabilization and association and potential candidates - Albania, Bosnia and Herzegovina, Republic of Serbia, and the Republic of Moldova); Canada; Ghana; Guatemala; Indonesia; Japan; Mexico; Republic of Korea; Sri Lanka; and Switzerland;

(b) Representatives of observer States of the Council: Colombia; Côte d'Ivoire; Iran (Islamic Republic of); Nepal; Slovenia; Sweden; Tanzania; and Thailand;

(c) Observer for the Holy See;

(d) Observer for the United Nations Development Programme;

(e) Observers for the following non-governmental organizations: Center for Women's Global Leadership; Ius Primi Viri; and Soka Gakkai International (also on behalf of Institute for Planetary Synthesis, Interfaith International, International Association of Gerontology and Geriatrics, International Association for Religious Freedom, International

¹⁴ See footnote 2 above.

Council of Jewish Women, International Council of Women, International Federation of University Women, International Movement against All Forms of Discrimination and Racism, International Organization for the Right to Education and the Freedom of Information, Lutheran World Federation, Pan Pacific and Southeast Asia Women's Association, Pax Romana, Planetary Association for Clean Energy, Servas International, Women's Federation for World Peace International, Women's World Summit Foundation, World Federation of Methodist and Uniting Church Women, World Union of Catholic Women's Organizations, World Young Women's Christian Association, and Worldwide Organization for Women).

International Convention for the Protection of All Persons from Enforced Disappearance

60. At the 21st meeting, on 29 June 2006, the representative of France introduced draft resolution A/HRC/1/L.2 sponsored by Andorra*, Argentina, Armenia*, Austria*, Belgium*, Bolivia*, Cameroon, Chile*, Congo*, Costa Rica*, Cuba, Cyprus*, Czech Republic, Estonia*, Finland, France, Germany, Greece*, Guatemala, Guinea*, Haiti*, Honduras*, Hungary*, Ireland*, Italy*, Latvia*, Liechtenstein*, Luxembourg*, Malta*, Mexico, Peru, Portugal*, Romania, Slovakia*, Slovenia*, Spain*, Switzerland, Uruguay, and Venezuela (Bolivarian Republic of)*. Azerbaijan, Bosnia and Herzegovina*, Brazil, Bulgaria*, Croatia*, Ecuador, Japan, Lithuania*, Mali, Mauritius, Monaco*, Morocco, Norway*, Panama*, Poland, Republic of Korea, Republic of Serbia*, Senegal, South Africa and Ukraine subsequently joined the sponsors.

61. Statements in connection with the draft resolution was made by the representatives of Algeria, Argentina, Finland (on behalf of the European Union, acceding countries - Bulgaria and Romania, candidate countries - Turkey, Croatia and The former Yugoslav Republic of Macedonia, as well as countries in the process of stabilization and association and potential candidates - Albania, Bosnia and Herzegovina, Republic of Serbia, countries of the European Free Trade Association - Iceland and Liechtenstein, and Ukraine and the Republic of Moldova), Guatemala, Japan, Peru and the United Kingdom of Great Britain and Northern Ireland.

* Observer States of the Human Rights Council.

62. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications¹⁵ of the draft resolution.

63. Statements in explanation of vote after the vote were made by the representatives of Canada, Ecuador, and Sri Lanka.

64. The draft resolution was adopted without a vote. For the text as adopted, see chapter VI, section A, resolution 2006/1.

Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of the General Assembly resolution 49/214 of 23 December 1994

65. At the same meeting, the representative of Peru introduced draft resolution A/HRC/1/L.3 sponsored by Armenia*, Benin*, Congo*, Costa Rica*, Cuba, Cyprus*, Denmark*, Estonia*, Finland, France, Greece*, Guatemala, Haiti*, Lesotho*, Mexico, Nicaragua*, Norway*, Panama*, Peru, Portugal*, Slovenia*, Spain*, and Venezuela (Bolivarian Republic of)*. Andorra*, Austria*, Bolivia*, Cameroon, Croatia*, Ecuador, Ethiopia*, The former Yugoslav Republic of Macedonia*, Honduras*, Hungary*, Italy*, Latvia*, Libyan Arab Republic*, Liechtenstein*, Lithuania*, Luxembourg*, Malta*, Saint Kitts and Nevis*, South Africa, Sweden*, and Switzerland subsequently joined the sponsors.

66. Statements in connection with the draft resolution were made by the representatives of Guatemala, Mexico and Switzerland.

67. Statements in explanation of vote before the vote were made by the representatives of Bangladesh, Canada, China, India, Indonesia, the Philippines, and Russian Federation.

68. At the request of the representative of Canada, a recorded vote was taken on the draft resolution, which was adopted by 30 votes to 2, with 12 abstentions. The voting was as follows:

¹⁵ See annex III.

In favour: Azerbaijan, Brazil, Cameroon, China, Cuba, Czech Republic, Ecuador, Finland, France, Germany, Guatemala, India, Indonesia, Japan, Malaysia, Mauritius, Mexico, Netherlands, Pakistan, Peru, Poland, Republic of Korea, Romania, Saudi Arabia, South Africa, Sri Lanka, Switzerland, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia

Against: Canada, Russian Federation

Abstaining: Algeria, Argentina, Bahrain, Bangladesh, Ghana, Jordan, Morocco, Nigeria, the Philippines, Senegal, Tunisia, Ukraine

69. Statements in explanation of vote after the vote were made by the representatives of Algeria, Argentina, Brazil, Germany, Japan, Mauritius, Morocco, Ukraine, and the United Kingdom of Great Britain and Northern Ireland.

