



United Nations

Report of the Human Rights Council


**Twentieth special session
(20 January 2014)**

**Twenty-fifth session
(3–28 March 2014)**

**Twenty-sixth session
(10–27 June 2014)**

**Twenty-first special session
(23 July 2014)**

**General Assembly
Official Records
Sixty-ninth session
Supplement No. 53 (A/69/53)**

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I. Introduction

1. The Human Rights Council held its twentieth special session on 20 January 2014. It held its twenty-fifth session from 3 to 28 March 2014 and its twenty-sixth session from 10 to 27 March 2014. It held its twenty-first special session on 23 July 2014.
2. The reports of the Human Rights Council on the above-mentioned sessions have been issued in documents A/HRC/S-20/2, A/HRC/25/2, A/HRC/26/2¹ and A/HRC/S-21/2.¹

¹ To be finalized.

II. Resolutions brought to the attention of the General Assembly for its consideration and possible action

25/25

Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

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

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 22/13 of 21 March 2013 and Assembly resolution 68/183 of 18 December 2013, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Commending the commission of inquiry on human rights in the Democratic People's Republic of Korea for completing its work in a transparent, impartial and consultative manner,² despite the efforts of the Government of the Democratic People's Republic of Korea to reduce access to information by refusing to permit the commission to visit the country,

Acknowledging the efforts of the commission of inquiry to ensure the full transparency of the inquiry by providing comprehensive information on its work to the Government of the Democratic People's Republic of Korea, as well as through the invitations to the representative of the Democratic People's Republic of Korea to public hearings,

Deeply regretting the refusal of the Government of the Democratic People's Republic of Korea to extend any cooperation to the commission of inquiry and the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, including access to the country,

Stressing the significance of first-hand accounts by victims and witnesses who delivered testimonies at public hearings and confidential interviews held by the commission,

Recalling the call made by the United Nations High Commissioner for Human Rights, in her statement on 18 February 2014, to the international community to use all the mechanisms at its disposal to ensure accountability, including referral to the International Criminal Court,

Deeply concerned at the systematic, widespread and gross human rights violations in the Democratic People's Republic of Korea that, in many instances, constitute crime

² See A/HRC/25/63 and A/HRC/25/CRP.1.

against humanity, as well as at the impunity of perpetrators, as described in the report of the commission of inquiry,

Expressing its serious concern at the refusal of the Government of the Democratic People's Republic of Korea to articulate, by the time of the adoption by the Human Rights Council of the outcome report of its universal periodic review in March 2010, which recommendations enjoyed its support, and regretting the lack of action taken by the Democratic People's Republic of Korea to date to implement the recommendations contained in that report,

Concerned that the precarious humanitarian situation in the country is exacerbated by the failure of the Government of the Democratic People's Republic of Korea to provide humanitarian agencies with free and unimpeded access to all populations in need and by its national policy priorities that, among others, prioritize military spending over citizens' access to food,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring equal access to adequate food, as well as, among others, freedom of religion or belief, freedom of expression and freedom of association and assembly,

Recognizing that particular risk factors affect women, children, persons with disabilities and the elderly, and the need to ensure the full enjoyment of all their human rights and fundamental freedoms by them against neglect, abuse, exploitation and violence,

Reaffirming the importance of States' engaging fully and constructively with the Human Rights Council, including with the universal periodic review process and with other mechanisms of the Council, for the improvement of their situation of human rights,

1. *Welcomes* the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,² and reaffirms that the report should be transmitted to all relevant bodies of the United Nations and the Secretary-General for appropriate action;

2. *Condemns in the strongest terms* the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses committed in the Democratic People's Republic of Korea, and expresses its grave concern at the detailed findings made by the commission of inquiry in its report, including:

(a) The denial of the right to freedom of thought, conscience and religion, as well as of the rights to freedom of opinion, expression and association, which is enforced through an absolute monopoly on information and total control over organized social life, as well as arbitrary and unlawful State surveillance that permeates the private lives of all citizens;

(b) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion, discrimination against women, including unequal access to employment, discriminatory laws and regulations, and violence against women;

(c) Violations of all aspects of the right to freedom of movement, including forced assignment to State-designated places of residence and employment, often based on the *songbun* system, and denial of the right to leave one's own country;

(d) Systematic, widespread and grave violations of the right to food and related aspects of the right to life, exacerbated by widespread hunger and malnutrition;

(e) Violations of the right to life and acts of extermination, murder, enslavement, torture, imprisonment, rape and other grave forms of sexual violence and persecution on political, religious and gender grounds in political prison camps and ordinary prisons, and the widespread practice of collective punishment with harsh sentences imposed on innocent individuals;

(f) Systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy;

3. *Urges* the Government of the Democratic People's Republic of Korea to acknowledge the human rights violations in the country and to take immediate steps to end all such violations and abuses through, inter alia, the implementation of relevant recommendations in the report of the commission of inquiry, including, but not limited to, the following steps:

(a) To ensure the right to freedom of thought, conscience and religion, as well as the rights to freedom of opinion, expression and association, including by permitting the establishment of independent newspapers and other media;

(b) To end discrimination against citizens, including State-sponsored discrimination based on the *songbun* system, and to take immediate steps to ensure gender equality and to protect women from gender-based violence;

(c) To ensure the right to freedom of movement, including the freedom to choose one's place of residence and employment;

(d) To promote equal access to food, including through full transparency regarding the provision of humanitarian assistance, so that such assistance is genuinely provided to vulnerable persons;

(e) To immediately halt all human right violations relating to prison camps, including the practice of forced labour, to dismantle all political prison camps and release all political prisoners, and to ensure that justice sector reforms provide protections for a fair trial and due process;

(f) To allow all persons who have been abducted or otherwise forcibly disappeared, as well as their descendants, to return immediately to their countries of origin;

4. *Expresses deep concern* at the commission's findings concerning the situation of refugees and asylum seekers returned to the Democratic People's Republic of Korea, and other citizens of the Democratic People's Republic of Korea who have been repatriated from abroad and made subject to sanctions, including internment, torture, cruel, inhumane and degrading treatment, sexual violence, enforced disappearance or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat humanely those who seek refuge and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges State parties to comply with their obligations under international human rights law as well as the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto in relation to persons from the Democratic People's Republic of Korea who are covered by those instruments;

5. *Acknowledges and is deeply troubled* by the commission's finding that the body of testimony gathered and the information received provided reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades; these crimes against humanity entail extermination, murder, enslavement, torture,

imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation;

6. *Stresses* that the authorities of the Democratic People's Republic of Korea have failed to prosecute those responsible for crimes against humanity and other human rights violations, and encourages the members of the international community to cooperate with accountability efforts and to ensure that these crimes do not remain unpunished;

7. *Recommends* that the General Assembly submit the report of the commission of inquiry to the Security Council for its consideration and appropriate action in order that those responsible for human rights violations, including those that may amount to crimes against humanity, are held to account, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the appropriate international criminal justice mechanism, and consideration of the scope for effective targeted sanctions against those who appear to be most responsible for crimes against humanity, taking into account the relevant conclusions and recommendations of the commission of inquiry;

8. *Decides* to extend the mandate of the Special Rapporteur of the situation of human rights in the Democratic People's Republic of Korea in accordance with Human Rights Council resolution 22/13 for a period of one year;

9. *Calls upon* all parties concerned, including United Nations bodies, to consider implementation of the recommendations made by the commission of inquiry in its report in order to address the dire human rights situation in the Democratic People's Republic of Korea;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights to follow up urgently on the recommendations made by the commission of inquiry in its report, and to provide the Special Rapporteur with increased support, including through the establishment of a field-based structure to strengthen monitoring and documentation of the situation of human rights in the Democratic People's Republic of Korea, to ensure accountability, to enhance engagement and capacity-building with the Governments of all States concerned, civil society and other stakeholders, and to maintain visibility of the situation of human rights in the Democratic People's Republic of Korea, including through sustained communications, advocacy and outreach initiatives;

11. *Also requests* the Office of the High Commissioner to report on its follow-up efforts in the regular annual report of the Secretary-General to the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, effective as of the sixty-ninth session of the Assembly;

12. *Requests* the Special Rapporteur to submit regular reports to the Human Rights Council and to the General Assembly on the implementation of his mandate, including on the follow-up efforts made in the implementation of the recommendations of the commission of inquiry;

13. *Urges* the Government of the Democratic People's Republic of Korea to invite and to cooperate fully with the Special Rapporteur, and to give the Special Rapporteur and supporting staff unrestricted access to visit the country, and to provide them with all information necessary to enable them to fulfil such a mandate;

14. *Also urges* the Government of the Democratic People's Republic of Korea to participate in its universal periodic review in 2014 in a constructive manner, to commence an open and inclusive review of the situation of human rights in the country, and to provide clear responses to the recommendations presented during the review, without undue delay;

15. *Encourages* the United Nations, including its specialized agencies, States, regional intergovernmental organizations, interested institutions, independent experts and non-governmental organizations to develop constructive dialogue and cooperation with special procedure mandate holders, including the Special Rapporteur, and the field-based structure of the Office of the High Commissioner;

16. *Encourages* all States who have relations with the Democratic People's Republic of Korea to use their influence to encourage it to take immediate steps to end all human rights violations, including by closing political prison camps and undertaking profound institutional reforms;

17. *Requests* the Secretary-General to provide the Special Rapporteur with all assistance and adequate staffing necessary to carry out his/her mandate effectively and to ensure that the mandate holder receives the support of the Office of the High Commissioner;

18. *Decides* to transmit all reports of the Special Rapporteur to all relevant bodies of the United Nations and to the Secretary-General for appropriate action.

*55th meeting
28 March 2014*

[Adopted by a recorded vote of 30 to 6, with 11 abstentions. The voting was as follows:

In favour:

Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, France, Germany, Ireland, Italy, Japan, Kazakhstan, Maldives, Mexico, Montenegro, Morocco, Peru, Philippines, Republic of Korea, Romania, Sierra Leone, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

China, Cuba, Pakistan, Russian Federation, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Algeria, Congo, Ethiopia, Gabon, India, Indonesia, Kenya, Kuwait, Namibia, Saudi Arabia, South Africa]

25/30

Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict

The Human Rights Council,

Recalling its relevant resolutions, including resolution S-9/1, adopted on 12 January 2009, and resolution S-12/1, adopted on 16 October 2010, in follow-up to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the report of the United Nations Fact-Finding Mission on the Gaza Conflict,³

Recalling also the relevant rules and principles of international law, including international humanitarian and international human rights law, in particular the Geneva

³ A/HRC/12/48.

Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

1. *Renews* its recommendation that the General Assembly remain apprised of the matter until it is satisfied that appropriate action with regard to implementing the recommendations contained in the report of the Independent International Fact-Finding Mission on the Gaza Conflict is taken at the domestic or international level in order to ensure justice for victims and accountability for perpetrators, and to remain also ready to consider whether additional action within its powers is required in the interests of justice;

2. *Decides* to remain seized of the matter.

*56th meeting
28 March 2014*

[Adopted by a recorded vote of 46 to 1. The voting was as follows:

In favour:

Algeria, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Estonia, Ethiopia, France, Gabon, Germany, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Montenegro, Morocco, Namibia, Pakistan, Peru, Philippines, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Against:

United States of America]

25/33

International Decade for People of African Descent

The Human Rights Council,

Recalling General Assembly resolution 68/237 of 23 December 2013 on the proclamation of the International Decade for People of African Descent,

1. *Takes note with appreciation* of the proclamation by the General Assembly in its resolution 68/237 of the International Decade for People of African Descent, effective from 1 January 2015 and ending on 31 December 2024;

2. *Emphasizes* the need to urgently heed the instruction of the General Assembly contained in paragraph 2 of its resolution 68/237, and in this regard requests the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to dedicate its programme of work at its forthcoming twelfth session, to be held from 7 to 17 April 2014, to the purposes of elaborating a programme of activities for the implementation of the International Decade for People of African Descent, drawing from the already developed and existing draft Programme of Action for the Decade for People of African Descent⁴ as elaborated by the Working Group of Experts on People of African Descent, welcomed by the Human Rights Council in its

⁴ A/HRC/21/60/Add.2.

resolution 21/33 of 28 September 2012 and discussed in the report of the Secretary-General on how to make the International Decade for People of African Descent effective;⁵

3. *Invites* the President of the General Assembly and his appointed facilitator for this purpose to participate in the forthcoming twelfth session of the Intergovernmental Working Group on the Implementation of the Durban Declaration and Programme of Action, as appropriate;

4. *Requests* the Intergovernmental Working Group on the Implementation of the Durban Declaration and Programme of Action to present its final report in this regard to the Human Rights Council at its twenty-sixth session for adoption and transmission to the General Assembly.

*56th meeting
28 March 2014*

[Adopted without a vote.]

26/1

Implementation of the International Decade for People of African Descent: draft programme of activities

The Human Rights Council,

Recalling General Assembly resolution 68/237 of 23 December 2013, by which the Assembly proclaimed the International Decade for People of African Descent, commencing on 1 January 2015 and ending on 31 December 2024,

Recalling also its resolution 25/33 on the proclamation of the International Decade for People of African Descent and the work undertaken in that regard by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,

Bearing in mind the deadline of 30 June 2014 set by the General Assembly for the consideration and subsequent adoption of the draft programme of activities,

1. *Decides* to urgently transmit to the General Assembly, through the offices of the President of the General Assembly and his facilitator, the report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action containing the draft programme of activities in its current form;⁶

2. *Invites* the General Assembly to proceed with the consideration and subsequent adoption of the draft programme of activities for the implementation of the International Decade for People of African Descent, commencing on 1 January 2015.

*21st meeting
18 June 2014*

[Adopted without a vote.]

⁵ A/67/879.

⁶ A/HRC/26/55.

26/10 International Albinism Awareness Day

The Human Rights Council,

Recalling its resolutions 23/13 of 13 June 2013, on attacks and discrimination against persons with albinism, and 24/33 of 27 September 2013, on technical cooperation for the prevention of attacks against persons with albinism,

Taking note of the preliminary report on persons with albinism submitted by the Office of the United Nations High Commissioner for Human Rights to the Human Rights Council at its twenty-fourth session,⁷

Taking note also of resolution 263 of the African Commission on Human and Peoples' Rights on the prevention of attacks and discrimination against persons with albinism, adopted on 5 November 2013,

Expressing concern at the attacks against persons with albinism, including against women and children, which are often committed with impunity,

Welcoming the increased international attention to the human rights situation of persons with albinism, including the work of the Office of the High Commissioner and the Office of the Special Representative of the Secretary-General on Violence against Children,

Encouraging Member States to continue their efforts to protect and preserve the rights of persons with albinism to life and to security of person, as well as their right not to be subject to torture and cruel, inhuman or degrading treatment or punishment,

Also encouraging Member States to continue in their efforts to ensure equal access for persons with albinism to employment, education, justice and the enjoyment of the highest attainable standard of health,

Noting that, in many parts of the world, awareness of the human rights situation of persons with albinism remains limited, and recognizing the importance of increasing awareness and understanding of albinism in order to fight against global discrimination and stigma against persons with albinism,

Welcoming the observance by civil society actors of 13 June as International Albinism Day,

1. *Recommends* that the General Assembly proclaim 13 June International Albinism Awareness Day, and invites all Member States, organizations of the United Nations system and other international and regional organizations, as well as civil society, including non-governmental organizations and individuals, to observe International Albinism Awareness Day in an appropriate manner;

2. *Invites* Member States to provide the Office of the United Nations High Commissioner for Human Rights with information on the initiatives taken to promote and protect the human rights of persons with albinism, including efforts to increase awareness of the human rights situation of persons with albinism and understanding of albinism;

3. *Urges* the human rights treaty bodies and special procedures of the Human Rights Council to continue to give attention, within their respective mandates, to the situation of persons with albinism;

⁷ A/HRC/24/57.

4. *Requests* the High Commissioner to keep the Human Rights Council informed at its twenty-ninth session of the initiatives taken to raise awareness and promote the protection of the rights of persons with albinism;

5. *Also requests* the High Commissioner to bring the present resolution to the attention of all Member States and United Nations organizations.

*38th meeting
26 June 2014*

[Adopted without a vote.]

