



**OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS**



**The right to restitution, compensation and rehabilitation for victims of grave violations
of human rights and fundamental freedoms**

Commission on Human Rights Resolution: 2004/34

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant human rights instruments and the Vienna Declaration and Programme of Action,

Reaffirming that, pursuant to internationally proclaimed human rights principles, victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

Reiterating the importance of addressing the question of restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms in a systematic and thorough way at the national and international levels,

Recalling its resolutions 1996/35 of 19 April 1996, 1998/43 of 17 April 1998, 1999/33 of 26 April 1999, 2000/41 of 20 April 2000, 2002/44 of 23 April 2002 and 2003/34 of 23 April 2003, as well as its decision 2001/105 of 23 April 2001,

Recalling also the report of the independent expert appointed by the Commission, Mr. Cherif Bassiouni (E/CN.4/2000/62) and, in particular, the draft of the “Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law”, annexed to his report, and the note by the Secretariat (E/CN.4/2002/70),

Welcoming with satisfaction the positive experience of countries that have established policies and adopted legislation on restitution, compensation and rehabilitation for victims of grave violations of human rights,

1. *Calls upon* the international community to give due attention to the right to a remedy and, in particular, in appropriate cases, to receive restitution, compensation and rehabilitation, for victims of grave violations of international human rights law and humanitarian international law;

2. *Takes note* of the report of the Chairperson-Rapporteur of the second consultative meeting on basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law (E/CN.4/2004/57, annex), held in Geneva on 20, 21 and 23 October 2003;

3. *Requests* the Chairperson-Rapporteur of the consultative meetings, in consultation with the independent experts, Mr. Theo van Boven and Mr. Cherif Bassiouni, to prepare a revised version of the “Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law”,

taking into account the opinions and commentaries of States and of intergovernmental and non-governmental organizations and the results of the previous consultative meetings (see E/CN.4/2003/63 and E/CN.4/2004/57);

4. *Requests* the United Nations High Commissioner for Human Rights to hold, with the cooperation of interested Governments, a third consultative meeting for all interested Member States, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, using available resources, with a view to finalizing the “Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law”, and if appropriate, to consider all options for the adoption of these principles and guidelines; this meeting should have, as a basis for its work, inter alia, the comments received, the revised version of the principles and guidelines to be prepared by the Chairperson-Rapporteur pursuant to paragraph 3 of the present resolution, and the reports of the Chairperson-Rapporteur of the two previous consultative meetings;

5. *Encourages* the Chairperson-Rapporteur of the consultative meetings to conduct informal consultations with all interested parties;

6. *Requests* the High Commissioner to transmit to the Commission at its sixty-first session the outcome of the consultative process, for its consideration;

7. *Decides* to continue its consideration of this question, as a matter of priority, at its sixty-first session under the sub-item entitled “Independence of the judiciary, administration of justice, impunity” of the relevant agenda item.

55th meeting

19 April 2004

[Adopted without a vote. See chap. XI .- E/2004/23 – E/CN.4/2004/127]