70. The representatives of Bahrain and Jordan stated that their delegations had not intended to participate in the vote.

71. A statement in connection with the resolution was made, on an exceptional basis, by a representative of the Indigenous Peoples Caucus.

72. For the text of the resolution as adopted, see chapter VI, section A, resolution 2006/2.

Open-ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights

73. At the same meeting, the observer for Portugal introduced draft resolution A/HRC/1/L.4/Rev.1, sponsored by Algeria, Angola*, Argentina, Belgium*, Bolivia*, Bosnia and Herzegovina*, Brazil, Bulgaria*, Burkina Faso*, Cameroon, Cape Verde*, Chile*, Colombia*, Costa Rica*, Croatia*, Cuba, Djibouti, Ecuador, Finland, France, Ghana, Guatemala, Guinea*, Italy*, Lesotho*, Mali, Mauritius, Mexico, Monaco*, Morocco, Mozambique*, Nigeria, Norway*, Panama*, Peru, Portugal*, Republic of Serbia*, Senegal, Slovenia*, South Africa, Spain*, Timor-Leste*, Tunisia, Ukraine, Uruguay, Venezuela (Bolivarian Republic of)*, and Zambia. Armenia, Azerbaijan*, and the Russian Federation subsequently joined the sponsors.

74. Statements in connection with the draft resolution were made by the representatives of Guatemala and Saudi Arabia.

75. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications¹⁶ of the draft resolution.

76. A statement in explanation of his delegation's position was made by the representative of Canada.

77. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 2006/3.

[.....]

[Note: The present draft report only reflects the proceedings up to the conclusion of the 21st meeting, on Thursday, 29 June 2006. As the Council has not concluded its work and will continue to take action on draft resolutions and draft decisions before it at its 22nd to 24th meetings on Friday, 30 June, the proceedings and texts of the resolutions and decisions adopted will be included in the final report of the Council.]

V. PROGRAMME OF WORK FOR THE FIRST YEAR

78. The Council considered agenda item 5 at its 20th meeting, on 29 June 2006.

79. A statement in this connection and in connection with draft decision A/HRC/1/L.13 submitted by the President on a draft framework for a programme of work of the Council for the first year was made by the observer for Norway.

80. Statements were also made by the following:

¹⁶ See annex III.

(a) Representatives of States members of the Council: Algeria (on behalf of the Group of African States); Australia¹⁷ (also on behalf of Canada and New Zealand); Austria¹⁸ (on behalf of the European Union, acceding countries - Bulgaria and Romania, candidate countries - Turkey, Croatia and The former Yugoslav Republic of Macedonia, as well as countries in the process of stabilization and association and potential candidates - Albania, Bosnia and Herzegovina, Republic of Serbia, and the Republic of Moldova); Cuba; Indonesia; Japan; Mexico; and Switzerland;

(b) Representatives of observer States of the Council: Iran (Islamic Republic of) and Syrian Arab Republic.

(c) Observers for the following non-governmental organizations: Coordinating Board of Jewish Organizations (also on behalf of B'nai B'rith International, International Association of Jewish Lawyers and Jurists, and Women's International Zionist Organizations); Human Rights Watch; Indian Council of Education; International Institute for Non-Aligned Studies; and Movement against Racism and for Friendship among Peoples.

[.....]

[Note: The present draft report only reflects the proceedings up to the conclusion of the 21st meeting, on Thursday, 29 June 2006. As the Council has not concluded its work and will continue to take action on draft resolutions and draft decisions before it at its 22nd to 24th meetings on Friday, 30 June, the proceedings and texts of the resolutions and decisions adopted will be included in the final report of the Council.]

¹⁷ Observer State of the Council speaking on behalf of a State member.

¹⁸ See footnote 2 above.

**VI. RESOLUTIONS ADOPTED BY THE COUNCIL AS AT THE
CONCLUSION OF ITS 21ST MEETING, ON 29 JUNE 2006**

[Note: All resolutions and decisions adopted by the Council, as well as President's statements agreed on by the Council by consensus will be included in the final report. The present draft report only reflects those resolutions and decisions adopted at the 21st meeting on Thursday, 29 June 2006.]

**2006/1 International Convention for the Protection of
All Persons from Enforced Disappearance**

The Human Rights Council,

Recalling General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Also recalling Commission on Human Rights resolution 2001/46 establishing an intersessional open-ended working group of the Commission with the mandate to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance, and Commission resolution 2005/27,

Taking note of the report of the working group (E/CN.4/2006/57) and the group's decision to conclude its work and transmit the draft international convention for the protection of all persons from enforced disappearance to the Commission on Human Rights for adoption,

Welcoming the offer by France to host the signing ceremony for the Convention in Paris,

1. *Adopts* the International Convention for the Protection of All Persons from Enforced Disappearance as annexed to this resolution;
2. *Recommends* to the General Assembly adoption of the International Convention for the Protection of All Persons from Enforced Disappearance;
3. *Recommends* that, once adopted by the General Assembly, the Convention be opened for signature at a signing ceremony in Paris;
4. *Recommends* to the General Assembly adoption of the following draft resolution:

“The General Assembly,

“Taking note of Human Rights Council resolution 2006/1 dated 29 June 2006, by which the Council adopted the International Convention for the Protection of All Persons from Enforced Disappearance,

“1. Hails the Council’s adoption of the International Convention for the Protection of All Persons from Enforced Disappearance;

“2. Adopts and opens for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance, the text of which is annexed to this resolution;

“3. Recommends that the Convention be opened for signature at a signing ceremony in Paris.”