III. Twentieth special session

S-20/1

Situation of human rights in the Central African Republic and technical assistance in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international instruments,

Recalling General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011,

Recalling also its resolutions 5/1, on the institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Recalling further its resolutions 23/18 of 13 June 2013 and 24/34 of 27 September 2013,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of the Central African Republic,

Deeply concerned by the continuing deterioration of the security situation in the Central African Republic, characterized by the total breakdown of law and order, the absence of the rule of law, and religious and inter-sectarian tensions, in particular the communal violence that took place in December 2013 and resulted in the death of hundreds of civilians,

Deeply concerned also by the multiple and increasing violations and abuse of international human rights law, notably, those involving executions, enforced disappearances, arbitrary arrests and detention, torture, sexual violence against women and children, rape, the recruitment of child soldiers and attacks against civilians,

Reaffirming that all States are under an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments to which they are party,

Welcoming the communiqué of the African Union Peace and Security Council at its 411th meeting, held at the level of Heads of State and Government, in Banjul, on 30 December 2013, on the situation in the Central African Republic, including the deployment of the African-led International Support Mission in the Central African Republic,

Welcoming also the mission of the Office of the United Nations High Commissioner for Human Rights to the Central African Republic from 12 to 24 December 2013, and taking note of its findings,

Commending the Mission of the Economic Community of Central African States for the Consolidation of Peace in the Central African Republic and the international assistance provided to address the situation in the Central African Republic,

Welcoming the initiative to organize a donors' conference on 1 February 2014 in Addis Ababa to strengthen the African-led International Support Mission in the Central African Republic,

Welcoming also the final communiqué of 10 January 2014 of the sixth extraordinary session of the Heads of State and Government of the Economic Community of Central African States, which invited the National Transitional Council and all sectors of Central African society to continue their efforts to resolve the political crisis without delay,

Encouraging inclusive national efforts aimed at accountability, reconciliation and the re-establishment of State institutions and the rule of law, and stressing in this context the importance of interfaith and inter-communal dialogue,

Taking note of the efforts of the Secretary-General to rapidly establish an international commission of inquiry in order to immediately investigate reports of violations of international humanitarian law, international human rights law and abuses of human rights in the Central African Republic by all parties since 1 January 2013,

1. *Strongly condemns* the continued and widespread violations and abuses of human rights perpetrated by all actors, and stresses that the perpetrators of such violations and abuses should be held accountable and brought to justice;

2. *Demands* an immediate halt to all human rights violations and abuses and acts of violence by all parties, and the strict observance of all human rights and fundamental freedoms, as well as the restoration of rule of law in the country, and in this regard reminds all parties of their responsibilities under international human rights law;

3. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children from sexual violence;

4. *Emphasizes* the need for all parties to facilitate humanitarian access for the United Nations and humanitarian organizations for all persons in need of assistance, and for humanitarian organizations to continue to deliver appropriate humanitarian assistance to refugees and internally displaced persons and to respond to the challenges associated with the humanitarian crisis in the Central African Republic;

5. *Expresses grave concern* at the dire conditions of internally displaced persons in the Central African Republic and of refugees, and calls on the international community to assist the national authorities and neighbouring host countries to ensure protection of and assistance to those fleeing the violence, especially women, children and persons with disabilities;

6. *Commends* the Economic Community of Central African States, the African Union, the United Nations and its agencies, and the partners of the Central African Republic for their continued assistance to the national authorities of the Central African Republic, and encourages the international community and all relevant stakeholders to strengthen their efforts in assisting the Central African Republic in restoring peace, stability and security in the country;

7. *Requests* the support of the international community and all relevant stakeholders to meet the urgent financial, humanitarian and technical needs of the national authorities of the Central African Republic;

8. *Emphasizes* the urgency of appointing an Independent Expert on the situation of human rights in the Central African Republic, requests the immediate operationalization of the mandate, and also requests the Independent Expert to cooperate with relevant human rights mechanisms;

9. *Calls upon* all parties to cooperate fully with the Independent Expert;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Independent Expert with the financial and human resources necessary to accomplish his/her mandate;

11. *Requests* the Independent Expert to undertake an urgent visit to the Central African Republic, to present an oral update on the situation to the Human Rights Council at its twenty-fifth session, and to submit a preliminary report to the Council at its twenty-sixth session, pursuant to Council resolution 24/34;

12. *Decides* to remain seized of the matter.

2nd meeting
20 January 2014

[Adopted without a vote.]

IV. Twenty-fifth session

A. Resolutions

25/1

Promoting reconciliation, accountability and human rights in Sri Lanka

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Guided by the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Bearing in mind General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders, of 18 June 2007,

Recalling also Human Rights Council resolutions 19/2 of 22 March 2012 and 22/1 of 21 March 2013 on promoting reconciliation and accountability in Sri Lanka,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of Sri Lanka,

Reaffirming also that it is the responsibility of each State to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,

Reaffirming further that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law, as applicable,

Reaffirming that all Sri Lankans are entitled to the full enjoyment of their human rights regardless of religion, belief or ethnicity, in a peaceful and unified land,

Welcoming and acknowledging the progress made by the Government of Sri Lanka in rebuilding infrastructure, demining and resettling the majority of internally displaced persons, while noting nonetheless that considerable work lies ahead in the areas of justice, reconciliation, land use and ownership, the resumption of livelihoods and the restoration of normality to civilian life, and stressing the importance of the full participation of local populations, including representatives of civil society and minorities, in these efforts,

Welcoming the successful holding of Provincial Council elections on 21 September 2013 and, in particular, the high turnout and participation in all three provinces, while noting with concern reports of election-related violence, as well as of voter and candidate intimidation,

Expressing appreciation for the efforts and cooperation of the Government of Sri Lanka in facilitating the visit of the United Nations High Commissioner for Human Rights and providing her with open access, and welcoming the visit of the High Commissioner to Sri Lanka in August 2013,

Expressing deep concern at reported intimidation and retaliation against civil society members who engage with United Nations human rights mechanisms, including those who met with the High Commissioner during her visit,

Expressing serious concern at the continuing reports of violations of human rights in Sri Lanka, including sexual and gender-based violence, enforced disappearances, extrajudicial killings, torture and violations of the rights to freedom of expression, association and peaceful assembly, threats to judicial independence and the rule of law, as well as intimidation of and reprisals against human rights defenders, members of civil society, lawyers and journalists,

Alarmed at the significant surge in attacks against members of religious minority groups in Sri Lanka, including Hindus, Muslims and Christians,

Calling upon the Government of Sri Lanka to fulfil its public commitments, including on the devolution of political authority, which is integral to reconciliation and the full enjoyment of human rights by all members of its population,

Taking note of the report of the Lessons Learnt and Reconciliation Commission of Sri Lanka, its findings and recommendations, and acknowledging its possible contribution to the process of meaningful national reconciliation in Sri Lanka,

Recalling the constructive recommendations contained in the Commission's report, including the need to credibly investigate widespread allegations of extrajudicial killings and enforced disappearances, demilitarize the north of Sri Lanka, implement impartial land dispute resolution mechanisms, re-evaluate detention policies, strengthen formerly independent civil institutions, reach a political settlement on the devolution of power to the provinces, promote and protect the right of freedom of expression for all persons and enact rule of law reforms,

Taking note of the national plan of action to implement the recommendations of the Lessons Learnt and Reconciliation Commission of the Government of Sri Lanka and its commitments as set forth in response to the findings and recommendations of the Commission,

Noting that the national plan of action does not adequately address all of the findings and constructive recommendations of the Commission, and encouraging the Government of Sri Lanka to broaden the scope of the plan to adequately address all elements of the Commission's report,

Noting with concern that the national plan of action and the Commission's report do not adequately address serious allegations of violations of international human rights law and international humanitarian law,

Emphasizing the importance of a comprehensive approach to transitional justice incorporating the full range of judicial and non-judicial measures, including, inter alia, individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials, or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system, restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law, with a view to preventing the recurrence of violations and abuses,

Underlining that truth-seeking processes, such as truth and reconciliation commissions, that investigate patterns of past human rights violations and their causes and consequences are important tools that can complement judicial processes, and that, when established, such mechanisms have to be designed within a specific societal context and be founded on broad national consultations with the inclusion of victims and civil society, including non-governmental organizations,

Recalling the responsibility of States to comply with their relevant obligations to prosecute those responsible for gross violations of human rights and serious violations of international humanitarian law constituting crimes under international law, with a view to end impunity,

Recalling also the High Commissioner's conclusion that national mechanisms have consistently failed to establish the truth and to achieve justice, and her recommendation that the Human Rights Council establish an international inquiry mechanism to further investigate the alleged violations of international human rights law and international humanitarian law and monitor any domestic accountability processes,

Encouraging the Government of Sri Lanka to increase its dialogue and cooperation with the Office of the High Commissioner, including with regard to technical assistance,

1. *Welcomes* the oral update presented by the United Nations High Commissioner for Human Rights to the Human Rights Council at its twenty-fourth session⁸ and the subsequent report of the Office of the United Nations High Commissioner for Human Rights on promoting reconciliation and accountability in Sri Lanka⁹ and the recommendations and conclusions contained therein, including on the establishment of a truth-seeking mechanism and national reparations policy as an integral part of a more comprehensive and inclusive approach to transitional justice;

2. *Calls upon* the Government of Sri Lanka to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law, as applicable; to hold accountable those responsible for such violations; to end continuing incidents of human rights violations and abuses in Sri Lanka; and to implement the recommendations made in the reports of the Office of the High Commissioner;

3. *Reiterates its call upon* the Government of Sri Lanka to implement effectively the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission, and to take all necessary additional steps to fulfil its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans;

4. *Urges* the Government of Sri Lanka to investigate all alleged attacks by individuals and groups on journalists, human rights defenders, members of religious minority groups and other members of civil society, as well as on temples, mosques and churches, and also urges the Government to hold perpetrators of such attacks to account and to take steps to prevent such attacks in the future;

5. *Calls upon* the Government of Sri Lanka to release publicly the results of its investigations into alleged violations by security forces, including the attack on unarmed protesters in Weliveriya on 1 August 2013, and the report of 2013 by the court of inquiry of the Sri Lanka Army;

6. *Encourages* the Government of Sri Lanka to ensure that all Provincial Councils, including the Northern Provincial Council, are able to operate effectively, in accordance with the 13th amendment to the Constitution of Sri Lanka;

7. *Welcomes* the visit by the Special Rapporteur on the human rights of internally displaced persons in December 2013, and calls upon the Government of Sri

⁸ See A/HRC/24/CRP.3/Rev.1.

⁹ A/HRC/25/23.

Lanka to facilitate the effective implementation of durable solutions for internally displaced persons, including the long-term displaced;

8. *Also welcomes* the invitation to the Special Rapporteur on the human rights of migrants and the Special Rapporteur on the right to education;

9. *Encourages* the Government of Sri Lanka to cooperate with other special procedures mandate holders and to respond formally to their outstanding requests, including long-standing requests;

10. *Takes note* of the recommendations and conclusions of the High Commissioner regarding ongoing human rights violations and the need for an international inquiry mechanism in the absence of a credible national process with tangible results, and requests the Office of the High Commissioner:

(a) To monitor the human rights situation in Sri Lanka and to continue to assess progress on relevant national processes;

(b) To undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka during the period covered by the Lessons Learnt and Reconciliation Commission, and to establish the facts and circumstances of such alleged violations and of the crimes perpetrated with a view to avoiding impunity and ensuring accountability, with assistance from relevant experts and special procedures mandate holders;

(c) To present an oral update to the Human Rights Council at its twenty-seventh session, and a comprehensive report followed by a discussion on the implementation of the present resolution at its twenty-eighth session;

11. *Encourages* the Office of the High Commissioner and relevant special procedures mandate holders to provide, in consultation with and with the concurrence of the Government of Sri Lanka, advice and technical assistance on implementing the above-mentioned steps;

12. *Calls upon* the Government of Sri Lanka to cooperate with the Office of the High Commissioner in the implementation of the present resolution.

*53rd meeting
27 March 2014*

[Adopted by a recorded vote of 23 to 12, with 12 abstentions. The voting was as follows:

In favour:

Argentina, Austria, Benin, Botswana, Brazil, Chile, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, France, Germany, Ireland, Italy, Mexico, Montenegro, Peru, Republic of Korea, Romania, Sierra Leone, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Algeria, China, Congo, Cuba, Kenya, Maldives, Pakistan, Russian Federation, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Burkina Faso, Ethiopia, Gabon, India, Indonesia, Japan, Kazakhstan, Kuwait, Morocco, Namibia, Philippines, South Africa]

25/2

Freedom of opinion and expression: mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

The Human Rights Council,

Recalling Human Rights Council resolutions 7/36 of 28 March 2008, 12/16 of 2 October 2009, 16/4 of 24 March 2011 and 23/2 of 13 June 2013, and all previous resolutions of the Commission on Human Rights and the Council on the right to freedom of opinion and expression,

Recognizing that the effective exercise of the right to freedom of opinion and expression, as enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, is essential for the enjoyment of other human rights and freedoms and constitutes a fundamental pillar for building a democratic society and strengthening democracy, bearing in mind that all human rights are universal, indivisible, interdependent and interrelated,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the work of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;
2. *Decides* to extend the mandate of the Special Rapporteur for a further period of three years;
3. *Urges* all States to cooperate fully with and assist the Special Rapporteur in the performance of his/her tasks, to provide all necessary information requested by him/her and to consider favourably his/her requests for visits and for implementing his/her recommendations;
4. *Requests* the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil his/her mandate, in particular by placing adequate human and material resources at his/her disposal;
5. *Requests* the Special Rapporteur to submit an annual report to the Human Rights Council and to the General Assembly covering all activities relating to his/her mandate, with a view to maximizing the benefits of the reporting process;
6. *Decides* to continue its consideration of the issue of the right to freedom of opinion and expression in accordance with its programme of work.

*54th meeting
27 March 2014*

[Adopted without a vote.]

25/3**Enhancement of international cooperation in the field of human rights**

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling the adoption by the General Assembly of the United Nations Millennium Declaration on 8 September 2000, and the renewed commitments to achieve the Millennium Development Goals by their target date of 2015, as set out in the outcome document adopted at the high-level plenary meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals,

Recalling also all decisions and resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the enhancement of international cooperation in the field of human rights, the latest of which being Council resolution 23/3 of 13 June 2013 and Assembly resolution 68/160 of 18 December 2013,

Recalling further the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and the Durban Review Conference, held in Geneva, from 20 to 24 April 2009, and their role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Reiterating the role played by the universal periodic review as an important mechanism in contributing to the enhancement of international cooperation in the field of human rights,

Recalling Human Rights Council resolution 6/17 of 28 September 2008, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developing countries, in the universal periodic review mechanism, and to establish the voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the country concerned,

Reaffirming that dialogue among and within religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are fundamental elements in all activities for the promotion and protection of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among and within cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Emphasizes* the need to promote a cooperative and constructive approach to the promotion and protection of human rights, as well as to enhance the role of the Human Rights Council in promoting advisory services, technical assistance and capacity-building to support efforts to ensure equal realization of all human rights and fundamental freedoms, where appropriate;

8. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency and the enhancement of international cooperation, in a manner consistent with the purposes and principles set out in the Charter;

9. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States;

10. *Also emphasizes* the role of international cooperation in support of national efforts and in raising the capacities of States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

11. *Takes note* of the consolidated annual written update on the operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review submitted to the Human Rights Council at its twenty-fourth session;¹⁰

12. *Also takes note* of the compilation prepared by the Office of the United Nations High Commissioner for Human Rights of the views of States and relevant stakeholders on the contribution of the Voluntary Fund for Financial and Technical Assistance,¹¹ in particular with regard to its sustainability and accessibility, to the implementation of recommendations accepted by States as part of their universal periodic review that required financial support;

13. *Requests* the Office of the High Commissioner to seek to enhance dialogue with representatives from non-traditional donor countries with a view to broaden the donor base and replenish the resources available to both funds;

14. *Also requests* the Office of the High Commissioner to make clear the process by which States request assistance from both funds, and to process such requests in a timely and transparent manner that adequately responds to the requesting States;

15. *Urges* States to continue to support both funds;

16. *Calls upon* States, specialized agencies and intergovernmental organizations to continue to carry out a constructive and cooperative dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

17. *Calls upon* States to further advance initiatives aimed at enhancing international cooperation in the field of human rights on issues of common interest and concern, bearing in mind the need to promote a cooperative and constructive approach in this regard;

18. *Urges* States to take necessary measures to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

19. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

20. *Recalls* that, in its resolution 68/160, the General Assembly requested the Secretary-General, in collaboration with the High Commissioner, to consult States and intergovernmental and non-governmental organizations on ways and means, as well as obstacles and challenges and possible proposals to overcome them, for the enhancement of international cooperation and dialogue in the United Nations human rights machinery, including the Human Rights Council;

21. *Re-emphasizes its request* to the Advisory Committee to prepare, in consultation with States, a more focused and in-depth study on the ways and means to enhance international cooperation in the field of human rights, including, but not limited to, the identification of areas where further progress could be made, taking into account the responses received further to the consultations as requested by the General Assembly in its

¹⁰ A/HRC/24/56.

¹¹ A/HRC/19/50.

resolution 67/169 of 20 December 2012, and to submit a progressive report to the Human Rights Council at its twenty-sixth session;

22. *Decides* to continue its consideration of the matter in 2014, in accordance with its annual programme of work.

*54th meeting
27 March 2014*

[Adopted without a vote.]

25/4 Integrity of the judicial system

The Human Rights Council,

Guided by articles 5, 6, 7, 8, 10 and 11 of the Universal Declaration of Human Rights, and articles 2, 4, 6, 7, 10, 14, 15, 16 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling also other important documents on the issue of the integrity of the judiciary endorsed by various forums of the United Nations, in particular the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the Safeguards guaranteeing protection of the rights of those facing the death penalty, as well as the Bangalore Principles of Judicial Conduct,

Recalling further its resolution 19/31 of 23 March 2012 and the previous resolutions on the subject of the Commission on Human Rights,

Convinced that the integrity of the judicial system, together with its independence and impartiality, is an essential prerequisite for the protection of human rights and fundamental freedoms, for upholding the rule of law and democracy and ensuring that there is no discrimination in the administration of justice,

Stressing that the integrity of the judiciary should be observed at all times,

1. *Takes note* of the report of the Special Rapporteur on the independence of judges and lawyers on the administration of justice through military tribunals submitted to the General Assembly at its sixty-eighth session;¹²

2. *Also takes note* of conclusions and recommendations made by the Special Rapporteur in her report, in particular that military tribunals, when they exist, must be an integral part of the general justice system and operate in accordance with human rights standards, including by respecting the right to a fair trial and due process of law guarantees;

3. *Reaffirms* the right of everyone to recognition everywhere as a person before the law;

¹² A/68/285.

