



General Assembly

Distr.: Limited
27 September 2010

Original: English

Human Rights Council

Fifteenth session

Agenda item 3

**Promotion and protection of all human rights, civil
political, economic, social and cultural rights,
including the right to development**

Argentina, Armenia*, Austria*, Azerbaijan*, Bolivia (Plurinational State of)*, Bosnia and Herzegovina*, Canada*, Chile, Colombia*, Costa Rica*, Croatia*, Cyprus*, Denmark*, Ecuador, Egypt*, France, Germany*, Greece*, Guatemala, Hungary, Italy*, Latvia*, Mexico, Morocco*, Netherlands*, Norway, Panama*, Paraguay*, Peru*, Poland, Portugal*, Serbia*, South Africa*, Spain, Switzerland, the former Yugoslav Republic of Macedonia*, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of)* : draft resolution

15/... Forensic genetics and human rights

The Human Rights Council,

Taking into account its resolution 10/26 of 27 March 2009 on forensic genetics and human rights,

Taking into account also Commission on Human Rights resolution 2005/66 of 20 April 2005, Council decision 2/105 of 27 November 2006, Council resolutions 9/11 of 24 September 2008 and 12/12 of 1 October 2009, as well as the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth,¹

Noting the general comment of the Working Group on Enforced or Involuntary Disappearances on the right to the truth with regard to enforced disappearances, in which the Working Group highlighted the importance of identifying the victims of enforced disappearances through, among other methods, DNA analysis,

1. *Encourages* States to consider the use of forensic genetics to contribute to the identification of the remains of victims of serious violations of human rights and of international humanitarian law, and to address the issue of impunity;

2. *Also encourages* States to consider the use of forensic genetics to contribute to the restoration of identity to those persons who were separated from their families, including those taken away from their relatives when they were children, in situations of

* Non-Member State of the Human Rights Council.

¹ E/CN.4/2006/91, A/HRC/5/7, A/HRC/12/19 and A/HRC/15/33.

serious violations of human rights and, in the context of armed conflicts, of violations of international humanitarian law;

3. *Stresses* the importance of providing the results of investigations of forensic genetics to national authorities, in particular, where appropriate, to competent judicial authorities;

4. *Welcomes* the increasing use of forensic genetics in the investigation of serious violations of human rights and international humanitarian law, and calls for further cooperation between States, intergovernmental organizations and non-governmental organizations in planning and conducting such investigations consistent with applicable domestic and international law;

5. *Encourages* States to consider the use of forensic genetics to be applied pursuant to the international standards accepted by the scientific community in relation to quality assurance and control, and to ensure, where appropriate, the utmost respect for the principles of protection and confidentiality of information and restricted access to such information in accordance with domestic law, and recognizes that many States have domestic legislation in place designed to protect the privacy of individuals;

6. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on forensic genetics and human rights,² in particular its conclusions;

7. *Requests* the High Commissioner to submit a report, within existing resources, to be presented to the Council at its eighteenth session, on the obligation of States to investigate serious violations of human rights and international humanitarian law in accordance with their international legal commitments in terms of identifying victims of such violations, including through the use of forensic genetics, with a view to considering further the possibility of drafting a manual that may serve as a guide for the most effective application of forensic genetics, including, where appropriate, the voluntary creation and operation of genetic banks, with the proper safeguards;

8. *Decides* to consider this matter at its eighteenth session under the same agenda item.

² A/HRC/15/26.