*21st meeting
29 June 2006
[Adopted without a vote.]*

Annex

INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE

Preamble

The States Parties to this Convention,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and all other relevant international instruments in the fields of human rights, humanitarian law and international criminal law,

Recalling the Declaration on the Protection of All Persons from Enforced Disappearance adopted by the General Assembly of the United Nations in its resolution 47/133 of 18 December 1992,

Aware of the extreme seriousness of enforced disappearance, which constitutes a crime and, in certain circumstances defined in international law, a crime against humanity,

Determined to prevent enforced disappearances and to combat impunity for the crime of enforced disappearance,

Considering the right of any person not to be subjected to enforced disappearance, the right of victims to justice and to reparation,

Affirming the right of any victim to know the truth about the circumstances of an enforced disappearance and the fate of the disappeared person, and the right to freedom to seek, receive and impart information to this end,

Have agreed as follows:

PART I

Article 1

1. No one shall be subjected to enforced disappearance.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance.

Article 2

For the purposes of this Convention, enforced disappearance is considered to be the arrest, detention, abduction or any other form of deprivation of liberty committed by agents of the State or by persons or groups of persons acting with the authorization, support or

acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

Article 3

Each State Party shall take appropriate measures to investigate acts defined in article 2 committed by persons or groups of persons acting without the authorization, support or acquiescence of the State and to bring those responsible to justice.

Article 4

Each State Party shall take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law.

Article 5

The widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law.

Article 6

1. Each State Party shall take the necessary measures to hold criminally responsible at least:
 - (a) Any person who commits, orders, solicits or induces the commission of, attempts to commit, is an accomplice to or participates in an enforced disappearance;
 - (b) A superior who:
 - (i) Knew, or consciously disregarded information which clearly indicated, that subordinates under his or her effective authority and control were committing or about to commit a crime of enforced disappearance;
 - (ii) Exercised effective responsibility for and control over activities which were concerned with the crime of enforced disappearance; and

- (iii) Failed to take all necessary and reasonable measures within his or her power to prevent or repress the commission of an enforced disappearance or to submit the matter to the competent authorities for investigation and prosecution;

(c) Subparagraph (b) above is without prejudice to the higher standards of responsibility applicable under relevant international law to a military commander or to a person effectively acting as a military commander.

2. No order or instruction from any public authority, civilian, military or other, may be invoked to justify an offence of enforced disappearance.

Article 7

1. Each State Party shall make the offence of enforced disappearance punishable by appropriate penalties which take into account its extreme seriousness.

2. Each State Party may establish:

(a) Mitigating circumstances, in particular for persons who, having been implicated in the commission of an enforced disappearance, effectively contribute to bringing the disappeared person forward alive or make it possible to clarify cases of enforced disappearance or to identify the perpetrators of an enforced disappearance;

(b) Without prejudice to other criminal procedures, aggravating circumstances, in particular in the event of the death of the disappeared person or the commission of an enforced disappearance in respect of pregnant women, minors, persons with disabilities or other particularly vulnerable persons.

Article 8

Without prejudice to article 5,

1. A State Party which applies a statute of limitations in respect of enforced disappearance shall take the necessary measures to ensure that the term of limitation for criminal proceedings:

- (a) Is of long duration and is proportionate to the extreme seriousness of this offence;
 - (b) Commences from the moment when the offence of enforced disappearance ceases, taking into account its continuous nature.
2. Each State Party shall guarantee the right of victims of enforced disappearance to an effective remedy during the term of limitation.

Article 9

1. Each State Party shall take the necessary measures to establish its competence to exercise jurisdiction over the offence of enforced disappearance:
 - (a) When the offence is committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
 - (b) When the alleged offender is one of its nationals;
 - (c) When the disappeared person is one of its nationals and the State Party considers it appropriate.
2. Each State Party shall likewise take such measures as may be necessary to establish its competence to exercise jurisdiction over the offence of enforced disappearance when the alleged offender is present in any territory under its jurisdiction, unless it extradites or surrenders him or her to another State in accordance with its international obligations or surrenders him or her to an international criminal tribunal whose jurisdiction it has recognized.
3. This Convention does not exclude any additional criminal jurisdiction exercised in accordance with national law.

Article 10

1. Upon being satisfied, after an examination of the information available to it, that the circumstances so warrant, any State Party in whose territory a person suspected of having committed an offence of enforced disappearance is present shall take him or her into custody or take such other legal measures as are necessary to ensure his or her presence. The custody and

other legal measures shall be as provided for in the law of that State Party but may be maintained only for such time as is necessary to ensure the person's presence at criminal, surrender or extradition proceedings.