4. *Reiterates* that, as declared in article 14 of the International Covenant on Civil and Political Rights, every person is entitled, in full equality, to a fair and public hearing by a competent, independent and impartial tribunal duly established by law, in the determination of his/her rights and obligations and of any criminal charge against him/her, and that he/she is entitled to the presumption of innocence until proved guilty according to law;

5. *Notes* that, according to paragraph 5 of the Basic Principles on the Independence of the Judiciary, everyone has the right to be tried by ordinary courts or tribunals using established legal procedures, and that tribunals that do not use duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals;

6. *Underlines* that any court trying a person charged with a criminal offence should be competent, independent and impartial;

7. *Urges* States to guarantee that all persons brought to trial before courts or tribunals under their authority have the right to be tried in their presence, to defend themselves in person or through legal assistance of their own choosing and to have all the guarantees necessary for their legal defence;

8. *Calls upon* States to ensure that the principles of equality before the courts and before the law are respected within their judicial systems by, inter alia, providing to those being tried the possibility to examine, or to have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;

9. *Reaffirms* that every convicted person should have the right to have his/her conviction and sentence reviewed by a tribunal of competent, independent and impartial jurisdiction according to law;

10. *Calls upon* States that have military courts or special tribunals for trying criminal offenders to ensure that such bodies are integral part of the general judicial system and that such courts apply procedures that are recognized according to international law as guarantees of a fair trial, including the right to appeal a conviction and a sentence;

11. *Stresses* the importance of developing cooperation between national judicial systems with a view to, inter alia, strengthening the protection of persons deprived of their liberty;

12. *Requests* the United Nations High Commissioner for Human Rights to convene prior to the twenty-eighth session of the Human Rights Council an expert consultation with the participation of representatives of States, the special procedures, including the Special Rapporteur on the independence of judges and lawyers, the chairperson-rapporteurs of the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, the treaty bodies and regional human rights mechanisms, as well as non-governmental organizations and national human rights institutions for an exchange of views on human rights considerations relating to the issues of administration of justice through military tribunals and the role of the integral judicial system in combating human rights violations;

13. *Also requests* the High Commissioner to provide all the assistance and support necessary for the expert consultation;

14. *Further requests* the High Commissioner to present a summary of the discussions held during the expert consultation to the Human Rights Council at its twenty-eighth session;

15. *Invites* the Special Rapporteur on the independence of judges and lawyers to take full account of the present resolution in the discharge of her mandate;

16. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

*54th meeting
27 March 2014*

[Adopted by a recorded vote of 27 to 1, with 19 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Botswana, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Cuba, Ethiopia, India, Indonesia, Kazakhstan, Kuwait, Mexico, Morocco, Namibia, Pakistan, Peru, Philippines, Russian Federation, Sierra Leone, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

United States of America

Abstaining:

Austria, Benin, Côte d'Ivoire, Czech Republic, Estonia, France, Gabon, Germany, Ireland, Italy, Japan, Kenya, Maldives, Montenegro, Republic of Korea, Romania, Saudi Arabia, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland]

25/5

Mandate of the Independent Expert on minority issues

The Human Rights Council,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by consensus by the General Assembly in its resolution 47/135 of 18 December 1992,

Taking into consideration article 27 of the International Covenant on Civil and Political Rights and other relevant existing international standards and national legislation,

Recalling all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons belonging to national or ethnic, religious and linguistic minorities, including Assembly resolution 68/172 of 18 December 2013, Commission resolution 2005/79 of 21 April 2005, and Council resolutions 7/6 of 27 March 2008 and 16/6 of 24 March 2011 on the mandate of the Independent Expert on minority issues,

Recalling also the paragraphs in the Vienna Declaration and Programme of Action and the Durban Declaration and Programme of Action relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Emphasizing the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by addressing their economic and social conditions and marginalization, as well as to end any type of discrimination against them,

Emphasizing also the importance of recognizing and addressing multiple, aggravated and intersecting forms of discrimination against persons belonging to national or ethnic, religious and linguistic minorities, and the compounded negative impact on the enjoyment of their rights,

Emphasizing further the fundamental importance of human rights education, training and learning, as well as of dialogue, including intercultural and interfaith dialogue, and interaction among all relevant stakeholders and members of society on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including the sharing of best practices, such as for the promotion of mutual understanding of minority issues, managing diversity by recognizing plural identities and promoting inclusive and stable societies, as well as social cohesion therein,

Stressing that due consideration should be given to the rights and situation of persons belonging to national or ethnic, religious and linguistic minorities in the elaboration of post-2015 development agendas and in future development goals,

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

1. *Takes note* of the report of the Independent Expert on minority issues and its special focus on the inclusion of minority issues in post-2015 development agendas;¹³

2. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic minorities;¹⁴

3. *Commends* the Independent Expert for the work undertaken to date, for the important role that she has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, for her ongoing efforts to promote and protect their rights in order to ensure equitable development and peaceful and stable societies, including through close cooperation with Governments, relevant United Nations bodies and mechanisms and non-governmental organizations, and for her guiding role in the preparation and work of the Forum on Minority Issues, which contributes to efforts to improve cooperation among all United Nations mechanisms relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities;

4. *Expresses its appreciation* to Governments and intergovernmental and non-governmental organizations, as well as to other relevant stakeholders, that have given special attention to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and have supported the work of the Independent Expert;

5. *Takes note* of the completion, in November 2013, of the sixth session of the Forum on Minority Issues, which addressed the rights of persons belonging to religious minorities and which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on this topic, and encourages States to take into consideration the relevant recommendations of the Forum;¹⁵

¹³ A/HRC/25/56 and Add.1.

¹⁴ A/HRC/25/30.

¹⁵ See A/HRC/22/60.

6. *Commends* the Forum for its contribution to the efforts of the High Commissioner to improve cooperation and coordination among United Nations mechanisms, bodies and specialized agencies, funds and programmes on activities relating to the promotion and protection of the rights of persons belonging to minorities;

7. *Welcomes* the establishment of the special fund for the participation of civil society and other relevant stakeholders in, inter alia, the Forum on Minority Issues, aiming to facilitate the broadest possible participation of civil society representatives and other relevant stakeholders, with particular attention being paid to participants from least developed countries;

8. *Also welcomes* the inter-agency cooperation of United Nations agencies, funds and programmes on minority issues, in particular through the United Nations network on racial discrimination and protection of minorities, coordinated by the Office of the High Commissioner, and urges them to increase their cooperation further by, inter alia, sharing knowledge and developing policies on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, drawing also on relevant recommendations of the Forum;

9. *Invites* the human rights treaty bodies and special procedures of the Human Rights Council to continue to pay attention, within their respective mandates, to the situation and rights of persons belonging to national or ethnic, religious and linguistic minorities and, in this regard, to take into consideration relevant recommendations of the Forum;

10. *Reaffirms* that the universal periodic review and the United Nations human rights treaty bodies constitute important mechanisms for the promotion and protection of human rights and fundamental freedoms and, in that regard, calls upon States to effectively follow up on accepted universal periodic review recommendations relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and encourages States parties to give serious consideration to the follow-up to treaty body recommendations on the matter;

11. *Decides* to extend the mandate of the current mandate holder as a Special Rapporteur on minority issues for a period of three years, and requests the Special Rapporteur:

(a) To promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultations with Governments, taking into account existing international standards and national legislation concerning minorities;

(b) To examine ways and means of overcoming existing obstacles to the full and effective realization of the rights of persons belonging to minorities;

(c) To identify best practices and possibilities for technical cooperation with the Office of the High Commissioner, at the request of Governments;

(d) To apply a gender perspective in his/her work;

(e) To cooperate and coordinate closely, while avoiding duplication, with existing relevant United Nations bodies, mandates and mechanisms and with regional organizations;

(f) To take into account the views of and cooperate closely with non-governmental organizations on matters pertaining to his/her mandate;

(g) To guide the work of the Forum on Minority Issues, prepare its annual meetings, to report on its thematic recommendations and to make recommendations for future thematic subjects, as decided by the Human Rights Council in its resolution 19/23 of 23 March 2012;

(h) To submit an annual report on his/her activities to the Human Rights Council and to the General Assembly, including recommendations for effective strategies for the better implementation of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

12. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated to him/her, to provide the mandate holder with all the necessary information requested and to seriously consider responding promptly and favourably to the request of the Special Rapporteur to visit their countries in order to enable him/her to fulfil his/her duties effectively;

13. *Encourages* specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop and maintain regular dialogue and cooperation with the mandate holder, as well as to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

14. *Requests* the Secretary-General and the High Commissioner to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the Special Rapporteur;

15. *Decides* to continue its consideration of this issue in accordance with its annual programme of work.

54th meeting
27 March 2014

[Adopted without a vote.]

25/6

Rights of the child: access to justice for children

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child constitutes the standard in the promotion and protection of the rights of the child, reaffirming that States parties to the Convention shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized therein, and, bearing in mind the importance of the Optional Protocols to the Convention, calling for their universal ratification and effective implementation, as well as of other human rights instruments,

Welcoming the twenty-fifth anniversary of the adoption of the Convention on the Rights of the Child,

Welcoming also the expected entry into force on 14 April 2014 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,

Reaffirming relevant resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly,

Recalling its resolution 24/12 of 26 September 2013 on human rights in the administration of justice, including juvenile justice,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

Reaffirming that the general principles of the Convention on the Rights of the Child, including the best interests of the child, non-discrimination, participation, survival and development, provide the framework for all actions concerning children,

Noting with appreciation the work of the Committee on the Rights of the Child and of other United Nations treaty bodies regarding children's access to justice,

Welcoming the attention paid by the special procedures of the Human Rights Council to the rights of the child in the context of their respective mandates, in particular by the Special Rapporteur on the sale of children, child prostitution and child pornography, and taking note with appreciation of the annual report of the Special Rapporteur to the Human Rights Council,¹⁶ in which she provided an overview of the main issues relating to her mandate,

Acknowledging the important contributions of the Special Representative of the Secretary-General on Violence against Children and of the Special Representative of the Secretary-General for Children and Armed Conflict to the promotion and protection of the rights of the child, and taking note of their recent reports,¹⁷

Recalling the joint report of the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative of the Secretary-General on Violence against Children,¹⁸ in which they provided an overview of accessible and child-sensitive counselling, complaint and reporting mechanisms to address incidents of violence, and the joint report of the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against Children on prevention of and response to violence against children within the juvenile justice system,¹⁹

Recalling also the study by the Expert Mechanism on the Rights of Indigenous Peoples on access to justice in the promotion and protection of the rights of indigenous peoples,²⁰

Recalling further the relevant United Nations rules and guidelines for the treatment of children in contact with the justice system, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Guidelines for Action on Children in the Criminal Justice System (the Vienna Guidelines), the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, the Guidelines for the Appropriate Use and Conditions of Alternative Care for Children, the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the basic principles on the use of restorative justice programmes in criminal matters, and taking note

¹⁶ A/HRC/25/48.

¹⁷ A/HRC/25/46 and A/HRC/25/47.

¹⁸ A/HRC/16/56.

¹⁹ A/HRC/21/25.

²⁰ A/HRC/24/50 and Corr.1.

of the guidance note of the Secretary-General on the approach of the United Nations to justice for children of September 2008,

Stressing the importance of preventing violations of the rights of the child before they occur,

Emphasizing that the right to access to justice for all, including obtaining a quick, effective and fair response to protect rights, prevent or solve disputes and control abuse of power through a transparent and efficient process in which mechanisms are available, affordable and accountable, forms an important basis for strengthening the rule of law through the administration of justice,

Stressing the importance of accountability for violations and abuses of the rights of the child, in any circumstance, including for those committed in the family, school and other institutions, as well as during armed conflict, and the need to bring perpetrators to justice,

Recalling that every State should provide an effective framework in which children can pursue remedies to redress human rights violations,

Recognizing that the best interests of the child should be a primary consideration to be respected in pursuing remedies for violations of the rights of the child, and that such remedies should take into account the need for child-sensitive procedures at all levels,

Noting that child-sensitive justice should be accessible, age-appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, and should fully respect the rights of the child,

Concerned that children worldwide suffer violations of their rights, while not all of them have access to a fair, timely and effective remedy,

Noting the various barriers to children's access to justice, including lack of awareness of the rights of the child, restrictions on the initiation of or participation in proceedings, the diversity and complexity of procedures, lack of trust in the justice system, lack of training of relevant officials, de jure and de facto discrimination, certain cultural and social norms, the stigma on the children associated with certain crimes, and physical barriers,

Recalling the need to prevent secondary victimization of children by the justice system in procedures involving or affecting them,

Expressing deep concern that, despite the recognition of the right of the child to express his or her views freely on all matters affecting him or her, and bearing in mind their evolving capacities, children are still seldom seriously consulted and involved in such matters owing to a variety of constraints and impediments, and that the full implementation of this right in many parts of the world has yet to be fully realized,

Stressing the need for a multidisciplinary approach to the issue of access to justice for children,

1. *Notes with appreciation* the report of the United Nations High Commissioner for Human Rights on access to justice for children;²¹

2. *Reaffirms* that every child whose rights have been violated shall have an effective remedy;

²¹ A/HRC/25/35.

3. *Recalls* that children are entitled to the same legal guarantees and protection as are accorded to adults, including all fair trial guarantees, while enjoying at the same time the right to special protection because of their status as children;

4. *Emphasizes* that all children in contact with the justice system, including children alleged as, accused of or recognized as having infringed penal law, victims and witnesses or children coming into contact with the justice system for other reasons, such as regarding their care, custody or protection, and in the context of administrative justice, including immigration, are entitled to the safeguarding of their rights, without discrimination of any kind;

5. *Recognizes* that certain children may face additional barriers in their access to justice and reaffirms the duty of States to respect and ensure an effective remedy and access to justice for each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status, and to this end calls upon States:

(a) To address additional barriers to access to justice that may exist for children belonging to particularly vulnerable groups, including, but not limited to, children placed in institutional settings or in alternative care, children deprived of their liberty, children with disabilities, children living in poverty, children living in the streets, children belonging to national or ethnic, religious and linguistic minorities, indigenous children, asylum-seeking, refugee and migrant children, including unaccompanied and separated migrant children, stateless children, children affected by HIV/AIDS, children involved in or affected by armed conflict or other violence, child victims of sale and sexual exploitation or child, early and forced marriage, children in the worst forms of child labour, children without parental care and children of parents alleged as, accused of or convicted of having infringed penal law;

(b) To take into account the specific needs of girls;

6. *Reaffirms* that, in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child must be a primary consideration guiding the entire process, bearing in mind that the concept of the child's best interests is aimed at ensuring both the full and effective enjoyment of all the rights of the child and the holistic development of the child;

7. *Recalls* the right of the child who is capable of forming his or her own views to express those views freely in all matters affecting the child, and that such views should be given due weight in accordance with the age and maturity of the child, and urges States to ensure that children are provided the opportunity to be heard in any judicial or administrative proceedings affecting them, either directly or through a representative or an appropriate body, in accordance with article 12 of the Convention on the Rights of the Child, by taking steps to ensure that:

(a) Children have the opportunity to participate in an effective and meaningful way in all matters affecting them, including criminal, civil and administrative proceedings;

(b) All children capable of forming their views are given an opportunity to express themselves directly or indirectly, in person or through a representative, in a manner appropriate to their level of understanding, and that such views are given due consideration;

(c) Children receive information about the processes in which they are involved, the options available to them in these procedures and the possible consequences of these options, in a manner adapted to their age, maturity and circumstances, conveyed in a language they understand and in a gender- and culture-sensitive manner;

(d) The consequences of any decisions affecting the child are explained to him or her in a way that he or she understands;

(e) The methodology used to question or otherwise elicit information from children respects their rights, is child-sensitive and adapted to the child's individual circumstances;

8. *Reaffirms* the duty of all States to protect children from all forms of physical or mental violence, injury or abuse, maltreatment or exploitation, and calls upon States:

(a) To ensure a safe environment for children in justice processes and that children, including unaccompanied children, in contact with the justice system are protected from any form of hardship by adapting procedures and adopting appropriate protective measures against abuse, exploitation, manipulation, violence, including sexual and gender-based violence, harassment, intimidation, reprisals or secondary victimization, taking into account that the risks faced by boys and girls may differ and that special precautionary measures may be needed when the alleged perpetrator is a parent, a member of the family or a primary caregiver;

(b) To ensure that children are treated with care, sensitivity, fairness and respect throughout any procedure or case, with special attention for their personal situation, well-being and specific needs;

(c) To institute child-sensitive procedures and safeguards, such as interview rooms designed for children, recesses during a child's testimony, reducing the number of interviews, statements and hearings, and avoiding direct contact between victims, witnesses and alleged perpetrators;

(d) To set up procedures enabling proceedings regarding violations of the rights of the child which constitute a breach of criminal codes to proceed ex officio;

(e) To ensure the right of every child alleged as, accused of or recognized as having infringed penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, taking into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society;

(f) To ensure that children are not subjected to torture or other cruel, inhuman or degrading treatment or punishment;

(g) To ensure that, under their legislation and in practice, neither capital punishment nor life imprisonment are imposed for offences committed by persons below 18 years of age;

(h) To enact or review legislation to ensure that any conduct not considered a criminal offence or not penalized if committed by an adult is not considered a criminal offence and not penalized if committed by a child, in order to prevent the child's stigmatization, discrimination, victimization and criminalization;

