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HUMAN RIGHTS COUNCIL
Ninth session
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

**Algeria*, Argentina, Bahrain, Brazil, Chile, Côte d'Ivoire*, Cuba,
Democratic Republic of the Congo*, Ecuador, Egypt, Ghana,
Kenya*, Kuwait*, Mali*, Mauritania*, Mexico, Morocco*,
Nigeria, Oman*, Pakistan, Qatar, Saudi Arabia, Sudan*,
Switzerland, Syrian Arab Republic*, Tunisia*, Uganda*,
United Arab Emirates*, Uruguay, Yemen*, Zambia and
Zimbabwe*: draft resolution**

9/... Protection of the human rights of civilians in armed conflict

The Human Rights Council,

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

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions of 12 August 1949, the

* Non-member State of the Human Rights Council.

Additional Protocols thereto of 8 June 1977, other international human rights law and international humanitarian law instruments, and the Vienna Declaration and Programme of Action,

Bearing in mind General Assembly resolution 60/251 of 15 March 2006, in which the Assembly states that the Human Rights Council shall be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in fair and equal manner,

Recalling resolution 2005/63 of 20 April 2005 of the Commission on Human Rights, and taking note of decision 2006/21 of 24 August 2006 adopted by the Sub-Commission on the Promotion and Protection of Human Rights at its final session,

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

Gravely concerned at violations of human rights law and international humanitarian law during armed conflicts, wherever they occur, and their impact on the civilian population, especially women, children and vulnerable groups,

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

Emphasizing that States parties to the Geneva Conventions of 1949 have undertaken to respect and ensure respect for these Conventions in all circumstances,

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

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

1. *Emphasizes* that conduct that violates international humanitarian law, including grave breaches of the Geneva Conventions of 12 August 1949, or of the Protocols Additional thereto of 8 June 1977, may also constitute a gross violation of human rights;
2. *Expresses* its deep concern at the wide gap between the obligations of States under international humanitarian law and international human rights law and their implementation, which undermines the protection of human rights of civilians in armed conflicts;
3. *Calls upon* all States to respect the human rights of civilians in armed conflicts;
4. *Stresses* the importance of combating impunity in order to prevent violations of international human rights law and international humanitarian law perpetrated against civilians in armed conflicts, and urges States, in accordance with their international obligations, to bring perpetrators of such crimes to justice;
5. *Invites* the international community to support regional efforts aimed at the protection of civilians in armed conflicts;
6. *Resolves* to address, in accordance with its mandate established by the General Assembly in its resolution 60/251, systematic and gross violations of the human rights of civilians in armed conflicts, and calls upon States involved in such conflicts to facilitate the work of any mechanism that the Council may decide to establish, as and where appropriate, in response to such violations, including, inter alia, fact-finding missions or commissions of enquiry;
7. *Requests* relevant special procedures and the Human Rights Council Advisory Committee, and invites human rights treaty bodies, within their respective mandates, to continue to address the relevant aspects of the protection of human rights of civilians in armed conflicts in their work;

8. *Invites* the Office of the High Commissioner for Human Rights to convene, within existing resources, an expert consultation, open to the participation of Governments, regional organizations, relevant United Nations bodies and civil society organizations, and in consultation with the International Committee of the Red Cross, on the issue of protecting the human rights of civilians in armed conflict, and requests the Office of the High Commissioner for Human Rights to report on the outcome of this consultation, in the form of a summary of discussions on the above-mentioned issue, to the Council at its eleventh session;

9. *Requests* the Advisory Committee to elaborate a comprehensive study, drawing upon the work previously undertaken by the Sub-Commission on the Promotion and Protection of Human Rights, and bearing in mind the outcome of the above-mentioned expert consultation and the input received from all relevant stakeholders, with a view to identify mechanisms, modalities, procedures and methods for enhancing the protection of human rights of civilians in armed conflicts, and to present concrete recommendations thereon for consideration by the Council at its thirteenth session;

10. *Decides* to continue consideration of this question at its twelfth session under the same agenda item.