2. A State Party which has taken the measures referred to in paragraph 1 shall immediately carry out a preliminary inquiry or investigations to establish the facts. It shall notify the States Parties referred to in article 9, paragraph 1, of the measures it has taken in pursuance of paragraph 1 of this article, including detention and the circumstances warranting detention, and of the findings of its preliminary inquiry or its investigations, indicating whether it intends to exercise its jurisdiction.

3. Any person in custody pursuant to paragraph 1 may communicate immediately with the nearest appropriate representative of the State of which he or she is a national, or, if he or she is a stateless person, with the representative of the State where he or she usually resides.

Article 11

1. The State Party in the territory under whose jurisdiction a person alleged to have committed an offence of enforced disappearance is found shall, if it does not extradite that person or surrender him or her to another State in accordance with its international obligations or surrender him or her to an international criminal tribunal whose jurisdiction it has recognized, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State Party. In the cases referred to in article 9, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 9, paragraph 1.

3. Any person against whom proceedings are brought in connection with an offence of enforced disappearance shall be guaranteed fair treatment at all stages of the proceedings. Any person tried for an offence of enforced disappearance shall benefit from a fair trial before a competent, independent and impartial court or tribunal established by law.

Article 12

1. Each State Party shall ensure that any individual who alleges that a person has been subjected to enforced disappearance has the right to report the facts to the competent authorities, which shall examine the allegation promptly and impartially and, where necessary, undertake without delay a thorough and impartial investigation. Appropriate steps shall be taken, where necessary, to ensure that the complainant, witnesses, relatives of the disappeared person and their defence counsel, as well as persons participating in the investigation, are protected against all ill-treatment or intimidation as a consequence of the complaint or any evidence given.
2. Where there are reasonable grounds for believing that a person has been subjected to enforced disappearance, the authorities referred to in paragraph 1 shall undertake an investigation, even if there has been no formal complaint.
3. Each State Party shall ensure that the authorities referred to in paragraph 1:
 - (a) Have the necessary powers and resources to conduct the investigation effectively, including access to the documentation and other information relevant to their investigation;
 - (b) Have access, if necessary with the prior authorization of a judicial authority, which shall rule promptly on the matter, to any place of detention or any other place where there are reasonable grounds to believe that the disappeared person may be present.
4. Each State Party shall take the necessary measures to prevent and punish acts that hinder the conduct of an investigation. It shall ensure in particular that persons suspected of having committed an offence of enforced disappearance are not in a position to influence the progress of an investigation by means of pressure or acts of intimidation or reprisal aimed at the complainant, witnesses, relatives of the disappeared person or their defence counsel, or at persons participating in the investigation.

Article 13

1. For the purposes of extradition between States Parties, the offence of enforced disappearance shall not be regarded as a political offence or as an offence connected with a

political offence or as an offence inspired by political motives. Accordingly, a request for extradition based on such an offence may not be refused on these grounds alone.

2. The offence of enforced disappearance shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties before the entry into force of this convention.

3. States Parties undertake to include the offence of enforced disappearance as an extraditable offence in any extradition treaty subsequently to be concluded between them.

4. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the necessary legal basis for extradition in respect of the offence of enforced disappearance.

5. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offence of enforced disappearance as an extraditable offence between themselves.

6. Extradition shall, in all cases, be subject to the conditions provided for by the law of the requested State Party or by applicable extradition treaties, including, in particular, conditions relating to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition or make it subject to certain conditions.

7. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin, political opinions or membership of a particular social group, or that compliance with the request would cause harm to that person for any one of these reasons.

Article 14

1. States Parties shall afford one another the greatest measure of mutual legal assistance in connection with criminal proceedings brought in respect of an offence of enforced disappearance, including the supply of all evidence at their disposal that is necessary for the proceedings.

2. Such mutual legal assistance shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable treaties on mutual legal assistance, including, in particular, the conditions in relation to the grounds upon which the requested State Party may refuse to grant mutual legal assistance or may make it subject to conditions.

Article 15

States Parties shall cooperate with each other and shall afford one another the greatest measure of mutual assistance with a view to assisting victims of enforced disappearance, and in searching for, locating and releasing disappeared persons and, in the event of death, in exhuming and identifying them and returning their remains.

Article 16

1. No State Party shall expel, return (“refouler”), surrender or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights or of serious violations of international humanitarian law.

Article 17

1. No one shall be held in secret detention.

2. Without prejudice to other international obligations of the State Party with regard to the deprivation of liberty, each State Party shall, in its legislation:

(a) Establish the conditions under which orders of deprivation of liberty may be given;

(b) Indicate those authorities authorized to order the deprivation of liberty;

(c) Guarantee that any person deprived of liberty shall be held solely in officially recognized and supervised places of deprivation of liberty;

(d) Guarantee that any person deprived of liberty shall be authorized to communicate with and be visited by his or her family, counsel or any other person of his or her choice, subject only to the conditions established by law, or, if he or she is a foreigner, to communicate with his or her consular authorities, in accordance with applicable international law;

(e) Guarantee access by the competent and legally authorized authorities and institutions to the places where persons are deprived of liberty, if necessary with prior authorization from a judicial authority;

(f) Guarantee that any person deprived of liberty or, in the case of a suspected enforced disappearance, since the person deprived of liberty is not able to exercise this right, any persons with a legitimate interest, such as relatives of the person deprived of liberty, their representatives or their counsel, shall, in all circumstances, be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of the deprivation of liberty and order the person's release if such deprivation of liberty is not lawful.