(i) To criminalize the sale and sexual exploitation of children, and to establish jurisdiction over these offences when committed in their territory or by their nationals abroad, and to reinforce police and judicial transnational cooperation on information-sharing related to child victims and perpetrators of the sale and sexual exploitation of children, in accordance with domestic laws and policies, in order to facilitate access to justice of child victims;

(j) To take special measures to protect children in contact with the criminal justice system, including by providing adequate legal and other appropriate assistance;

(k) To consider establishing policies to govern the work of all persons involved in the judicial processes involving children, with a view to ensuring respect for their rights;

(l) To ensure that children have access to relevant therapeutic services and measures for victims of neglect, violence, abuse or other crimes in order to prevent the re-victimization of the child and to support healing and reintegration;

(m) To ensure the training of all persons working with and for children, including judges, public prosecutors, police, teachers and school administrators, prison staff, probation officers, social workers and health professionals, as well as persons working in the alternative care system, public administration and immigration and border control, on legislation and policies relevant to the rights of the child, including anti-discrimination and gender equality laws, alternatives to detention, child-sensitive counselling, complaint and reporting mechanisms and child-sensitive skills to communicate with children, and to promote such training for civil society actors and traditional leaders;

(n) To ensure that the child's privacy is fully respected at all stages of proceedings;

(o) To ensure prompt action and rapid enforcement of decisions in proceedings affecting children;

9. *Also reaffirms* the need to respect all legal guarantees and safeguards at all stages of all justice processes concerning children, including due process, the right to privacy, the guarantee of legal aid and other appropriate assistance under the same or more lenient conditions as adults, and the right to challenge decisions with a higher judicial authority;

10. *Further reaffirms* the responsibilities, rights and duties of parents, legal guardians or other persons legally responsible for the child to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of its rights;

11. *Stresses* that children should have their own legal counsel and representation, in their own name, in proceedings where there is, or could be, a conflict of interest between the child and the parent or other legal guardian;

12. *Also stresses* that legal aid practitioners and lawyers representing children should be trained in and knowledgeable of children's rights and related issues, be capable of communicating with children at their level of understanding, and strive to bring forward the opinion of the child;

13. *Calls upon* States to take steps to remove any possible barriers to children's access to justice, including by:

(a) Ensuring that their national legal systems provide effective remedies to children for violations and abuses of their rights, and that children have the possibility to initiate legal proceedings in cases of violations of their rights;

(b) Ensuring equal access for children to non-judicial complaints mechanisms and alternative dispute resolution mechanisms;

(c) Ensuring that counselling, reporting and complaints mechanisms are accessible to all children, effective, safe and child-sensitive, that they pursue the best interests of the child at all times and that they comply with international human rights standards;

(d) Addressing additional barriers and adopting special protective measures to safeguard the rights of children in particularly vulnerable situations to have access to justice and participate in proceedings;

(e) Making information on the rights of the child, on the legal system and on access to legal aid widely available to children in a language they understand and in a

manner appropriate for their age and maturity, as well as to parents and legal guardians, teachers and people working with and for children;

(f) Ensuring that information and support are equally available and, when necessary, adapted to the needs of children with disabilities, children belonging to national or ethnic, religious and linguistic minorities and children belonging to other vulnerable groups, and accessible to children in detention and other closed facilities;

(g) Ensuring universal birth registration and age documentation without discrimination of any kind, irrespective of the legal status of the child;

(h) Ensuring children's informed consent to decisions in line with their evolving capacities;

(i) Increasing public awareness of the rights of the child and, in particular, of their right to express their views freely in all matters affecting them;

(j) Developing and strengthening multidisciplinary capacity-building and training initiatives to ensure that all persons working with and for children have the necessary knowledge and skills relating to children's rights and needs;

(k) Ensuring that all children have access to legal and other appropriate assistance, including by supporting the establishment of child-sensitive legal aid systems;

(l) Encouraging the use of safe, non-intimidating and child-sensitive settings for dealing with cases involving children;

(m) With full respect to the child's privacy, encouraging close cooperation between different professionals, where appropriate, in order to obtain a comprehensive understanding of the child, including an assessment of his or her legal, psychological, social, emotional, physical and cognitive situation;

(n) Ensuring that decisions are explained to the child in a way and in a language the child understands, in a manner appropriate to the child's age and maturity, and that an interpreter is provided free of charge if the child cannot understand or speak the language used in the proceedings;

(o) Ensuring that the child's right to appeal is not more restricted than that of adults;

(p) Ensuring systematic enforcement of decisions through a predictable process, thus enhancing confidence in the justice system;

(q) Addressing social and cultural norms and customs that may prevent children from accessing justice and claiming redress;

(r) Taking into consideration the need to ensure that statutes of limitation periods do not apply for gross violations of international human rights law and are not unduly restrictive for other types of violations, including by ensuring, where appropriate, that they do not begin running before the child has reached majority;

(s) Considering, wherever possible, reparations for child victims of rights violations, in order to achieve full redress and reintegration, and that procedures for obtaining and enforcing reparation are readily accessible and child-sensitive;

14. *Recognizes* that alternative mechanisms for solving disputes and seeking redress for violations of the rights of the child, such as diversion, restorative justice processes, mediation, conciliation, arbitration, community-based programmes, complaints mechanisms of national human rights institutions, customary and religious justice processes, or company grievance mechanisms, can provide quick, affordable and accessible remedies, and help to reintegrate the child, while stressing that such mechanisms must be

based on strict compliance with international human rights standards and procedural safeguards, and be child- and gender-sensitive;

15. *Encourages* States to allow children, their representatives, civil society organizations and national human rights institutions to bring cases on behalf of or in support of a group of children, or in the public interest, including group litigation and collective or class action suits, as a way to challenge laws, policies, norms and practices that negatively affect the rights of the child, and to ensure that judicial decisions have wider benefits for children, including those who face additional challenges in initiating judicial proceedings;

16. *Calls upon* States to strengthen child rights monitoring, reporting and complaint and accountability systems, including by designating or establishing an independent human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) with the responsibility of promoting and monitoring respect for the rights of the child;

17. *Encourages* States to develop and strengthen the collection, analysis and dissemination of data for national statistics in the area of children's access to justice and, as far as possible, to use data disaggregated by relevant factors that may lead to disparities and other statistical indicators at the subnational, national, subregional, regional and international levels, in order to develop and assess social and other policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

18. *Urges* States to systematically integrate children's access to justice in justice sector reforms, rule of law initiatives and national planning processes, such as national development plans and justice sector-wide approaches, and support it through the national budget;

19. *Invites* States, upon their request, to benefit from technical advice and assistance in access to justice and child justice matters provided by relevant United Nations agencies and programmes, and encourages the United Nations High Commissioner for Human Rights to reinforce advisory services and technical assistance relating to access to justice for children;

20. *Emphasizes* the relevance and importance of international cooperation in support of national efforts in the area of child-sensitive justice;

21. *Encourages* States to incorporate detailed and accurate information relating to access to justice for children, including on progress made and challenges encountered and statistics and comparable data, in their periodic reports, as well as information provided for the universal periodic review mechanism and other relevant United Nations monitoring mechanisms;

22. *Recalls* the importance of access to regional and international justice mechanisms when it is ascertained that domestic remedies have been exhausted or that the application of such remedies is unreasonably prolonged or unlikely to bring effective relief, and, in this connection, encourages States to become party to relevant regional and international instruments;

23. *Invites* United Nations bodies, agencies, mechanisms, plans and programmes that support efforts of States to strengthen their judiciary systems, the administration of justice and the rule of law to incorporate access to justice for children into their work, in accordance with their mandates;

24. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and its resolutions 7/29 of 28 March 2008 and 19/37 of 23 March 2012, and to focus its next full-day meeting on the theme, “Towards better investment in the rights of the child”, and invites the High Commissioner to prepare a report on that issue, in close collaboration with relevant stakeholders, including States, the United Nations Children’s Fund, other relevant United Nations bodies and agencies, relevant special procedures mandate holders, regional organizations and human rights bodies, civil society, national human rights institutions and children themselves, and to present it to the Council at its twenty-eighth session, to inform the annual day of discussion on the rights of the child, and requests the High Commissioner to circulate a summary report on the next full-day meeting on the rights of the child;

25. *Welcomes* the work and contribution of the Special Rapporteur on the sale of children, child prostitution and child pornography, and decides to extend for a period of three years the mandate of the Special Rapporteur, in accordance with Human Rights Council resolution 7/13 of 27 March 2008.

*54th meeting
27 March 2014*

[Adopted without a vote.]

25/7

Protection of human rights and fundamental freedoms while countering terrorism

The Human Rights Council,

Reaffirming Human Rights Council decision 2/112 of 27 November 2006 and resolutions 6/28 of 14 December 2007, 7/7 of 27 March 2008, 10/15 of 26 March 2009, 13/26 of 26 March 2010 and 19/19 of 23 March 2012, and Commission on Human Rights resolutions 2003/68 of 25 April 2003, 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, recalling General Assembly resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006, 62/159 of 18 December 2007, 63/185 of 18 December 2008, 64/168 of 18 December 2009, 65/221 of 21 December 2010, 66/171 of 19 December 2011 and 68/178 of 18 December 2013, and welcoming the efforts of all relevant stakeholders to implement those resolutions,

1. *Calls upon* States to ensure that any measure taken to counter terrorism complies with international law, in particular international human rights, refugee and humanitarian law;

2. *Expresses serious concern* at the violations of human rights and fundamental freedoms, as well as of refugee and international humanitarian law, in the context of countering terrorism;

3. *Reaffirms* its unequivocal condemnation of all acts, methods, practices and financing of terrorism, in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renews its commitment to strengthen international cooperation to prevent and combat terrorism and, in that regard, calls upon States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy and its four pillars, which reaffirm, inter alia, respect for human rights for all and the rule of law to be the fundamental basis of the fight against terrorism;

4. *Deeply deplores* the suffering caused by terrorism to the victims and their families, and expresses its profound solidarity with them, and stresses the importance of providing them with proper support and assistance;

5. *Recalls* the panel discussion held by the Human Rights Council, pursuant to Council decision 16/116 of 24 March 2011, on 1 June 2011, which raised awareness of the importance of addressing the human rights of victims of terrorism in the determined effort by the international community to deal with the scourge of terrorism and as part of a comprehensive counter-terrorism policy that respects human rights and fundamental freedoms;

6. *Urges* States, while countering terrorism, to respect and protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of those rights;

7. *Reaffirms* that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group;

8. *Urges* States to ensure that measures taken to counter terrorism are not discriminatory, and not to resort to profiling based on stereotypes founded on ethnic, racial, religious or any other ground of discrimination prohibited by international law;

9. *Recognizes* the work carried out by the special procedures of the Human Rights Council in the promotion and protection of human rights and fundamental freedoms while countering terrorism;

10. *Acknowledges* that the active participation of civil society can reinforce ongoing governmental efforts to protect human rights and fundamental freedoms while countering terrorism;

11. *Calls upon* States, while countering terrorism, to ensure that any person who alleges that his or her human rights or fundamental freedoms have been violated has access to an effective remedy and that victims of human rights violations will receive adequate, effective and prompt reparations, which should include, as appropriate, restitution, compensation, rehabilitation and guarantees of non-recurrence;

12. *Also calls upon* States, while countering terrorism, to safeguard the right to privacy in accordance with international law, and urges them to take measures to ensure that interferences with the right to privacy are regulated by law, specifying the purposes in which interference is permitted, and that such interference is not arbitrary or unlawful, nor implemented in a discriminatory manner, and is subject to effective oversight and appropriate redress, including through judicial review or other means;

13. *Further calls upon* States to ensure that any measure taken or means employed to counter terrorism, including the use of remotely piloted aircraft, complies with their obligations under international law, including international human rights law and international humanitarian law;

14. *Urges* States to undertake prompt, independent and impartial fact-finding inquiries whenever there are plausible indications of breaches of their obligations under international human rights law as a result of any measures taken or means employed to counter terrorism and to ensure accountability for those responsible for violations that amount to crimes under national or international law;

15. *Notes with concern* measures that can undermine human rights and the rule of law, such as the detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the unlawful deprivation of the right to life, and other fundamental freedoms, such as freedom of assembly and association, the deprivation of liberty that amounts to placing a detained person outside the protection of the

law, the trial of suspects without fundamental judicial guarantees, the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, and the return of suspects to countries without individual assessment of the risk of there being substantial grounds for believing that they would be in danger of subjection to torture, and limitations to effective scrutiny of counter-terrorism measures;

16. *Stresses* that all measures used in the fight against terrorism, including the profiling of individuals and the use of diplomatic assurances, memorandums of understanding and other transfer agreements or arrangements, must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law;

17. *Urges* States, while countering terrorism, to respect the rights to be equal before the courts and tribunals and to a fair trial, as provided for by international law, including international human rights law, such as article 14 of the International Covenant on Civil and Political Rights and, as applicable, international humanitarian law and refugee law;

18. *Reiterates* the concerns expressed by the General Assembly in its resolution 64/168 with regard to measures that can undermine human rights and the rule of law, and urges all States to take all necessary steps to ensure that persons deprived of their liberty, regardless of the place of arrest or detention, enjoy the guarantees to which they are entitled under international law, including the review of their detention and other fundamental judicial guarantees;

19. *Takes note with appreciation* of the report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism;²²

20. *Requests* the Special Rapporteur, in accordance with his mandate, to continue to gather, request, receive and exchange information on alleged violations of human rights and fundamental freedoms while countering terrorism, and to report regularly to the Human Rights Council;

21. *Requests* all States to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals and providing the information requested, and to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries;

22. *Encourages* United Nations bodies, agencies, funds and programmes involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism;

23. *Requests* the High Commissioner and the Special Rapporteur to contribute further, appropriately, to the ongoing discussion regarding the efforts of States Members of the United Nations to assure adequate human rights guarantees to ensure fair and clear procedures, in particular with regard to placing on and removing individuals and entities from terrorism-related sanctions lists;

24. *Recalls* that the General Assembly, in its resolution 66/171, recognized the need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomed and encouraged the ongoing efforts of the Security Council in support of these objectives, including by supporting the enhanced role of the office of the

²² A/HRC/25/59.

ombudsperson and continuing to review all the names of individuals and entities in the regime, while emphasizing the importance of these sanctions in countering terrorism;

25. *Stresses the importance* that relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those that are participating in the Counter-Terrorism Implementation Task Force, which provide technical assistance relating to the prevention and suppression of terrorism to consenting States, include, as appropriate and where consistent with their mandates, the respect of international human rights law and, as applicable, international humanitarian law and refugee law, as well as the rule of law, as an important element of technical assistance that they offer to States related to counter-terrorism, including by drawing on the advice of, and otherwise ensuring the ongoing dialogue with, the special procedures of the Human Rights Council within their mandates and the Office of the High Commissioner and relevant stakeholders;

26. *Requests* the High Commissioner and the Special Rapporteur to present their reports, bearing in mind the content of the present resolution, to the Human Rights Council under agenda item 3, in conformity with its annual programme of work.

*54th meeting
27 March 2014*

[Adopted without a vote.]

25/8

The role of good governance in the promotion and protection of human rights

The Human Rights Council,

Guided by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations, and also the Vienna Declaration and Programme of Action, which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recalling Human Rights Council resolutions 7/11 of 27 March 2008 and 19/20 of 23 March 2012, and all other resolutions relevant to the role of good governance in the promotion of human rights, as well as the United Nations Millennium Declaration,

Welcoming the resolve of States parties to the United Nations Convention against Corruption, and the commitment made by all States in the 2005 World Summit Outcome²³ to make the fight against corruption a priority at all levels, and noting with interest the provisions of the Convention that have led to the development of a mechanism among States parties to review their progress in combating corruption,

Noting the ongoing work by several important initiatives towards the deepening of good governance practices at the national, regional and international levels,

Recognizing the importance of a conducive environment, at both the national and international levels, for the full enjoyment of human rights and fundamental freedoms and of the mutually reinforcing relationship between good governance and human rights,

Recognizing also that transparent, responsible, accountable, open and participatory government, responsive to the needs and aspirations of the people, is the foundation on

²³ General Assembly resolution 60/1.

which good governance rests, and that such a foundation is one of the indispensable conditions for the full realization of human rights, including the right to development,

Stressing that good governance at the national and international levels is essential for sustained economic growth, sustainable development and the eradication of poverty and hunger and, in this context, reaffirming the Millennium Declaration, the 2005 World Summit Outcome and the outcome of the 2010 High-level Summit on the Millennium Development Goals,

Recognizing the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights through both the weakening of institutions and the erosion of public trust in government, as well as through the impairment of the ability of Governments to fulfil all their human rights obligations,

Realizing that the fight against corruption at all levels plays an important role in the promotion and protection of human rights and in the process of creating an environment conducive to their full enjoyment,

Recognizing that effective anti-corruption measures and the protection of human rights, including by strengthening transparency and accountability in government, are mutually reinforcing,

Noting with interest the outcome of the third, fourth and fifth sessions of the Conference of the States Parties to the United Nations Convention against Corruption, held in Doha in 2009, in Marrakech, Morocco, in 2011, and in Panama City, in 2013,

Stressing the importance of policy coherence and coordination in intergovernmental processes in the area of the promotion and protection of human rights, on the one hand, and of anti-corruption initiatives, on the other,

Stressing also the importance of developing and implementing national legislation on the promotion of access to information and of strengthening the administration of justice, transparency, accountability and good governance at all levels,

Reaffirming the right of every citizen to have access, in general terms of equality, to public service in his/her country as enshrined in article 21 of the Universal Declaration of Human Rights and article 25 (c) of the International Covenant on Civil and Political Rights,

Recognizing that a professional, accountable and transparent public service upholding the highest standards of efficiency, competence and integrity is one of the essential components of good governance,

Recognizing also that the knowledge, training and awareness of public servants, as well as the promotion of a human rights culture within the public service, play a vital role in promoting respect for and the realization of human rights in society,

1. *Welcomes* the publication of the report of the United Nations High Commissioner for Human Rights on the role of the public service as an essential component of good governance in the promotion and protection of human rights,²⁴ and takes note with interest of her conclusions and recommendations;

2. *Also welcomes* the growing trend towards the universal ratification of the United Nations Convention against Corruption, and encourages States that have not yet ratified this important international instrument to consider doing so;

²⁴ A/HRC/25/27.

