



Human Rights Council

Resolution 9/9. 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 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 Protocol Additional thereto of 8 June 1977 relating to the Protection of Victims of International Armed Conflicts (Protocol I), may also constitute a gross violation of human rights;

2. *Expresses* its deep concern at the violations of human rights during armed conflicts and of international humanitarian law, 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;

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. *Decides* to continue consideration of this question at its 11th session under the same agenda item on the basis of the outcome of the consultation referred to in paragraph 8 above, with a view to consider requesting the Advisory Committee, while taking into account the work of the Sub-Commission on the Promotion and Protection of Human Rights on this subject, to elaborate a study with potential recommendations on the protection of the human rights of civilians in armed conflicts.