3. Each State Party shall assure the compilation and maintenance of one or more up-to-date official registers and/or records of persons deprived of liberty, which shall be made promptly available, upon request, to any judicial or other competent authority or institution authorized for that purpose by the law of the State Party concerned or any relevant international legal instrument to which the State concerned is a party. The information contained therein shall include, as a minimum:

(a) The identity of the person deprived of liberty;

(b) The date, time and place where the person was deprived of liberty and the identity of the authority that deprived the person of liberty;

(c) The authority that ordered the deprivation of liberty and the grounds for the deprivation of liberty;

(d) The authority responsible for supervising the deprivation of liberty;

(e) The place of deprivation of liberty, the date and time of admission to the place of deprivation of liberty and the authority responsible for the place of deprivation of liberty;

(f) Elements relating to the state of health of the person deprived of liberty;

(g) In the event of death during the deprivation of liberty, the circumstances and cause of death and the destination of the remains;

(h) The date and time of release or transfer to another place of detention, the destination and the authority responsible for the transfer.

Article 18

1. Subject to articles 19 and 20, each State Party shall guarantee to any person with a legitimate interest in this information, such as relatives of the person deprived of liberty, their representatives or their counsel, access to at least the following information:

(a) The authority that ordered the deprivation of liberty;

(b) The date, time and place where the person was deprived of liberty and admitted to the place of deprivation of liberty;

(c) The authority responsible for supervising the deprivation of liberty;

(d) The whereabouts of the person deprived of liberty, including, in the event of a transfer to another place of deprivation of liberty, the destination and the authority responsible for the transfer;

(e) The date, time and place of release;

(f) Elements relating to the state of health of the person deprived of liberty;

(g) In the event of death during the deprivation of liberty, the circumstances and cause of death and the destination of the remains.

2. Appropriate measures shall be taken, where necessary, to protect the persons referred to in paragraph 1, as well as persons participating in the investigation, from any ill-treatment, intimidation or sanction as a result of the search for information concerning a person deprived of liberty.

Article 19

1. Personal information, including medical and genetic data, which is collected and/or transmitted within the framework of the search for a disappeared person shall not be used or made available for purposes other than the search for the disappeared person. This is without prejudice to the use of such information in criminal proceedings relating to an offence of enforced disappearance or the exercise of the right to obtain reparation.

2. The collection, processing, use and storage of personal information, including medical and genetic data, shall not infringe or have the effect of infringing the human rights, fundamental freedoms or human dignity of an individual.

Article 20

1. Only where a person is under the protection of the law and the deprivation of liberty is subject to judicial control may the right to information referred to in article 18 be restricted, on an exceptional basis, where strictly necessary and where provided for by law, and if the transmission of the information would adversely affect the privacy or safety of the person, hinder a criminal investigation, or for other equivalent reasons in accordance with the law, and in conformity with applicable international law and with the objectives of this Convention. In no case shall there be restrictions on the right to information referred to in article 18 that could constitute conduct defined in article 2 or be in violation of article 17, paragraph 1.

2. Without prejudice to consideration of the lawfulness of the deprivation of a person's liberty, States Parties shall guarantee to the persons referred to in article 18, paragraph 1, the right to a prompt and effective judicial remedy as a means of obtaining without delay the information referred to in article 18, paragraph 1. This right to a remedy may not be suspended or restricted in any circumstances.

Article 21

Each State Party shall take the necessary measures to ensure that persons deprived of liberty are released in a manner permitting reliable verification that they have actually been released. Each State Party shall also take the necessary measures to assure the physical integrity of such persons and their ability to exercise fully their rights at the time of release, without prejudice to any obligations to which such persons may be subject under national law.

Article 22

Without prejudice to article 6, each State Party shall take the necessary measures to prevent and punish the following conduct:

(a) Delaying or obstructing the remedies referred to in article 17, paragraph 2 (f), and article 20, paragraph 2;

(b) Failure to record the deprivation of liberty of any person, or the recording of any information which the official responsible for the official register knew or should have known to be inaccurate;

(c) Refusal to provide information on the deprivation of liberty of a person, or the provision of inaccurate information, even though the legal requirements for providing such information have been met.

Article 23

1. Each State Party shall ensure that the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty includes the necessary education and information regarding the relevant provisions of this Convention, in order to:

(a) Prevent the involvement of such officials in enforced disappearances;

(b) Emphasize the importance of prevention and investigations in relation to enforced disappearances;

(c) Ensure that the urgent need to resolve cases of enforced disappearance is recognized.

2. Each State Party shall ensure that orders or instructions prescribing, authorizing or encouraging enforced disappearance are prohibited. Each State Party shall guarantee that a person who refuses to obey such an order will not be punished.

3. Each State Party shall take the necessary measures to ensure that the persons referred to in paragraph 1 who have reason to believe that an enforced disappearance has occurred or is planned report the matter to their superiors and, where necessary, to the appropriate authorities or bodies vested with powers of review or remedy.

Article 24

1. For the purposes of this Convention, “victim” means the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance.

2. Each victim has the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person. Each State Party shall take appropriate measures in this regard.