3. *Underlines* that the primary responsibility lies with States at the national level, including through their constitutional provisions and other enabling legislation, consistent with their international obligations, to ensure that professional public services uphold the highest standards of efficiency, competence and integrity, and are predicated on good governance principles, including impartiality, rule of law, transparency, accountability and combating corruption, and stresses the importance of human rights training and education in this regard;

4. *Invites* the Secretary-General to ensure the upholding of the integrity of the United Nations system in its service of humanity, and improved coordination between United Nations agencies, programmes and funds, with a view to ensuring that the United Nations system continues to improve the quality of its work at all levels, including in support of objectives and priorities at the national level;

5. *Requests* the High Commissioner to organize, at the thirtieth session of the Human Rights Council, a panel discussion on a human rights-based approach to good governance in the public service, and to liaise with States, relevant United Nations bodies, agencies and programmes, treaty bodies, special procedures and regional human rights mechanisms, as well as with civil society, including non-governmental organizations, and national human rights institutions, with a view to ensuring their contribution to the panel discussion;

6. *Also requests* the High Commissioner to prepare a report on the panel discussion in the form of a summary report, and to present it to the Human Rights Council at its thirty-first session.

*54th meeting
27 March 2014*

[Adopted without a vote.]

25/9

The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Guided by the Universal Declaration of Human Rights, the Declaration on the Right to Development, the Vienna Declaration and Programme of Action and other relevant human rights instruments,

Recalling General Assembly resolutions 60/251 of 15 March 2006, 62/219 of 22 December 2007 and 65/281 of 17 June 2011, and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 11/11 of 18 June 2009 and 16/21 of 25 March 2011,

Recalling also General Assembly resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001, 57/244 of 20 December 2002, 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/1 of 16 September 2005, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009, 65/1 of 22 September 2010, 65/169 of 20 December 2010, 67/192 of 20 December 2012 and 68/195 of 18 December 2013,

Recalling further Human Rights Council resolutions 17/23 of 17 June 2011, 19/38 of 23 March 2012 and 22/12 of 21 March 2013,

Welcoming the entry into force on 14 December 2005 of the United Nations Convention against Corruption,

Reiterating the commitment to ensure the effective enjoyment of all civil, political, economic, social and cultural rights for everyone, including the right to development, and the obligation of all States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Reaffirming that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law, and that in no case may a people be deprived of its own means of subsistence,

Recognizing that fighting corruption at all levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication, the fight against hunger, and economic and sustainable development,

Alarmed at cases in which the proceeds of corruption-related crimes that involve vast quantities of assets may constitute a substantial proportion of the resources of States, the deprivation of which threatens the political stability and sustainable development of those States and has a negative impact on the application by States of the maximum available resources to the full realization of all human rights for all,

Deeply concerned that the enjoyment of human rights, be they economic, social and cultural, or civil and political, in particular the right to development, is seriously undermined by corruption and the transfer of funds of illicit origin, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development, especially when an inadequate national and international response leads to impunity,

Recalling the United Nations Convention against Corruption, underlining its central role in fostering international cooperation to facilitate the repatriation of the proceeds of corruption-related crimes, and stressing the need for universal adherence to the Convention and for its full implementation, as well as the full implementation of the resolutions and decisions of the Conference of the States Parties to the Convention, particularly those adopted at its fourth and fifth sessions,

Recalling also that the United Nations Convention against Corruption underlines that States parties should not decline to render mutual legal assistance, pursuant to the Convention, including on the ground of bank secrecy,

Taking note of the work carried out by different United Nations bodies, including the United Nations Office on Drugs and Crime, as well as international and regional organizations, in preventing and combating all forms of corruption,

Encouraging all relevant United Nations mechanisms to continue their consideration of the negative impact of illicit financial flows on the enjoyment of human rights, to further explore policy responses to the phenomenon and to coordinate their efforts in this regard,

Recognizing that supportive domestic legal systems are essential in preventing and combating corrupt practices and the transfer of assets of illicit origin and in returning such assets, and recalling that the fight against all forms of corruption requires strong institutions at all levels, including at the local level, able to take efficient preventive and law enforcement measures consistent with the United Nations Convention against Corruption, in particular chapters II and III thereof,

Appreciating the continued efforts of the Conference of the States Parties to the United Nations Convention against Corruption, through its various intergovernmental working groups, to oversee the review process of the implementation of the Convention, to advise on the provision of technical assistance for building institutional and human capacity in States parties for the prevention of corruption, and to enhance international cooperation, including in the repatriation of funds of illicit origin,

Affirming the responsibilities of requesting and requested States in the repatriation of funds of illicit origin, cognizant that countries of origin must seek repatriation as part of their duty to ensure the application of the maximum available resources to the full realization of all human rights for all, including the right to development, address human rights violations and combat impunity, and that recipient countries, on the other hand, have a duty to assist and facilitate repatriation, including through judicial assistance, as part of their obligation of international cooperation and assistance under chapters IV and V of the United Nations Convention against Corruption and in the field of human rights,

Recalling that article 2.1 of the International Covenant on Economic, Social and Cultural Rights notes the need for each State party to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, and article 3.3 of the Declaration on the Right to Development, which notes that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Affirming the commitment made at the 2005 World Summit and the 2010 high-level plenary meeting of the General Assembly on the Millennium Development Goals to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds,

Concerned at the difficulties, in particular the practical difficulties, that both requested and requesting States face in the repatriation of funds of illicit origin, taking into account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulties of providing information establishing a link between the proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases may be difficult to prove, bearing in mind that everyone charged with a criminal offence has the right to be presumed innocent until proven guilty according to law,

Acknowledging the progress made towards the implementation of the United Nations Convention against Corruption, while recognizing that States continue to face challenges in recovering funds of illicit origin owing to, inter alia, differences in legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of funds of illicit origin, and noting the particular challenges in recovering them in cases involving individuals who are or have been entrusted with prominent public functions and their family members and close associates, and recognizing also that legal difficulties are often exacerbated by factual and institutional obstacles,

Noting with serious concern that, as highlighted in the interim report by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights,²⁵ despite the scarcity of available public data, most illicit financial outflows are from developing countries and that, despite increased efforts by the

²⁵ A/HRC/22/42 and Corr.1.

international community to curb the flow of illicit funds, recent studies indicate that such flows grew in real terms by an annual average of 8.6 per cent, exceeding the average rate of economic growth in developing countries, over the period 2001 to 2010, and it is estimated that developing countries lost between 783 billion and 1,138 billion United States dollars in illicit financial outflows in 2010, while, as indicated in the comprehensive study prepared by the United Nations High Commissioner for Human Rights on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, in particular economic, social and cultural rights,²⁶ only about 2 per cent of the estimated funds of illicit origin annually leaving the developing world are repatriated to their countries of origin,

Noting with serious concern also that, as highlighted by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights in his final report,²⁷ while official development assistance remains an important source of finance for poverty alleviation and development, the substantial amounts lost to illicit financial flows — estimated at 946.7 billion dollars in 2011 — could help the efforts of developing countries to mobilize domestic resources for poverty alleviation, development and realization of human rights, and to reduce their dependence on external financing, which can lead to the erosion of ownership of national development agendas,

Noting the particular concern of developing countries and countries with economies in transition regarding the return of assets of illicit origin derived from corruption, in particular to countries from which they originated, consistent with the principles of the United Nations Convention against Corruption, in particular chapter V thereto, so as to enable countries to design and fund development projects in accordance with their national priorities in view of the importance that such assets can have to their sustainable development,

Convinced that the illicit acquisition of personal wealth can be particularly damaging to democratic institutions, national economies and the rule of law, and stressing that any resource that the State is deprived of because of corruption has potentially the same negative effect, regardless of whether it is exported or domestically retained,

1. *Takes note with appreciation* of the comprehensive study prepared by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;²⁷

2. *Calls upon* all States that have not yet acceded to the United Nations Convention against Corruption to consider doing so as a matter of priority;

3. *Calls upon* States to consider enacting legislation to address offences by business enterprises, including multinational corporations, which deprive Governments of legitimate domestic sources of revenue for the implementation of their development agendas;

4. *Asserts* the urgent need to repatriate illicit funds to the countries of origin without conditionalities, in accordance with the United Nations Convention against Corruption and in line with the commitments made at the 2005 World Summit and the 2010 high-level plenary meeting of the General Assembly on the Millennium Development Goals to make the fight against corruption a priority at all levels and to curb the illicit

²⁶ A/HRC/19/42 and Corr.1.

²⁷ A/HRC/25/52.

transfer of funds, and urges all States to step up their efforts to trace, freeze and recover those funds;

5. *Acknowledges* the importance of compliance with international human rights law in relation to the repatriation of funds of illicit origin by, inter alia, promoting human rights-based policy coherence in the deliberations and actions by States Members of the Human Rights Council and in the intergovernmental process of implementing the United Nations Convention against Corruption;

6. *Invites* the Conference of the States Parties to the United Nations Convention against Corruption to consider ways of adopting a human rights-based approach in the implementation of the Convention, including when dealing with the repatriation of funds of illicit origin, and appreciates the continued efforts of the Open-ended Intergovernmental Working Group on Asset Recovery of the Conference to assist States parties in fulfilling their obligations under the Convention to prevent, detect and deter in a more effective manner the international transfer of funds of illicit origin and to strengthen international cooperation in asset recovery, bearing in mind that, regardless of the capacities, resources and willingness of the requesting State's institutions and authorities, there is a victim society that is suffering the consequences of the transfer of those funds;

7. *Welcomes* the decision made at the fifth session of the Conference of the States Parties to the United Nations Convention against Corruption to renew the mandate of open-ended intergovernmental expert meetings on international cooperation to advise and assist States with regard to extradition and mutual legal assistance, and notes with appreciation the Stolen Assets Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime, and encourages coordination among existing initiatives;

8. *Calls upon* States to consider establishing an intergovernmental working group on the negative impact of illicit financial flows on the enjoyment of human rights, and to further explore policy responses to the phenomenon;

9. *Realizes* that, while illicit financial outflows from the least developed countries may account for only a small portion of all outflows of funds of illicit origin worldwide, they have a particularly negative impact on social development and the realization of social, economic and cultural rights in these countries, given the size of their economies, and expresses deep concern that such outflows, as estimated by the United Nations Development Programme, exceed the total official development assistance received by many of the least developed countries and, in some cases, surpass their debt service payments;

10. *Underscores* that the repatriation of funds of illicit origin would provide States that have undergone regime change with a further opportunity to improve the realization of economic, social and cultural rights and to fulfil their obligation to meet the legitimate aspirations of their peoples;

11. *Acknowledges* the important role that civil society can play in exposing corruption and drawing attention to the negative impact of the non-repatriation of funds of illicit origin on the rule of law and the realization of economic, social and cultural rights, and reiterates in this context the obligation of States to protect reporting persons in accordance with article 33 of the United Nations Convention against Corruption and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

12. *Welcomes* recent national initiatives to adopt anti-money-laundering legislation as an important step in the fight against corruption and the willingness demonstrated by some States to cooperate in facilitating the repatriation of funds of illicit

origin, and calls for more robust regulations in this regard, including through the implementation of policies aimed at reducing the flow of funds of illicit origin, ensuring their repatriation and the provision of technical assistance to developing countries;

13. *Calls for* further international cooperation through, inter alia, the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, in accordance with the principles of the United Nations Convention against Corruption, and in this regard encourages close cooperation at the national and international levels between anti-corruption agencies, law enforcement agencies and financial intelligence units;

14. *Calls upon* all States requested to repatriate funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and to acknowledge that, in fulfilling their obligations in this regard under the United Nations Convention against Corruption, they also have a responsibility towards societies affected by corruption to make every effort to achieve the repatriation of funds of illicit origin to the countries of origin in order to diminish the negative impact of non-repatriation, including on the enjoyment of human rights, in particular economic, social and cultural rights in the countries of origin by, inter alia, lowering the barriers imposed on requiring jurisdictions at the tracing stage and enhancing cooperation in this regard between anti-corruption agencies, law enforcement agencies and financial intelligence units, in particular taking into account the risks of dissipation of those funds and, where appropriate, by delinking confiscation measures from a requirement of conviction in the country of origin;

15. *Calls upon* all States requesting the repatriation of funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and to apply the principles of accountability, transparency and participation in the decision-making process regarding the allocation of repatriated funds to the realization of economic, social and cultural rights in order to improve prevention and detection procedures, correct identified weaknesses or mismanagement, prevent impunity, provide effective remedies directed at creating conditions for avoiding new human rights violations and improve the overall administration of justice;

16. *Reaffirms* that it is the obligation of the State to investigate and prosecute corruption, calls upon all States to strengthen criminal proceedings directed at freezing or restraining funds of illicit origin, and encourages requesting States to ensure that adequate national investigative procedures have been initiated and substantiated for the purpose of presenting mutual legal assistance requests and, in this context, encourages requested States to provide information on legal frameworks and procedures to the requesting State;

17. *Underlines* that there is also a corporate responsibility to comply with and respect all applicable laws and human rights, and a need for greater access to effective remedies by victims in order to realize effective prevention of, and remedy for, business-related human rights harm, as set out in the Guiding Principles on Business and Human Rights;²⁸

18. *Stresses the need* for transparency in financial institutions and effective due diligence measures to be applied by financial intermediaries, calls upon States to seek appropriate means in accordance with their international obligations to ensure the cooperation and responsiveness of financial institutions to foreign requests to freeze and recover funds of illicit origin and the provision of an efficient mutual legal assistance

²⁸ A/HRC/17/31, annex.

regime to States requesting repatriation of those funds, and encourages the promotion of human and institutional capacity-building in that regard;

19. *Recalls* the importance of the mechanism for the review of implementation of the United Nations Convention against Corruption, and urges State parties to comply with their obligations in the conduct of the country reviews to enhance effective implementation of the Convention as a preventive measure for the outflow of illicit financial flows;

20. *Requests* the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, to continue to consider the impact of illicit financial flows on the enjoyment of human rights as part of the mandate;

21. *Also requests* the Independent Expert to undertake a further study to analyse the negative impact of illicit financial flows on the enjoyment of human rights in the context of the post-2015 development agenda, and to present an interim study to the Human Rights Council at its twenty-eighth session and a final study to the Council at its thirty-first session;

22. *Requests* the High Commissioner to provide all necessary facilities and assistance, from within existing resources, to allow the Independent Expert to carry out the mandate set out in the present resolution in the manner she or he independently plans, including by holding consultations, and calls upon all relevant stakeholders, including States and United Nations bodies and agencies, as well as other international and regional entities, to cooperate fully with the Independent Expert in this regard;

23. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and different forums dealing with the issue of the repatriation of funds of illicit origin within the United Nations system for consideration and necessary action and coordination as appropriate, particularly within the context of the Conference of the States Parties to the United Nations Convention against Corruption;

24. *Decides* to continue its consideration of this matter under the same agenda item.

*54th meeting
27 March 2014*

[Adopted by a recorded vote of 33 to 2, with 12 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Ethiopia, Gabon, India, Indonesia, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Morocco, Namibia, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Japan, United States of America

Abstaining:

Austria, Czech Republic, Estonia, France, Germany, Ireland, Italy, Montenegro, Republic of Korea, Romania, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland]

25/10

Ending violence against children: a global call to make the invisible visible

The Human Rights Council,

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

Emphasizing that the Convention on the Rights of the Child constitutes the standard in the promotion and protection of the rights of the child, bearing in mind the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, and reaffirming its provisions, purposes and principles, in particular its article 19, and the obligations of State parties thereto,

Reaffirming that the general principles of the Convention on the Rights of the Child, including the best interests of the child, non-discrimination, survival, development and participation, provide the framework for all actions concerning children,

Recalling all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly relevant to the issue of violence against children, the most recent being Council resolution 22/32 of 22 March 2013 and Assembly resolution 68/147 of 18 December 2013,

Welcoming the work of the Special Representative of the Secretary-General on Violence against Children to promote the prevention and elimination of all forms of violence against children in all regions and to advance the implementation of the recommendations of the United Nations study on violence against children,²⁹ and taking note with appreciation of her 2013 Global Survey on violence against children,

Taking note with interest of the work done by the Committee on the Rights of the Child in relation to the right of the child to freedom from all forms of violence,

Noting with appreciation the work carried out by all relevant organs, bodies, entities, organizations, agencies, funds, programmes and mechanisms of the United Nations system, within their respective mandates, by relevant regional organizations and by civil society, including non-governmental organizations, to promote and protect the rights of the child and to end violence against children,

Welcoming in this regard the launch in 2013 by the United Nations Children's Fund of the End Violence against Children global initiative "Make the Invisible Visible", and recognizing the role the Human Rights Council can play to support such initiatives, with a view to building awareness of the importance of preventing and ending violence against children, including in the context of the ongoing discussion on the post-2015 development agenda,

Recognizing the serious immediate and long-term consequences of violence on children, both physical and psychological, affecting their development and their ability to learn and socialize,

Reaffirming that States have the primary responsibility to promote and protect human rights and to take appropriate measures to protect the child from all forms of physical or mental violence,

²⁹ A/61/299.

