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HUMAN RIGHTS COUNCIL

Sixth session  
Agenda item 3

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

**Belgium\*, Bolivia, Brazil, Canada, Cuba, Cyprus\*, Equatorial Guinea\*,  
France, Germany, Greece\*, Israel\*, Italy, Mauritius, Mexico, Netherlands,  
Panama\*, Peru, Portugal\*, Spain\*, Sri Lanka, Switzerland, Thailand\*,  
Timor-Leste\*, United Kingdom of Great Britain and Northern Ireland,  
Uruguay: draft resolution**

**6/... Right of everyone to the enjoyment of the highest attainable  
standard of physical and mental health**

*The Human Rights Council,*

*Aware* that, for millions of people throughout the world, the full enjoyment of the right to the highest attainable standard of physical and mental health still remains a distant goal and that, in many cases, especially for those living in poverty, this goal remains remote,

*Reaffirming* that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right as reflected, inter alia, in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12 of the International Covenant on

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\* Non-member States of the Human Rights Council.

Economic, Social and Cultural Rights and article 24 of the Convention on the Rights of the Child, as well as, with respect to non-discrimination, in article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination and in article 12, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, and that such a right derives from the inherent dignity of the human person,

*Taking note with interest* of general comment No. 14 (2000) on the right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-second session in May 2000; of general comment No. 3 (2003) on HIV/AIDS and the rights of the child, adopted by the Committee on the Rights of the Child at its thirty-second session; and of general recommendation No. 24 (1999) on women and health (article 12 of the Convention on the Elimination of All Forms of Discrimination against Women), adopted by the Committee on the Elimination of Discrimination against Women at its twentieth session,

*Recalling* all resolutions on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health adopted by the General Assembly and the Commission on Human Rights,

*Recalling also* the declarations and programmes of action adopted by the major United Nations conferences and summits and their follow-up meetings,

*Recognizing* the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health,

*Concerned* about the interrelations between poverty and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in particular that ill-health can be both a cause and a consequence of poverty,

*Recalling* the commitments made by the international community to fully implement the health-related Millennium Development Goals,

*Stressing* that gender equality and the empowerment of women and girls are fundamental elements in the reduction of their vulnerability to HIV/AIDS and that the advancement of women and girls is a key factor in reversing the pandemic, and noting the importance of increasing investments in and accelerating research on the development of effective HIV-prevention methods, including female-controlled methods and microbicides,

*Recalling* the creation, under the aegis of the International Action against Hunger and Poverty of the international drug purchase facility UNITAID, which facilitates access to drugs for the world's poorest people as part of the fight against the major pandemic diseases, such as HIV/AIDS, malaria and tuberculosis,

*Recognizing* the complementary and mutually reinforcing relationship between health and human rights, as well as the indispensable contribution of health professionals to the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

*Recalling* its resolutions 5/1 "Institution-building of the United Nations Human Rights Council" and 5/2 "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council" of 18 June 2007 and stressing that the mandate-holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health for a further period of three years as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12 of the International Covenant on Economic, Social and Cultural Rights, article 24 of the Convention on the Rights of the Child and article 12 of the Convention on the Elimination of All Forms of Discrimination against Women, as well as on the right to non-discrimination as reflected in article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination. Pursuant to resolutions 2002/31 and 2004/27 of the Commission on Human Rights, the mandate of the Special Rapporteur shall include the following tasks:

(a) To gather, request, receive and exchange information from all relevant sources, including Governments, intergovernmental and non-governmental organizations, on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as well as policies designed to achieve the health-related Millennium Development Goals;

(b) To develop a regular dialogue and discuss possible areas of cooperation with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies and programmes, in particular the World Health Organization and the Joint United Nations Programme on HIV/AIDS, as well as non-governmental organizations and international financial institutions;

(c) To report on the status, throughout the world, of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and on developments relating to this right, including on laws, policies and good practices most beneficial to its enjoyment and obstacles encountered domestically and internationally to its implementation;

(d) To make recommendations on appropriate measures to promote and protect the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with a view to supporting States' efforts to enhance public health;

(e) To submit an annual report to the Human Rights Council and an interim report to the General Assembly on its activities, findings, conclusions and recommendations;

2. *Encourages* the Special Rapporteur, in fulfilling her/his mandate:

(a) To continue to explore how efforts to realize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health can reinforce poverty reduction strategies;

(b) To continue the analysis of the human rights dimensions of the issues of neglected diseases and diseases particularly affecting developing countries, and also the national and international dimensions of those issues;

(c) To continue to pay particular attention to the identification of good practices for the effective operationalization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(d) To continue to apply a gender perspective in her/his work and to pay special attention to the needs of children and other vulnerable and marginalized groups in the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(e) To pay due attention to the rights of persons with disabilities in the context of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(f) To continue to pay attention to sexual and reproductive health as an integral element of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(g) To continue to avoid in her/his work any duplication or overlapping with the work, competence and mandate of other international bodies active in health issues;

(h) To submit proposals that could help the realization of the health-related Millennium Development Goals;

3. *Takes note* of the most recent reports of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including the recommendations contained therein;

4. *Calls upon* all States:

(a) To give due consideration to the recommendations of the Special Rapporteur;

(b) To guarantee that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health will be exercised without discrimination of any kind;

(c) To ensure that relevant legislation, regulations and national and international policies take due account of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(d) To take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(e) To consider ratifying the Framework Convention on Tobacco Control adopted by the fifty-sixth World Health Assembly;

(f) To pay special attention to the situation of the poor and other vulnerable and marginalized groups, including by the adoption of positive measures, in order to safeguard the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(g) To place a gender perspective at the centre of all policies and programmes affecting women's health;

(h) To protect and promote sexual and reproductive health as integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(i) To take into account the fact that access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria is a fundamental element for achieving progressively the full realization of the right to health;

(j) To pay due attention to the rights of persons with disabilities in the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including by ensuring equal access for persons with disabilities to the same range, quality and standard of free or affordable health care and programmes, as provided to other persons, and by providing health services specifically needed by persons with disabilities because of their disabilities;

(k) To cooperate fully with the Special Rapporteur in the implementation of her/his mandate, to provide all information requested and to respond promptly to her/his communications;

(l) To give serious consideration to the requests for visits of the Special Rapporteur, so that she/he may carry out her/his mandate even more effectively;

5. *Recognizes* the indispensable role that health professionals play in the promotion and protection of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

6. *Calls upon* the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through financial and technical support and training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

7. *Urges* all international organizations with mandates having a bearing on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to take into account their members' national and international obligations related to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

8. *Affirms* that access to a sufficient amount of safe and clean water for personal and domestic use and adequate nutrition is fundamental to the realization of the right of everyone to the enjoyment of the highest attainable standard of health;

9. *Requests* the United Nations High Commissioner for Human Rights to continue providing all the necessary resources for the effective fulfilment of the Special Rapporteur's mandate from within existing resources;

10. *Decides* to continue consideration of this matter under the same agenda item, according to its programme of work.

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