3. Each State Party shall take all appropriate measures to search for, locate and release disappeared persons and, in the event of death, to locate, respect and return their remains.

4. Each State Party shall ensure in its legal system that the victims of enforced disappearance have the right to obtain reparation and prompt, fair and adequate compensation.

5. The right to obtain reparation referred to in paragraph 4 covers material and moral damages and, where appropriate, other forms of reparation such as:

(a) Restitution;

(b) Rehabilitation;

(c) Satisfaction, including restoration of dignity and reputation;

(d) Guarantees of non-repetition.

6. Without prejudice to the obligation to continue the investigation until the fate of the disappeared person has been clarified, each State Party shall take the appropriate steps with regard to the legal situation of disappeared persons whose fate has not been clarified and that of their relatives, in fields such as social welfare, financial matters, family law and property rights.

7. Each State Party shall guarantee the right to form and participate freely in organizations and associations concerned with attempting to establish the circumstances of enforced disappearances and the fate of disappeared persons, and to assist victims of enforced disappearance.

Article 25

1. Each State Party shall take the necessary measures to prevent and punish under its criminal law:

(a) The wrongful removal of children who are subjected to enforced disappearance, children whose father, mother or legal guardian is subjected to enforced disappearance or children born during the captivity of a mother subjected to enforced disappearance;

(b) The falsification, concealment or destruction of documents attesting to the true identity of the children referred to in subparagraph (a).

2. Each State Party shall take the necessary measures to search for and identify the children referred to in paragraph 1 (a) and to return them to their families of origin, in accordance with legal procedures and applicable international agreements.

3. States Parties shall assist one another in searching for, identifying and locating the children referred to in paragraph 1 (a).

4. Given the need to protect the best interests of the children referred to in paragraph 1 (a) and their right to preserve, or to have re-established, their identity, including their nationality, name and family relations as recognized by law, States Parties which recognize a system of

adoption or other form of placement of children shall have legal procedures in place to review the adoption or placement procedure, and, where appropriate, to annul any adoption or placement of children that originated in an enforced disappearance.

5. In all cases, and in particular in all matters relating to this article, the best interests of the child shall be a primary consideration, and a child who is capable of forming his or her own views shall have the right to express those views freely, the views of the child being given due weight in accordance with the age and maturity of the child.

PART II

Article 26

1. A Committee on Enforced Disappearances (hereafter referred to as “the Committee”) shall be established to carry out the functions provided for under this Convention. The Committee shall consist of 10 experts of high moral character and recognized competence in the field of human rights, who shall serve in their personal capacity and be independent and impartial. The members of the Committee shall be elected by the States Parties according to equitable geographical distribution. Due account shall be taken of the usefulness of participation in the work of the Committee by persons having relevant legal experience and to balanced gender representation.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals, at biennial meetings of States Parties convened by the Secretary-General of the United Nations for this purpose. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of votes of the representatives of States Parties present and voting.

3. The initial election shall be held no later than six months after the date of entry into force of this Convention. Four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit nominations

within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the State Party which nominated each candidate, and shall submit this list to all States Parties.

4. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 2 of this article.

5. If a member of the Committee dies or resigns or for any other reason can no longer perform his or her committee duties, the State Party which nominated him or her shall, in accordance with the criteria set out in paragraph 1 of this article, appoint another candidate from among its nationals to serve out his or her term, subject to the approval of the majority of the States Parties. Such approval shall be considered to have been obtained unless half or more of the States Parties respond negatively within six weeks of having been informed by the Secretary-General of the United Nations of the proposed appointment.

6. The Committee shall establish its own rules of procedure.

7. The Secretary-General of the United Nations shall provide the Committee with the necessary means, staff and facilities for the effective performance of its functions. The Secretary-General of the United Nations shall convene the initial meeting of the Committee.

8. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations, as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

9. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate, to the extent of the Committee's functions that the State Party has accepted.

Article 27

A Conference of States Parties will take place at the earliest four years and at the latest six years following the entry into force of this Convention to evaluate the functioning of the Committee and to decide, in accordance with the procedure described in article 44, paragraph 2, whether it is appropriate to transfer to another body - without excluding any possibility - the monitoring of this Convention, in accordance with the functions defined in articles 28 to 36.

Article 28

1. In the framework of the competencies granted by this Convention, the Committee shall cooperate with all relevant organs, offices and specialized agencies and funds of the United Nations, with the treaty bodies instituted by international instruments, with the special procedures of the United Nations and with the relevant regional intergovernmental organizations or bodies, as well as with all relevant State institutions, agencies or offices working toward the protection of all persons against enforced disappearances.
2. As it discharges its mandate, the Committee shall consult other treaty bodies instituted by relevant international human rights instruments, in particular the Human Rights Committee instituted by the International Covenant on Civil and Political Rights, with a view to ensuring the consistency of their respective observations and recommendations.

Article 29

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a report on the measures taken to give effect to its obligations under this Convention, within two years after the entry into force of this Convention for the State Party concerned.
2. The Secretary-General of the United Nations shall make this report available to all States Parties.

3. Each report shall be considered by the Committee, which shall issue such comments, observations or recommendations as it may deem appropriate. The comments, observations or recommendations shall be communicated to the State Party concerned, which may respond to them, on its own initiative or at the request of the Committee.