Recognizing that the family has the primary responsibility for the nurturing and protection of children, in the best interests of the child, and that children, for the full and harmonious development of their personality, should grow up in a society, in a family environment and in an atmosphere of happiness, love, understanding and non-violence,

Stressing that, in order to prevent violence against children and to effectively respond to the need to combat all forms and manifestations of such violence in all settings, it is crucial to mobilize State institutions, national human rights institutions, civil society and other relevant stakeholders to make it visible, and to undertake actions and measures to ensure children's protection from violence, including through appropriate legislative measures,

1. *Strongly condemns* all forms of violence against children, and reaffirms that these are unjustifiable and preventable;

2. *Urges* States to protect children from all forms of violence or abuse in all settings, to give priority to prevention and to raise awareness of the negative effects of violence against children, as well as to strive to change attitudes that condone or normalize any form of violence against children;

3. *Decides* to convene, at its twenty-seventh session, a panel discussion on ways and means of accelerating global efforts to end violence against children, with a particular focus on how to better prevent violence and protect children as a global priority and cross-cutting concern, and to share best practices and lessons learned in this regard;

4. *Requests* the United Nations High Commissioner for Human Rights to organize the panel discussion and to liaise with States, the Special Representative of the Secretary-General on Violence against Children, the United Nations Children's Fund and relevant United Nations bodies, agencies, treaty bodies and special procedures and regional human rights mechanisms, as well as civil society, including non-governmental organizations and national human rights institutions, with a view to ensuring their participation in the panel discussion;

5. *Also requests* the High Commissioner to prepare a summary report on the discussions of the panel, and to submit it to the Human Rights Council before its twenty-eighth session.

*54th meeting
27 March 2014*

[Adopted without a vote.]

25/11

Question of the realization in all countries of economic, social and cultural rights

The Human Rights Council,

Guided by the principles of economic, social and cultural rights enshrined in international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome and General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and

recalling also that the promotion and protection of one category of rights should never exempt States from the promotion and protection of the other rights,

Recalling also the United Nations Millennium Declaration, in which the Heads of State and Government affirmed their commitment to spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development,

Recalling further its resolutions on the question of the realization in all countries of economic, social and cultural rights, and the resolutions adopted by the Commission on Human Rights on the same topic,

Reaffirming the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, including particularly the adoption of legislative measures,

Recognizing that the entry into force of, inter alia, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 5 May 2013, is a step forward in strengthening the promotion and protection of economic, social and cultural rights worldwide,

Underlining the imperative need to accelerate efforts towards the achievement of the Millennium Development Goals, and recognizing the crucial importance of giving due consideration to the realization of economic, social and cultural rights in the elaboration of the post-2015 development agenda,

Underlining also the human rights principles of, inter alia, non-discrimination, human dignity, equity, equality, universality and participation, as affirmed in international human rights law and in the Vienna Declaration and Programme of Action, and emphasizing that the rights enunciated in the International Covenant on Economic, Social and Cultural Rights are to be realized in a non-discriminatory manner,

1. *Calls upon* all States to give full effect to economic, social and cultural rights by, inter alia, taking all appropriate measures to implement the Human Rights Council resolutions on the question of the realization in all countries of economic, social and cultural rights, the most recent of which is resolution 22/5 of 21 March 2013;

2. *Calls upon* all States that have not yet signed and ratified the International Covenant on Economic, Social and Cultural Rights to consider doing so, and calls upon States parties to consider reviewing their reservations thereto;

3. *Welcomes* the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 5 May 2013 and the fact that 12 States have become parties to the Optional Protocol, and that 45 have signed it, and encourages all States that have not yet signed and ratified the Optional Protocol to consider doing so and also to consider making declarations under articles 10 and 11;

4. *Takes note with appreciation* of the report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights,³⁰ with a special focus on access to justice relating to violations of economic, social and cultural rights, submitted pursuant to Human Rights Council resolution 22/5, and of the recommendations contained therein;

³⁰ A/HRC/25/31.

5. *Underlines* the importance of an effective remedy for violations of economic, social and cultural rights, and in this regard of judicial, quasi-judicial and other appropriate remedies, including procedures initiated by or on behalf of individuals or, as appropriate, groups of individuals, and of adequate procedures to avoid infringements of such rights;
6. *Encourages* States to ensure that effective judicial, quasi-judicial and other appropriate remedies for violations of economic, social and cultural rights are accessible to everyone without discrimination, including such aspects as physical accessibility, affordability, access to information, equality of access and necessary legal assistance;
7. *Calls upon* States to ensure due process in remedies relating to economic, social and cultural rights;
8. *Welcomes* the steps taken at the national level to implement economic, social and cultural rights, including the enactment of appropriate legislation and adjudication by national courts;
9. *Reiterates* that respect for and the promotion and protection of human rights are an integral part of effective work towards achieving internationally agreed development goals, including the Millennium Development Goals, and emphasizes the central role of the United Nations in enhancing global partnerships for development with a view to creating a supportive global environment for the attainment of the Millennium Development Goals, as well as the importance of giving due consideration to equality, social protection and accountability in the context of the realization of economic, social and cultural rights in the elaboration of the post-2015 development agenda;
10. *Underlines* the importance of the joint United Nations Social Protection Floor Initiative for the realization of economic, social and cultural rights, and in this regard acknowledges the adoption by the International Labour Conference of recommendation No. 202 (2012) concerning national floors of social protection;
11. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the submission of general comments and the consideration of periodic reports;
12. *Also notes with interest* the work of other relevant treaty bodies and special procedures in the promotion and protection of economic, social and cultural rights within their respective mandates;
13. *Encourages* enhanced cooperation and, as appropriate, increased coordination between the Committee on Economic, Social and Cultural Rights and United Nations bodies, specialized agencies and programmes, mechanisms of the Human Rights Council and other human rights treaty bodies whose activities have a bearing on economic, social and cultural rights, in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;
14. *Recognizes and encourages* the important contributions of regional organizations, national human rights institutions and civil society, including non-governmental organizations and academic and research institutions, to the question of the realization and enjoyment of economic, social and cultural rights;
15. *Welcomes* the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, mainly through technical cooperation, the work of its field offices, its relevant reports to United Nations bodies, the development of in-house expertise, including on human rights indicators, and its publications and studies on related issues;

16. *Requests* the Secretary-General to continue to prepare and submit to the Human Rights Council an annual report on the question of the realization in all countries of economic, social and cultural rights under agenda item 3, with a special focus on the importance of social protection floors for the realization of economic, social and cultural rights;

17. *Decides* to remain seized of this issue and to consider taking further action in order to implement the present resolution.

*54th meeting
27 March 2014*

[Adopted without a vote.]

25/12 Freedom of religion or belief

The Human Rights Council,

Recalling General Assembly resolution 36/55 of 25 November 1981, by which the General Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

Recalling further Human Rights Council resolution 22/20 of 22 March 2013, and other resolutions adopted by the Council, the General Assembly and the Commission on Human Rights on the freedom of religion or belief or the elimination of all forms of intolerance and of discrimination based on religion or belief,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling that States have the primary responsibility to promote and protect human rights, including the human rights of persons belonging to religious minorities, including their right to exercise their religion or belief freely,

Deeply concerned at continuing acts of intolerance and violence based on religion or belief against individuals, including persons belonging to religious communities and religious minorities around the world,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of and its respect for diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt, a religion or belief of one's choice and the freedom, either alone or in community with others and in public or private, and to manifest one's religion or belief in teaching, practice, worship and observance, including the right to change one's religion or belief;

2. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses further the role that these

rights can play in the fight against all forms of intolerance and discrimination based on religion or belief;

3. *Expresses deep concern* at emerging obstacles to the enjoyment of the right to freedom of religion or belief, as well as instances of religious intolerance, discrimination and violence, inter alia:

(a) The increasing number of acts of violence directed against individuals, including persons belonging to religious minorities in various parts of the world;

(b) The rise of religious extremism in various parts of the world that affects the rights of individuals, including persons belonging to religious minorities;

(c) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by derogatory stereotyping, negative profiling and the stigmatization of individuals on the basis of their religion or belief;

(d) Instances, both in law and in practice, that constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights, as well as other international instruments;

(e) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all, without distinction;

(f) Attacks on religious places, sites and shrines, as well as vandalism of cemeteries, in violation of international law, in particular international human rights law and international humanitarian law;

4. *Condemns* all forms of violence, intolerance and discrimination based on or in the name of religion or belief, and violations of the freedom of thought, conscience, religion or belief, as well as any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

5. *Also condemns* violence and acts of terrorism, which are increasing in number, targeting individuals, including persons belonging to religious minorities across the world;

6. *Emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious community concerned;

7. *Also emphasizes* that States should exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

8. *Urges* States to step up their efforts to promote and protect freedom of thought, conscience and religion or belief, and to this end:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all, without distinction, by, inter alia, the provision of access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief, or the right to freely practise one's religion, including the right to change one's religion or belief, is violated;

- (b) To implement all accepted universal periodic review recommendations relating to the promotion and protection of freedom of religion or belief;
- (c) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief, and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations of these rights;
- (d) To end violations of the human rights of women, and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;
- (e) To ensure that no one is discriminated against on the basis of his or her religion or belief in their access to, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;
- (f) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all individuals to manifest their religion or belief, either alone or in community with others and in public or private;
- (g) To ensure that no official documents are withheld from the individual on the grounds of religion or belief, and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;
- (h) To ensure, in particular, the right of all individuals to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all individuals to seek, receive and impart information and ideas in these areas;
- (i) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all individuals, including persons belonging to religious minorities, to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;
- (j) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;
- (k) To take all necessary and appropriate action, in conformity with international human rights obligations, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as any advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence, with particular regard to persons belonging to religious minorities in all parts of the world;
- (l) To promote, through the educational system and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in society at large, a wider knowledge of different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;
- (m) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and

fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

9. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among individuals of, and within, different religions and beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and takes note with appreciation of different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

10. *Welcomes and encourages* the continuing efforts of all actors in society, including civil society organizations, religious communities, national human rights institutions, the media and other actors to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

11. *Calls upon* States to make use of the potential of education for the eradication of prejudices against and stereotypes of individuals on the basis of their religion or belief;

12. *Welcomes* the thematic report presented by the Special Rapporteur on freedom of religion or belief on the need to tackle manifestations of collective religious hatred,³¹ and the recommendations therein;

13. *Also welcomes* the work of the Special Rapporteur, and concludes that there is a need for the continued contribution of the Special Rapporteur to the promotion, protection and universal implementation of the right to freedom of religion or belief;

14. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to his requests to visit their countries and to provide him with all necessary information to enable him to fulfil his mandate even more effectively;

15. *Requests* the Special Rapporteur to report annually to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

16. *Decides* to remain seized of this question under the same agenda item and to continue its consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

*54th meeting
27 March 2014*

[Adopted without a vote.]

25/13

Torture and other cruel, inhuman or degrading treatment or punishment: mandate of the Special Rapporteur

The Human Rights Council,

Reaffirming that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment,

³¹ A/HRC/25/58.

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law that must be respected and protected under all circumstances, including in times of international and internal armed conflict or internal disturbance or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in the relevant international instruments, and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

Recalling also that the prohibition of torture is a peremptory norm of international law, and that international, regional and domestic courts have recognized the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

Recognizing the importance of the work of the Special Rapporteur in the prevention and fight against torture and other cruel, inhuman or degrading treatment or punishment,

Appreciating the overall dedication of the Special Rapporteur in fulfilling the mandate,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the 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,

Recalling also all relevant resolutions of the General Assembly, the Economic and Social Council, the Human Rights Council and the Commission on Human Rights,

1. *Decides* to extend the mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for a further period of three years:

(a) To seek, receive, examine and act on information from Governments, intergovernmental and civil society organizations, individuals and groups of individuals regarding issues and alleged cases concerning torture or other cruel, inhuman or degrading treatment or punishment;

(b) To conduct country visits with the consent or at the invitation of Governments and to enhance further dialogue with them, as well as to follow up on recommendations made in reports after visits to their countries;

(c) To study, in a comprehensive manner, trends, developments and challenges in relation to combating and preventing torture and other cruel, inhuman or degrading treatment or punishment, and to make recommendations and observations concerning appropriate measures to prevent and eradicate such practices;

(d) To identify, exchange and promote best practices on measures to prevent, punish and eradicate torture and other cruel, inhuman or degrading treatment or punishment;

(e) To integrate a gender perspective and a victim-centred approach throughout the work of his or her mandate;

(f) To continue to cooperate with the Committee against Torture, the Subcommittee on Prevention of Torture and relevant United Nations mechanisms and bodies and, as appropriate, regional organizations and mechanisms, national human rights institutions, national preventive mechanisms and civil society, including non-governmental organizations, as well as to contribute to the promotion of strengthened cooperation among the above-mentioned actors;

(g) To report on all of his or her activities, observations, conclusions and recommendations to the Human Rights Council in accordance with its programme of work,

and annually on overall trends and developments with regard to his or her mandate to the General Assembly, with a view to maximizing the benefits of the reporting process;

2. *Urges* States:

(a) To fully cooperate with and assist the Special Rapporteur in the performance of his or her task, to supply all necessary information requested by him or her and to fully and expeditiously respond to his or her urgent appeals, and urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

(b) To respond favourably to the Special Rapporteur's requests to visit their countries, and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries;

(c) To ensure, as an important element in preventing and combating torture and other cruel, inhuman and degrading treatment or punishment, that no authority or official orders, applies, permits or tolerates any sanction, reprisal, intimidation or other prejudice against any person, group or association, including persons deprived of their liberty, for contacting, seeking to contact or having been in contact with the Special Rapporteur or any other international or national monitoring or preventive body active in the prevention and combat of torture and other cruel, inhuman or degrading treatment or punishment;

(d) To ensure proper follow-up to the recommendations and conclusions of the Special Rapporteur;

(e) To adopt a victim-centred and gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to gender-based violence that constitutes torture or other cruel, inhuman or degrading treatment or punishment;

(f) To ensure appropriate follow-up to conclusions, recommendations, requests for further information and views on individual communications of the relevant treaty bodies, including the Committee against Torture and the Subcommittee on Prevention of Torture;

(g) To become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority, and to consider signing and ratifying the Optional Protocol thereto and to designating or establishing independent and effective national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment in a timely manner;

(h) To consider providing adequate support to the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. *Takes note with appreciation* of the report of the Special Rapporteur;³²

4. *Requests* the Secretary-General to ensure, from within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and the facilities and resources necessary for the Special Rapporteur, bearing in mind the strong support expressed by Member States for preventing and combating torture and assisting victims of torture;

³² A/HRC/25/60.

5. *Decides* to continue to consider this matter in conformity with its annual programme of work.

*54th meeting
27 March 2014*

[Adopted without a vote.]

