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HUMAN RIGHTS COUNCIL
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-eighth session
Agenda item 6 (d)

SPECIFIC HUMAN RIGHTS ISSUES

NEW PRIORITIES

**Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Chen Shiqiu,
Mr. Cherif, Mr. Decaux, Mr. Guissé, Mr. Kartashkin, Ms. Koufa, Ms. Motoc,
Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar,
Mr. Tuñón Veilles and Ms. Wadibia-Anyanwu: draft resolution**

2006/... The protection of civilians during armed conflicts

The Sub-Commission on the Promotion and Protection of Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, relevant human rights instruments and international humanitarian law, in particular the Hague Conventions of 1899 and 1907 on the Laws and Customs of War on Land enshrining the fundamental principle that the right of belligerents to adopt means of injuring the enemy is not unlimited and the prohibition of attacks and bombardments of civilian populations and objects,

Recalling the commitments of the High Contracting Parties to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, in particular the obligation to respect and ensure respect of their provisions in all circumstances,

Recalling also that in all circumstances, the human person remains under the protection of the principles of humanity and the dictates of public conscience,

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

Mindful of its responsibility to examine and draw lessons from country-specific situations with a view to identifying both human rights protection and monitoring gaps in time of peace as well as in armed conflicts,

1. *Recommends* that the Human Rights Council propose to the General Assembly that it call upon Member States to consider holding a meeting of the High Contracting Parties to the Geneva Conventions of 12 August 1949 on possible options for enhanced monitoring of compliance with their obligations under international humanitarian law and human rights law applicable in times of armed conflict, in particular the Convention on the Rights of the Child;

2. *Also recommends* that regional preparatory expert meetings be held with a view to providing the conference of the High Contracting Parties with lessons learned from recent conflicts of both a national and an international character in different parts of the world and suggestions to remedy both the protection and monitoring gaps;

3. *Further recommends* that all parties to armed conflicts observe a humanitarian truce equivalent to a ceasefire for two days each week to provide humanitarian relief;

4. *Reiterates* that the right of people to struggle against foreign occupation and aggression and the activities of lawful resistance groups should be exercised within the parameters of international humanitarian law and human rights law and monitored, both publicly and confidentially;

5. *Requests* that guidelines be elaborated by competent bodies to build on the experience of recent commissions of inquiry and fact-finding missions, with a view to establishing a culture of compliance and accountability, in a professional and objective manner, and to providing Member States with reliable tools for commissions of inquiry which are victim oriented;

6. *Strongly calls for* the respect for and monitoring of the inviolability of international civil servants, aid workers and others who contribute to humanitarian assistance in time of armed conflicts;

7. *Calls for* a study on the notions of military necessity and collateral damage in relation to the protection of civilians;

8. *Emphasizes* the importance of distinguishing accountability for human rights violations from the political dimensions of a given conflict and the need for human rights organs and bodies not to be influenced by political considerations when addressing situations of serious and gross violations of human rights, especially when such violations may amount to genocide, crimes against humanity or war crimes;

9. *Underlines* the need for relevant human rights special procedures and experts in international humanitarian law to conduct a structured dialogue with a view to achieving a meaningful contribution by reviewed and reformed human rights mechanisms to the protection of human rights in time of peace as well as in armed conflicts in a manner that is coordinated with international humanitarian law mechanisms;

10. *Recommends* that the Human Rights Council include the issue of ensuring respect for human rights during armed conflicts among its priorities and as a permanent item on its agenda and that it build upon the ongoing work of the Sub-Commission in this respect.