4. The Committee may also request States Parties to provide additional information on the implementation of this Convention.

Article 30

1. A request that a disappeared person should be sought and found may be submitted to the Committee, as a matter of urgency, by relatives of the disappeared person or their legal representatives, their counsel or any person authorized by them, as well as by any other person having a legitimate interest.

2. If the Committee considers that a request for urgent action submitted in pursuance of paragraph 1:

(a) Is not manifestly unfounded;

(b) Does not constitute an abuse of the right of submission of such requests;

(c) Has already been duly presented to the competent bodies of the State Party concerned, such as those authorized to undertake investigations, where such a possibility exists;

(d) Is not incompatible with the provisions of this Convention; and

(e) The same matter is not being examined under another procedure of international investigation or settlement of the same nature;

it shall request the State Party concerned to provide it with information on the situation of the persons sought, within a time limit set by the Committee.

3. In the light of the information provided by the State Party concerned in accordance with paragraph 2, the Committee may transmit recommendations to the State Party, including a request that the State Party should take all the necessary measures, including interim measures,

to locate and protect the person concerned in accordance with this Convention and to inform the Committee, within a specified period of time, of measures taken, taking into account the urgency of the situation. The Committee shall inform the person submitting the urgent action request of its recommendations and of the information provided to it by the State as it becomes available.

4. The Committee shall continue its efforts to work with the State Party concerned for as long as the fate of the person sought remains unresolved. The person presenting the request shall be kept informed.

Article 31

1. A State Party may at the time of ratification of this Convention or at any time afterwards declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by this State Party of provisions of this Convention. The Committee shall not admit any communication concerning a State Party which has not made such a declaration.

2. The Committee shall consider a communication inadmissible where:

(a) The communication is anonymous;

(b) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of this Convention;

(c) The same matter is being examined under another procedure of international investigation or settlement of the same nature; or where

(d) All effective available domestic remedies have not been exhausted. This rule shall not apply where the application of the remedies is unreasonably prolonged.

3. If the Committee considers that the communication meets the requirements set out in paragraph 2, it shall transmit the communication to the State Party concerned, requesting it to provide observations and comments within a time limit set by the Committee.

4. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent

consideration a request that the State Party will take such interim measures as may be necessary to avoid possible irreparable damage to the victims of the alleged violation. Where the Committee exercises its discretion, this does not imply a determination on admissibility or on the merits of the communication.

5. The Committee shall hold closed meetings when examining communications under the present article. It shall inform the author of a communication of the responses provided by the State Party concerned. When the Committee decides to terminate the procedure, it shall communicate its views to the State Party and to the author of the communication.

Article 32

A State Party to this Convention may at any time declare that it recognizes the competence of the Committee to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention. The Committee shall not receive communications concerning a State Party which has not made such a declaration, nor communications from a State Party which has not made such a declaration.

Article 33

1. If the Committee receives reliable information indicating that a State Party is seriously violating the provisions of this Convention, it may, after consultation with the State Party concerned, request one or more of its members to undertake a visit and report back to it without delay.

2. The Committee shall notify the State Party concerned, in writing, of its intention to organize a visit, indicating the composition of the delegation and the purpose of the visit. The State Party shall answer the Committee within a reasonable time.

3. Upon a substantiated request by the State Party, the Committee may decide to postpone or cancel its visit.

4. If the State Party agrees to the visit, the Committee and the State Party concerned shall work together to define the modalities of the visit and the State Party shall provide the Committee with all the facilities needed for the successful completion of the visit.

5. Following its visit, the Committee shall communicate to the State Party concerned its observations and recommendations.

Article 34

If the Committee receives information which appears to it to contain well-founded indications that enforced disappearance is being practised on a widespread or systematic basis in the territory under the jurisdiction of a State Party, it may, after seeking from the State Party concerned all relevant information on the situation, urgently bring the matter to the attention of the General Assembly of the United Nations, through the Secretary-General of the United Nations.

Article 35

1. The Committee shall have competence solely in respect of enforced disappearances which commenced after the entry into force of this Convention.
2. If a State becomes a party to this Convention after its entry into force, the obligations of that State vis-à-vis the Committee shall relate only to enforced disappearances which commenced after the entry into force of this Convention for the State concerned.

Article 36

1. The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.
2. Before an observation on a State Party is published in the annual report, the State Party concerned shall be informed in advance and shall be given reasonable time to answer. This State Party may request the publication of its comments or observations in the report.

PART III

Article 37

Nothing in this Convention shall affect any provisions which are more conducive to the protection of all persons from enforced disappearance and which may be contained in:

- (a) The law of a State Party;
- (b) International law in force for that State.

Article 38

1. This Convention is open for signature by all Member States of the United Nations.
2. This Convention is subject to ratification by all Member States of the United Nations. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. This Convention is open to accession by all Member States of the United Nations. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 39

1. This Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to this Convention after the deposit of the twentieth instrument of ratification or accession, this Convention shall enter into force on the thirtieth day after the date of the deposit of that State's instrument of ratification or accession.

Article 40

The Secretary-General of the United Nations shall notify all States Members of the United Nations and all States which have signed or acceded to this Convention of the following:

- (a) Signatures, ratifications and accessions under article 38;
- (b) The date of entry into force of this Convention under article 39.