25/14

The right to food

The Human Rights Council,

Recalling all previous resolutions of the General Assembly and the Human Rights Council on the right to food, as well as all resolutions of the Commission on Human Rights on the issue,

Recalling also the seventh special session of the Human Rights Council, at which the Council analysed the negative impact of the worsening of the world food crisis on the realization of the right to food for all, and Council resolutions S-7/1 of 22 May 2008, 9/6 of 18 September 2008 and 12/10 of 1 October 2009,

Recalling further the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration, in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the right of everyone to adequate food, including the fundamental right of every person to be free from hunger, is recognized,

Bearing in mind the Rome Declaration on World Food Security, the World Food Summit Plan of Action and the Declaration of the World Food Summit, adopted on 13 June 2002, the Declaration of the World Summit on Food Security, adopted on 16 November 2009, and the Marrakesh Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least Developed and Net Food-importing Countries, adopted on 15 April 1994,

Reaffirming the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,

Acknowledging that the right to food is the right of every individual, alone or in community with others, to have physical and economic access at all times to sufficient, adequate and culturally acceptable food that is produced and consumed sustainably, preserving access to food for future generations,

Reaffirming the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security, adopted on 16 November 2009,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming further that a peaceful, stable and enabling political, social and economic environment, at both the national and international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

Recognizing that, despite the efforts made, the problems of hunger, food insecurity and malnutrition have a global dimension and that there has been insufficient progress made in reducing hunger, and that they could increase dramatically in some regions unless urgent, determined and concerted action is taken,

Recognizing also the complex character of the global food crisis, in which the right to food is threatened to be violated on a substantial scale, as a combination of several major factors, such as the global financial and economic crisis, environmental degradation, desertification and the impacts of global climate change, as well as natural disasters and the lack of development in many countries and transfer of relevant technology to address this issue, particularly in developing countries, least developed countries and small island and vulnerable developing States, that are having a negative impact on the realization of the right to food, in particular in the said countries,

Convinced that the elimination of the current distortions in the agricultural trading system will allow local producers and poor farmers to compete and sell their products, thereby facilitating the realization of the right to adequate food,

Resolved to act to ensure that the full realization of all human rights, including the right to development, is taken into account at the national, regional and international levels in addressing the global food crisis,

Recognizing the importance and positive role of smallholder farmers, including women farmers, family farmers and farmers in less favoured areas, cooperatives and indigenous and local communities in developing countries,

Expressing its deep concern at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

Stressing the importance of reversing the substantial decline in assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

Recalling the pledges made to increase official development assistance devoted to agriculture, as well as that the realization of the right to food not only entails a sustainable increase in productivity but also a holistic approach that includes a focus on smallholder and traditional farmers, in particular women farmers, family farmers and farmers in less

favoured areas, and groups in the most vulnerable situations, as well as national and international policies that are conducive to the realization of this right,

Recognizing the need to increase sustainable private and public investments in agriculture from all relevant sources for the realization of the right to food,

Recalling the endorsement of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security by the Committee on World Food Security at its thirty-eighth session, held on 11 May 2012, and by the Council of the Food and Agriculture Organization of the United Nations at its 144th session,

Recalling also the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, endorsed by the General Assembly in its resolution 66/288 on 27 July 2012,

Recognizing the ongoing inclusive consultative process within the Committee on World Food Security to develop voluntary and non-binding principles for responsible agricultural investments, intended for all stakeholders that are involved in, benefit from or are affected by those principles,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Considers it intolerable* that, as estimated by the United Nations Children’s Fund, more than one third of the children who die every year before the age of 5 do so from hunger-related illness, that, as estimated by the Food and Agriculture Organization of the United Nations, the number of people who are chronically undernourished is about 842 million worldwide, and that an additional 1 billion people are suffering from serious malnutrition, including as a result of the global food crisis, while, according to the latter organization, the planet could produce enough food to feed everyone around the world;

4. *Expresses its deep concern* that, according to the report of the Food and Agriculture Organization of the United Nations entitled *The State of Food Insecurity in the World 2013*, the number of hungry people in the world remains unacceptably high and 98 per cent of undernourished people in the world live in developing countries;

5. *Expresses its concern* at the fact that the effects of the world food crisis continue to have serious consequences for the poorest and most vulnerable people, particularly in developing countries, which have been further aggravated by the world financial and economic crisis, and at the particular effects of this crisis on many net food-importing developing countries, especially on least developed countries;

6. *Also expresses its concern* that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

7. *Encourages* all States to take action to address de jure and de facto gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to social protection and to

resources, including income, land and water and their ownership, as well as full and equal access to education, science and technology, to enable them to feed themselves and their families;

8. *Recognizes* the importance of smallholder and subsistence farmers in developing countries, including women and local and indigenous communities, in ensuring food security, reducing poverty and preserving ecosystems, and the need to assist their development;

9. *Encourages* the Special Rapporteur on the right to food to continue to mainstream a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms that address the right to food and food insecurity to integrate into, and effectively implement a gender perspective and a human rights perspective in, their relevant policies, programmes and activities regarding access to food;

10. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive and accessible to persons with disabilities;

11. *Encourages* States to take steps with a view to progressively achieve the full realization of the right to food for all, and to take steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food and, where appropriate, to consider establishing appropriate institutional mechanisms and to adopt national plans to combat hunger;

12. *Underlines* the significance of national government policies and strategies in food production, poverty alleviation and social protection;

13. *Recognizes* the advances made through South-South cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food, and encourages States to increase such cooperation as a complement to North-South cooperation and to promote triangular cooperation further;

14. *Recognizes* the importance of traditional sustainable agricultural practices, inter alia, traditional seed supply systems, including for many indigenous peoples and local communities;

15. *Stresses* that the primary responsibility of States is to promote and protect the right to food and that the international community should provide, through a coordinated response and upon request, international cooperation in support for national and regional efforts by providing the assistance necessary to increase food production and access to food, particularly through agricultural development assistance, the transfer of technology, food crop rehabilitation assistance and food aid ensuring food security, with special attention to the specific needs of women and girls, support for the development of adapted technologies, research on rural advisory services and support for access to financing services, and ensure support for the establishment of secure land tenure systems;

16. *Calls upon* States parties to the International Covenant on Economic, Social and Cultural Rights to fulfil their obligations under article 2, paragraph 1 and article 11, paragraph 2 thereof, in particular with regard to the right to adequate food;

17. *Calls upon* States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders, to take all the measures necessary to ensure the realization of the right to food as an essential human rights objective, and to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;

18. *Stresses* that improving access to productive resources and investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, through, inter alia, the promotion of investments in appropriate, small-scale irrigation and water management technologies in order to reduce vulnerability to droughts, as well as in programmes, practices and policies to scale up agroecological approaches;

19. *Recognizes* that 80 per cent of hungry people live in rural areas and 50 per cent are small-scale farm-holders, and that these people are especially vulnerable to food insecurity given the increasing cost of inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools for promoting land and agrarian reform, rural credit and insurance, technical assistance and other associated measures to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises, including through the facilitation of access of their products to national and international markets and empowerment of small producers, particularly women, in value chains, is a key element for food security and the provision of the right to food;

20. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and in this regard calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;

21. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples, and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concern over the obstacles and challenges they face to the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

22. *Requests* all States and private actors, and international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in ongoing negotiations in different fields;

23. *Encourages* all relevant international organizations and agencies to bring a human rights perspective and the need for the realization of the right to food for all to their studies, research, reports and resolutions on the issue of food security;

24. *Recognizes* the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with affected countries, towards the full realization and protection of the right to food and, in particular, to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

25. *Takes note with appreciation* of the growing movement, in different regions of the world, towards the adoption of framework laws, national strategies and measures in support of the full realization of the right to food for all;

26. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

27. *Calls for* the early conclusion to and a successful, development-oriented outcome of the Doha Round of trade negotiations of the World Trade Organization as a

contribution to creating international conditions permitting the full realization of the right to food;

28. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

29. *Encourages* the Special Rapporteur to continue to cooperate with States in order to enhance the contribution of development cooperation and food aid to the realization of the right to food, within existing mechanisms, taking into account the views of all stakeholders;

30. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

31. *Recognizes* that the commitments made at the World Food Summit in 1996 to halve the number of people who are undernourished are not being fulfilled, while recognizing the efforts of Member States in that regard, and urges all States and international financial and development institutions, as well as relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the number, or at least the proportion, of people who suffer from hunger, as stated in Millennium Development Goal 1, as well as the right to food, as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

32. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other diseases;

33. *Calls upon* all States and, if appropriate, relevant international organizations:

(a) To combat the different forms of malnutrition as a means to realize the right to adequate food, including, if appropriate, by adopting a national strategy in this regard;

(b) To take measures and support programmes that are aimed at combating the irreversible effects of chronic undernutrition in early childhood, in particular by targeting the first thousand days of a child's life;

(c) To support the national plans and programmes of countries to improve nutrition in poor households, in particular plans and programmes that are aimed at combating undernutrition in mothers and children, and those targeting the irreversible effects of chronic undernutrition in early childhood, from gestation to the age of 2 years;

34. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

35. *Stresses* the importance of international cooperation and development assistance as an effective contribution to both the expansion and improvement of agriculture and its environmental sustainability, and the provision of humanitarian food assistance in activities relating to emergency situations for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

36. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to promote such policies and projects that have a positive

impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

37. *Encourages* the Special Rapporteur on the right to food and the Working Group on the issue of human rights and transnational corporations and other business enterprises to cooperate on the subject of the contribution of the private sector to the realization of the right to food, including the importance of ensuring sustainable water resources for human consumption and agriculture;

38. *Encourages* the Special Rapporteur to continue his collaboration with relevant international organizations and United Nations agencies, programmes and funds, in particular the Rome-based ones, including the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the World Food Programme, in order to contribute to ensuring that the right to food is promoted further within these organizations, in accordance with their respective mandates, including for the advancement of smallholders and agricultural workers in both developing and least developed countries;

39. *Expresses concern* at the negative impact on the full enjoyment of the right to adequate food of insufficient purchasing power and the increased price volatility of agricultural commodities on international markets, particularly on people in developing countries and on net food-importing countries;

40. *Stresses* the need to address the root causes of excessive food price volatility, including its structural causes, at all levels, and the need to manage the risks linked to still high and excessively volatile prices in agriculture commodities and their consequences for global food security and nutrition, as well as for smallholder farmers and poor urban dwellers;

41. *Reaffirms* that all States should take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of the right to food by all appropriate means, including particularly the adoption of legislative measures;

42. *Encourages* the Special Rapporteur, within his existing mandate, to explore, in consultation with Member States and relevant stakeholders, ways and means of raising the capacity of countries, particularly developing countries, including least developed and net food-importing developing countries, to ensure the realization and protection of the right to adequate food for their populations, and to report on his findings to the Human Rights Council;

43. *Welcomes* the report of the Special Rapporteur;³³

44. *Supports* the fulfilment of the mandate of the Special Rapporteur, as established by the Human Rights Council in its resolution 6/2 of 27 September 2007, and takes note with appreciation of the work conducted by the Special Rapporteur in the fulfilment of the mandate;

45. *Requests* the Special Rapporteur, as part of the mandate, to continue to monitor the evolution of the world food crisis and, in the context of the mandate and regular

³³ A/HRC/25/57 and Add.1 and 2.

reports, to keep the Human Rights Council informed of the impact of the crisis on the enjoyment of the right to food and to alert it to possible further actions in this regard;

46. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the continuation of the effective fulfilment of the mandate of the Special Rapporteur;

47. *Welcomes* the continued cooperation of the High Commissioner, the Advisory Committee and the Special Rapporteur, and encourages them to continue their cooperation;

48. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his or her task by supplying all necessary information requested by the mandate holder and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him or her to fulfil his or her mandate more effectively;

49. *Recalls* the requests made by the General Assembly in its resolution 68/177 of 18 December 2013 that the Special Rapporteur submit to the Assembly an interim report at its sixty-ninth session on the implementation of that resolution, and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within the existing mandate;

50. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his or her mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

51. *Requests* the Special Rapporteur to submit a report on the implementation of the present resolution to the Human Rights Council at its twenty-eighth session;

52. *Decides* to continue consideration of this matter under the same agenda item at its twenty-eighth session.

*54th meeting
27 March 2014*

[Adopted without a vote.]

25/15

Promotion of a democratic and equitable international order

The Human Rights Council,

Recalling all previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on this issue, in particular Assembly resolution 65/223 of 21 December 2010 and Council resolutions 8/5 of 18 June 2008, 18/6 of 29 September 2011 and 21/9 of 27 September 2012,

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights and international law,

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and of international law as set forth in Articles 1 and

2 of the Charter and, inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Stressing that the responsibility for managing worldwide economic and social issues, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally and that, in this regard, the central role must be played by the United Nations as the most universal and representative organization in the world,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recognizing that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Emphasizing that democracy is not only a political concept, but that it also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of

society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, the inequitable distribution of wealth, marginalization and social exclusion,

Reaffirming that dialogue among religions, cultures and civilizations could contribute greatly to the enhancement of international cooperation at all levels,

Underlining the fact that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people and that only through broad and sustained efforts, based on our common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Deeply concerned that the current global economic, financial, energy and food crises, resulting from a combination of several major factors, including macroeconomic and other factors, such as environmental degradation, desertification and global climate change, natural disasters and the lack of financial resources and the technology necessary to confront their negative impact in developing countries, particularly in the least developed countries and small island developing States, represent a global scenario that is threatening the adequate enjoyment of all human rights and widening the gap between developed and developing countries,

Stressing that efforts to make globalization fully inclusive and equitable must include policies and measures at the global level that correspond to the needs of developing countries and countries with economies in transition and are formulated and implemented with their effective participation,

Stressing also the need for adequate financing of, and technology transfer to, developing countries, in particular landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change,

Having listened to the peoples of the world, and recognizing their aspirations to justice, to equality of opportunity for all, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Reaffirms* that everyone is entitled to a democratic and equitable international order;

2. *Also reaffirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Declares* that democracy includes respect for all human rights and fundamental freedoms and is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives, and reaffirms the need for universal adherence to and implementation of the rule of law at both the national and international levels;

4. *Reaffirms* the Universal Declaration of Human Rights, in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, as well as the right to choose representatives freely through periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;

5. *Calls upon* all Member States to fulfil their commitment expressed during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity, and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity and all its diversity can globalization be made fully inclusive and equitable;

6. *Reaffirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development, in accordance with the Charter of the United Nations and relevant resolutions of the United Nations;

(b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(c) The right of every human person and all peoples to development;

(d) The right of all peoples to peace;

(e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(f) International solidarity, as a right of peoples and individuals;

(g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principle of full and equal participation in their respective decision-making mechanisms;

(h) The right to equitable participation of all, without any discrimination, in domestic and global decision-making;

(i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(j) The promotion of a free, just, effective and balanced international information and communications order based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(k) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(l) The right of every person and all peoples to a healthy environment and to enhanced international cooperation that responds effectively to the needs for assistance of national efforts to adapt to climate change, particularly in developing countries, and that promotes the fulfilment of international agreements in the field of mitigation;

(m) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in economic, commercial and financial international relations;

(n) The enjoyment by everyone of ownership of the common heritage of mankind in connection to the public right of access to culture;

(o) The shared responsibility of the nations of the world for managing worldwide economic and social development, as well as threats to international peace and security, that should be exercised multilaterally;

7. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

8. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

9. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

10. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of developing countries;

11. *Also reaffirms* the need to continue working urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, in order to correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between developed and developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations;

12. *Further reaffirms* that the international community should devise ways and means to remove the current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

13. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

14. *Takes note* of the report of the Independent Expert on the promotion of a democratic and equitable international order, submitted in compliance with Human Rights Council resolutions 18/6 and 21/9;³⁴

15. *Calls upon* all Governments to cooperate with and assist the Independent Expert in the discharge of his mandate, and to provide him with all the necessary information requested by him in order to enable him to fulfil his duties effectively;

16. *Requests* the United Nations High Commissioner for Human Rights to continue to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the Independent Expert;

17. *Requests* the Independent Expert to submit to the Human Rights Council, at its twenty-seventh session, a report on the implementation of the present resolution;

18. *Invites* the Independent Expert to continue to develop close cooperation with academia, think tanks and research institutes, such as South Centre, and other stakeholders from all regions;

19. *Requests* the human rights treaty bodies, the Office of the High Commissioner, the special mechanisms extended by the Human Rights Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions to its implementation;

20. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

21. *Requests* the Office of the High Commissioner to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations, and to disseminate it on the widest possible basis;

22. *Decides* to continue consideration of this matter under the same agenda item at its twenty-seventh session.

*54th meeting
27 March 2014*

[Adopted by a recorded vote of 30 to 14, with 3 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Benin, Botswana, Brazil, Burkina Faso, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Ethiopia, Gabon, India, Indonesia, Kazakhstan, Kenya, Kuwait, Maldives, Morocco, Namibia, Pakistan, Philippines, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Austria, Czech Republic, Estonia, France, Germany, Ireland, Italy, Japan, Montenegro, Republic of Korea, Romania, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Chile, Mexico, Peru]

³⁴ A/HRC/24/38.

25/16**Mandate of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights**

The Human Rights Council,

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

Reaffirming all resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights,

Reaffirming also Human Rights Council resolution S-10/1 of 23 February 2009 on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the 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,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help to alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people,

Stressing the determination expressed in the United Nations Millennium Declaration to deal comprehensively and effectively with the debt problems of low- and middle-income developing countries through various national and international measures designed to make their debt sustainable in the long term,

Mindful of the role, mandate and activities of other United Nations agencies, funds and programmes in dealing with the issues of foreign debt and international financial obligations,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication and that, for many developing countries and countries with economies in transition, excessive debt servicing has severely constrained their capacity to promote social development and provide basic services to create the conditions for the realization of economic, social and cultural rights,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Affirming that debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty and is an obstacle to sustainable human development, and is thus a serious impediment to the realization of all human rights,

1. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people and, to that end, has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

2. *Recognizes* that structural adjustment reform programmes and policy conditionalities limit public expenditure, impose fixed expenditure ceilings and give inadequate attention to the provision of social services, and that only a few countries manage to achieve sustainable higher growth under these programmes;

3. *Also recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of development goals, including those set out in the United Nations Millennium Declaration, and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

4. *Recalls once again* the call on industrialized countries, as expressed in the Millennium Declaration, to implement the enhanced programme of debt relief for heavily indebted poor countries without further delay and to agree to cancel all official bilateral debts of those countries in return for their making demonstrable commitments to poverty reduction;

5. *Urges* the international community, including the United Nations system, the Bretton Woods institutions and the private sector, to take appropriate measures and actions for the implementation of the pledges, commitments, agreements and decisions of major United Nations conferences and summits, including the Millennium Summit, the World Conference on Human Rights, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the World Conference on Sustainable Development and the International Conference on Financing for Development, in particular those relating to the question of the external debt problem of developing countries, in particular of heavily indebted poor countries, least developed countries and countries with economies in transition;

6. *Reiterates* its request to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

7. *Welcomes* the work and contributions of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, and takes note with appreciation of his latest report submitted to the Human Rights Council;³⁵

³⁵ A/HRC/25/50 and Add.1-3.

8. *Decides* to extend the mandate of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, for a period of three years, and requests the Independent Expert to pay particular attention to:

(a) The effects of foreign debt and the policies adopted to address them on the full enjoyment of all human rights, in particular, economic, social and cultural rights in developing countries;

(b) The impact of foreign debt and other related international financial obligations on the capacity of States to design and implement their policies and programmes, including national budgets that respond to vital requirements for the promotion of the realization of social rights;

(c) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

(d) New developments, actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to economic reform policies and human rights;

(e) Quantification of minimum standards to support the realization of the Millennium Development Goals;

(f) Enhancement of consultations with all relevant stakeholders in the fulfilment of the mandate;

9. *Calls upon* all Governments to cooperate with and assist the Independent Expert in the discharge of his or her mandate, to provide him or her with all the necessary information requested by him or her, and to give serious consideration to responding favourably to his or her requests to visit their countries in order to enable him or her to fulfil his or her duties effectively;

10. *Urges* international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the Independent Expert in the discharge of his or her mandate;

11. *Requests* the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the Independent Expert;

12. *Requests* the Independent Expert to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;

13. *Decides* to continue its consideration of this matter at its twenty-eighth session under the same agenda item.