Article 41

The provisions of this Convention shall apply to all parts of federal States without any limitations or exceptions.

Article 42

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation or by the procedures expressly provided for in this Convention shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. A State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party having made such a declaration.
3. Any State Party having made a declaration in accordance with the provisions of paragraph 2 of this article may at any time withdraw this declaration by notification to the Secretary-General of the United Nations.

Article 43

This Convention is without prejudice to the provisions of international humanitarian law, including the obligations of the High Contracting Parties to the four Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto of 1977, or to the opportunity available to any State Party to authorize the International Committee of the Red Cross to visit places of detention in situations not covered by international humanitarian law.

Article 44

1. Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to this Convention with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations.

2. Any amendment adopted by a majority of two thirds of the States Parties present and voting at the conference shall be submitted by the Secretary-General of the United Nations to all the States Parties for acceptance.
3. An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the States Parties to this Convention have accepted it in accordance with their respective constitutional procedures.
4. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendment which they have accepted.

Article 45

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States referred to in article 38.

2006/2. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of the General Assembly resolution 49/214 of 23 December 1994

The Human Rights Council,

Recalling Commission on Human Rights resolution 1995/32 of 3 March 1995, in which it established an open-ended intersessional working group with the sole purpose of elaborating a draft United Nations declaration on the rights of indigenous peoples, considering the draft contained in the annex to resolution 1994/45 of the Sub-Commission on the Promotion and Protection of Human Rights, for consideration and adoption by the General Assembly within the first International Decade of the World's Indigenous People,

Aware that the working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of the General Assembly resolution 49/214 of 23 December 1994 has held 11 sessions between 1995 and 2006,

Considering that the General Assembly, in its resolution 59/174 of 20 December 2004, urges all parties involved in the process of negotiation to do their utmost to carry out successfully the mandate of the working group and to present to the General Assembly for adoption as soon as possible a final draft United Nations declaration on the rights of indigenous peoples,

Stressing that paragraph 127 of the outcome document of the 2005 World Summit, adopted by the General Assembly in its resolution 60/1 of 16 September 2005, reaffirms the commitment of the international community to adopt a final draft United Nations declaration on the rights of indigenous peoples as soon as possible,

Taking note of the report of the working group on its eleventh session, which took place in Geneva from 5 to 16 December 2005 and from 30 January to 3 February 2006 (E/CN.4/2006/79),

Welcoming the conclusion of the Chairperson-Rapporteur in paragraph 30 of the report of the working group and his proposal as contained in annex I to the report,

1. *Adopts* the United Nations Declaration on the Rights of Indigenous Peoples as proposed by the Chairperson-Rapporteur of the working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of the General Assembly resolution 49/214 of 23 December 1994 in annex I to the report of the working group on its eleventh session (E/CN.4/2006/79);

2. *Recommends* to the General Assembly that it adopt the following draft resolution:

The General Assembly,

Taking note of Human Rights Council resolution 2006/2 of 29 June 2006, in which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

1. *Expresses its appreciation* to the Council for the adoption of the United Nations Declaration on the Rights of Indigenous Peoples;

2. *Adopts* the Declaration as contained in the annex to Council resolution 2006/2 of 29 June 2006.

*21st meeting
29 June 2006*

[Adopted by a recorded vote of 30 votes to 2,
with 12 abstentions.]

Annex

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming also that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Further recognizing the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring an end to all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing also that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Recognizing also that indigenous peoples have the right freely to determine their relationships with States in a spirit of coexistence, mutual benefit and full respect,

Considering that the rights affirmed in treaties, agreements and constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Also considering that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights affirm the fundamental importance of the right of self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right of self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect,

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately-owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be

actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, of a just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a significant threat to relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of their mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of Treaties, Agreements and Other Constructive Arrangements concluded with States or their successors and to have States honour and respect such Treaties, Agreements and other Constructive Arrangements.

2. Nothing in this Declaration may be interpreted as to diminish or eliminate the rights of Indigenous Peoples contained in Treaties, Agreements and Constructive Arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to have access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States, shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law, in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

2006/3. Open-ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights

The Human Rights Council,

Guided by the principles relating to economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the World Conference encouraged the Commission on Human Rights to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

Bearing in mind the discussions held, and the progress made, during the three previous sessions of the Open-ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights,

1. *Welcomes* the report of the Open-ended Working Group to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2006/47);

2. *Decides* to extend the mandate of the Working Group for a period of two years in order to elaborate an optional protocol to the International Covenant on Economic, Social and Cultural Rights and, in this regard, requests the Chairperson of the Working Group to prepare, taking into account all views expressed during the sessions of the Working Group on, inter alia, the scope and application of an optional protocol, a first draft optional protocol, which includes draft provisions corresponding to the various main approaches outlined in her analytical paper, to be used as a basis for the forthcoming negotiations;

3. *Requests* the Working Group to meet for ten working days each year and to report to the Human Rights Council;
4. *Decides* to invite a representative of the Committee on Economic, Social and Cultural Rights to attend these meetings as a resource person;
5. *Decides* that the Human Rights Council shall remain seized of this matter.

21st meeting
29 June 2006
[Adopted without a vote.]