*54th meeting
27 March 2014*

[Adopted by a recorded vote of 30 to 14, with 3 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Benin, Botswana, Brazil, Burkina Faso, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Ethiopia, Gabon, India, Indonesia, Kazakhstan, Kenya, Kuwait, Maldives, Morocco, Namibia, Pakistan, Philippines, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Austria, Czech Republic, Estonia, France, Germany, Ireland, Italy, Japan, Montenegro, Republic of Korea, Romania, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Chile, Mexico, Peru]

25/17**Adequate housing as a component of the right to an adequate standard of living***The Human Rights Council,*

Reaffirming that international human rights law instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, entail obligations and commitments of States parties in relation to access to adequate housing,

Recalling all previous resolutions adopted by the Commission on Human Rights on the issue of women's equal rights to ownership of, access to and control over land and the equal rights to own property and to adequate housing, including resolution 2005/25 of 15 April 2005,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Recalling further all its previous resolutions, as well as those adopted by the Commission on Human Rights, on the issue of adequate housing as a component of the right to an adequate standard of living, including Council resolution 19/4 of 22 March 2012,

Reaffirming the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and at special sessions of the General Assembly and at their follow-up meetings, inter alia, the Istanbul Declaration on Human Settlements and the Habitat Agenda,³⁶ and the Declaration on Cities and Other Human Settlements in the New Millennium, adopted at the twenty-fifth special session of the Assembly and annexed to its resolution S-25/2 of 9 June 2001,

Noting the work of the United Nations treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights related to adequate housing, including all its relevant general comments,

Recalling the Global Housing Strategy of the United Nations Human Settlements Programme, the principles on housing and property restitution for refugees and displaced persons³⁷ and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security,

³⁶ A/CONF.165/14.

³⁷ E/CN.4/Sub.2/2005/17, annex.

Concerned that more than 860 million people are still living in unserved and unplanned urban poor settlements, up from 725 million in 2000; that, despite the significant efforts to improve the living conditions of urban settlement dwellers, the net growth in the number of people living in these settlements continues to outpace the improvements; and that persons living in such conditions are particularly vulnerable to, inter alia, disease, natural and man-made disasters, unemployment and a lack of education,

Deeply concerned that, in recent years, millions of homeowners have been affected by foreclosures and that high foreclosure rates may have an impact on the enjoyment of the right to adequate housing, and equally concerned that, in recent years, there has been an increase in private housing rentals for the urban poor without a balanced framework to protect tenants and owners, and that rental options for the urban poor are still insufficient and inadequate,

Deeply concerned also that any deterioration in the general housing situation disproportionately affects persons living in conditions of poverty, low-income earners, women, children, persons belonging to national or ethnic, religious and linguistic minorities and indigenous peoples, migrants, internally displaced persons, tenants, the elderly, persons with disabilities and other persons belonging to marginalized groups or persons belonging to groups in vulnerable situations, and that tenure insecurity per se might result in discrimination and further exclusion, particularly social and economic exclusion,

Reaffirming that everyone is entitled to the right to adequate housing as part of an adequate standard of living without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recognizing that security of tenure enhances the enjoyment of the right to adequate housing and is significant to the enjoyment of many other economic, social, cultural, civil and political rights, and that all persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats,

Recognizing also the need to promote, protect and strengthen a variety of tenure forms as part of mainstreaming human rights, in particular in urban development, including in housing and slum upgrading, urban planning, land management and land administration policies, to ensure social integration, with the full participation of all relevant stakeholders,

1. *Welcomes* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, including the undertaking of country missions;

2. *Acknowledges with appreciation* in particular the report of the Special Rapporteur on security of tenure for the urban poor³⁸ and the guiding principles on security of tenure for the urban poor as laid out therein, and encourages States to take these guidelines into account when planning and implementing measures to improve the security of tenure for the urban poor;

3. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour 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 progressively achieving the full realization of the right to housing as a component of the right to an adequate standard of living by all appropriate means, including in particular the adoption of legislative measures;

³⁸ A/HRC/25/54.

4. *Calls upon* States to give due consideration to the human right to adequate housing as a component of the right to an adequate standard of living, and to issues related to universal access to decent and sustainable housing in the elaboration of the post-2015 development agenda;

5. *Decides* to extend, for a period of three years, the mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, as set out in Human Rights Council resolution 15/8 of 30 September 2010;

6. *Notes* the work on the basic principles and guidelines on development-based evictions and displacement and the need to continue to work on them, including through consultations with States and other stakeholders;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all necessary assistance to the Special Rapporteur for the effective fulfilment of his or her mandate;

8. *Notes with appreciation* the cooperation extended to date to the Special Rapporteur by different actors, and calls upon States:

(a) To continue to cooperate with the Special Rapporteur in the discharge of his or her mandate and to respond favourably to his or her requests for information and visits;

(b) To enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations;

9. *Decides* to continue its consideration of this matter under the same agenda item.

*55th meeting
28 March 2014*

[Adopted without a vote.]

25/18

Mandate of the Special Rapporteur on the situation of human rights defenders

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Recalling General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

Recalling also the continued validity and application of all the provisions of the above-mentioned Declaration,

Recalling further all previous resolutions on this subject, in particular, Human Rights Council resolutions 16/5 of 24 March 2011 and 22/6 of 21 March 2013 and General Assembly resolutions 66/164 of 19 December 2011 and 68/181 of 18 December 2013,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Emphasizing the important role that individuals and civil society institutions, including non-governmental organizations, groups and national human rights institutions, play at the local, national, regional and international levels in the promotion and protection of all human rights and fundamental freedoms for all,

Reiterating the grave concerns expressed by the General Assembly in its resolutions 66/164 and 68/181 and by the Human Rights Council in its resolution 22/6 with regard to the serious risks faced by human rights defenders due to threats, attacks, reprisals and acts of intimidation against them,

Reaffirming that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Stressing that respect and support for the activities of human rights defenders, including women human rights defenders, is essential to the overall enjoyment of human rights,

Mindful that domestic law and administrative provisions and their application should facilitate the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to international human rights law,

Underscoring that the legal framework within which human rights defenders work peacefully to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter and international human rights law,

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures, such as laws regulating civil society organizations, have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law,

Recognizing the urgent need to address, and to take concrete steps to prevent and stop, the use of legislation to hinder or limit unduly the ability of human rights defenders to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with international human rights law,

1. *Welcomes* the work and takes note with appreciation of the report of the Special Rapporteur on the situation of human rights defenders,³⁹ and strongly urges all States to take concrete steps to create, in law and in practice, a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity;

2. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights defenders for a period of three years in the same terms as provided for by the Human Rights Council in its resolution 16/5;

3. *Urges* all States to cooperate with and assist the Special Rapporteur in the performance of his/her tasks, to provide all information and to respond to the communications transmitted to them by the Special Rapporteur without undue delay;

³⁹ A/HRC/25/55.

4. *Calls upon* States to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his/her recommendations so as to enable him/her to fulfil his/her mandate even more effectively;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the assistance necessary for the effective fulfilment of his/her mandate;

6. *Encourages* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur for the effective fulfilment of his/her mandate, including in the context of country visits and through suggestions on ways and means of ensuring the protection of human rights defenders;

7. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

*55th meeting
28 March 2014*

[Adopted without a vote.]

25/19

Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling also all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolutions 64/81 of 7 December 2009 and 64/174 of 18 December 2009, and Council resolutions 10/23 of 26 March 2009, 14/9 of 18 June 2010, 17/15 of 17 June 2011, 19/6 of 22 March 2012, 20/11 of 5 July 2012 and 23/10 of 13 June 2013,

Taking note of the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 4 November 1966 and 2 November 2001 respectively,

Noting the increasing number of parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005, and which entered into force on 18 March 2007,

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country, the full realization and

recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Determined to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Affirming the necessity of an international enabling environment for the conservation, development and diffusion of science while preserving, promoting and giving primacy to public interest,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of the State, regardless of its political, economic and cultural system, to promote and protect all human rights and fundamental freedoms;

4. *Recalls* that, as expressed in the Universal Declaration on Cultural Diversity, no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights, and that these rights should be guaranteed for all, without discrimination;

6. *Recognizes* that respect for cultural diversity and the cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural heritage and cultural background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

7. *Also recognizes* that respect for cultural rights is essential for development, peace and the eradication of poverty, building social cohesion and the promotion of mutual respect, tolerance and understanding between individuals and groups, in all their diversity;

8. *Emphasizes* that the universal promotion and protection of human rights, including cultural rights, and respect for cultural diversity should reinforce each other;

9. *Takes note* of the report of the Special Rapporteur in the field of cultural rights to the Human Rights Council,⁴⁰ in which she focused on memorialization processes, and her report to the General Assembly, in which she focused on the writing and teaching of history;⁴¹

10. *Also takes note* of the work conducted by the Special Rapporteur, including the holding, in Geneva, of an experts' meeting on the issue, on 7 and 8 October 2013, and of a public consultation, on 5 July 2013;

11. *Reiterates its call upon* all Governments to cooperate with and assist the Special Rapporteur in the discharge of her mandate, to provide her with all the necessary

⁴⁰ A/HRC/25/49.

⁴¹ A/68/296.

information requested by her and to give serious consideration to responding favourably to her requests to visit their countries in order to enable her to fulfil her duties effectively;

12. *Requests* the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Special Rapporteur;

13. *Invites* the Special Rapporteur to continue to address, in the course of her work, the issue of the right to enjoy the benefits of scientific progress and its applications;

14. *Decides* to hold, at its twenty-seventh session, a panel discussion on history teaching and memorialization processes with a view to, inter alia, contributing to the sharing of good practices in this area, and invites the High Commissioner to liaise with States, relevant United Nations bodies and agencies, relevant special procedures, in particular the Special Rapporteur in the field of cultural rights and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, civil society and other stakeholders, with a view to ensuring their participation in the panel discussion;

15. *Requests* the High Commissioner to prepare a summary report on the panel discussion for submission to the Human Rights Council at its twenty-eighth session;

16. *Requests* the Special Rapporteur to present her next report to the Human Rights Council at its twenty-eighth session;

17. *Decides* to continue consideration of this matter at its twenty-eighth session under the same agenda item.

*55th meeting
28 March 2014*

[Adopted without a vote.]

25/20

The right to education of persons with disabilities

The Human Rights Council,

Recalling the Convention on the Rights of Persons with Disabilities,

Recalling also the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Reaffirming all previous resolutions of the Human Rights Council on the rights of persons with disabilities, the most recent of which was resolution 22/3 of 21 March 2013, and welcoming the efforts of all stakeholders to implement those resolutions,

Recalling the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Rights of Migrant Workers and Members of Their Families, and, most recently with regard to persons with disabilities, in the Convention on the Rights of Persons with Disabilities, and other relevant international instruments,

Recalling in particular that article 24 of the Convention on the Rights of Persons with Disabilities reaffirms the right of persons with disabilities to education, and provides that, with a view to realizing this right without discrimination and on the basis of equal

opportunity, States parties shall ensure an inclusive education system at all levels and lifelong learning,

Recalling relevant guidelines of the United Nations Educational, Scientific and Cultural Organization, such as the Guidelines for Inclusion: Ensuring Access to Education for All of 2005,

Recognizing that progress has been made, yet deeply concerned that many persons with disabilities in all regions continue to face significant obstacles in exercising their right to education without discrimination and on the basis of equal opportunity,

Deeply concerned at the violence, stigmatization and discrimination faced by persons with disabilities, which leads to their exclusion and hinders and often prevents their access to education,

Deeply concerned also that girls and women of all ages with disabilities are subject to multiple, aggravated or intersecting forms of discrimination, including in the context of realizing their right to education without discrimination and on the basis of equal opportunity,

Emphasizing that the equal realization of the right to education of persons with disabilities is fundamental for their social and economic inclusion and full participation in society,

Acknowledging that inclusive education benefits all children and society by celebrating diversity, promoting equality and participation for all and countering exclusion, stigmatization and discrimination,

Recognizing the need to build awareness among all persons, including persons with disabilities, their families, teachers, social workers, students, communities and all those involved in education systems, of the right of persons with disabilities to education without discrimination and on the basis of equal opportunity,

Concerned at the lack of data, research and statistics on the education of persons with disabilities, including women and indigenous persons, and its negative impact on effective and equitable policymaking,

Welcoming the high-level meeting of the General Assembly held on 23 September 2013 on disability and development and its outcome document,⁴² in which the Assembly stressed the importance of ensuring accessibility for and inclusion of persons with disabilities in all aspects of development, and encouraged the international community to seize every opportunity to include disability as a cross-cutting issue in the global development agenda, to give due consideration to all persons with disabilities in the emerging post-2015 development agenda of the United Nations, with a view to enhancing cooperation, and to provide relevant technical assistance to Member States upon their request,

Reaffirming the commitment in the above-mentioned outcome document to recognize, inter alia, the right to education on the basis of equal opportunity and non-discrimination by ensuring that all children have equal opportunity for access to an inclusive education system of good quality, and notes the recognition in the outcome document that promoting access to inclusive education systems supports equal access to full and productive employment and decent work on the same terms,

⁴² General Assembly resolution 68/3.

Recognizing the need to strengthen further the process of developing inclusive education systems, including by giving due consideration to inclusive education in the process of the elaboration of the post-2015 development agenda,

Underlining the importance of consulting closely with and actively involving persons with disabilities and their representative organizations in the process of the elaboration of the emerging post-2015 development agenda of the United Nations,

Welcoming the appointment of the Special Envoy of the Secretary-General on Disability and Accessibility, and encouraging him to consult closely with States, relevant United Nations entities, persons with disabilities and their representative organizations and all other relevant stakeholders in carrying out his work,

Noting the expiry of the mandate of the Special Rapporteur on Disability of the Commission for Social Development on 31 December 2014 and the Commission's decision to consider the possibility, at its fifty-third session, of another monitoring mechanism, with a view to strengthening the mainstreaming of disability in social development,

1. *Welcomes* the fact that, to date, 158 States have signed and 141 States and one regional integration organization have ratified or acceded to the Convention on the Rights of Persons with Disabilities, and that 92 States have signed and 79 States have ratified or acceded to the Optional Protocol to the Convention, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing them;

3. *Welcomes* the thematic study on the right of persons with disabilities to education prepared by the Office of the United Nations High Commissioner for Human Rights,⁴³ and calls upon all stakeholders to consider the findings and recommendations of the study;

4. *Calls upon* States to ensure free birth registration for persons with disabilities, including free or low-fee late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures, without discrimination of any kind;

5. *Urges* States to take effective measures to address and prevent all forms of violence and bullying against persons with disabilities, in particular in and around schools, other learning facilities and the community, including by putting in place inclusive and effective child protection measures that have adequate links to schools;

6. *Also urges* States to take all appropriate measures to eliminate discrimination against women and girls with disabilities and to promote gender equality, in order to ensure their full participation and equal enjoyment of their rights, in particular in the field of education;

7. *Calls upon* States that are not yet party to the Convention on the Rights of Persons with Disabilities to ensure that persons with disabilities can effectively and fully enjoy the right to education without discrimination and on the basis of equal opportunity, and encourages them to transition to an inclusive education system, to enrol new students in such a system and to provide opportunities for life-long learning, taking into account and respecting the unique needs of different disability constituencies;

⁴³ A/HRC/25/29.

8. *Calls upon* States parties to adopt and implement appropriate measures, including legislative measures, to ensure that persons with disabilities enjoy the right to education without discrimination and on the basis of equal opportunity by ensuring an inclusive education system at all levels and life-long learning, in accordance with the Convention, and urges States parties in furtherance of this objective to, inter alia:

- (a) Make primary education compulsory and available free to all children;
- (b) Adopt inclusive education laws and policies that prohibit rejection from the general education system on the basis of disability and guarantee continuity in education on an equal basis;
- (c) Modify or abolish laws and policies that discriminate against or have the effect of excluding students from the general education system on the basis of disability;
- (d) Accommodate the different needs and ways of learning of all students and by taking a student-centred approach;
- (e) Ensure reasonable accommodation of the individual's requirements, providing the support required, within the general education system, to facilitate their effective education, as well as provide effective individualized support measures in environments that maximize academic and societal development, consistent with the goal of full inclusion, including by allocating sustained and adequate financial resources;
- (f) Recognize, promote and facilitate the use of sign languages and other appropriate modes and means of communication for the individual that maximize academic and social development and participation, in accordance with article 24, paragraph 3 of the Convention on the Rights of Persons with Disabilities;
- (g) Adopt positive and other measures to include persons with disabilities in general tertiary education, vocational training, general adult education and continuing education programmes and funding opportunities, particularly for those who have been excluded from primary and secondary education, without discrimination and on an equal basis with others;

9. *Encourages* States and relevant institutions to provide ongoing professional training, teacher qualification programmes and capacity-building for education personnel on inclusive education, training for sign language teachers and interpreters, and teacher training for persons with disabilities;

10. *Urges* States to take measures to eliminate accessibility barriers to education, including those related to physical, linguistic, communication, sensory, technology, transportation and information access, including in remote, isolated or rural areas;

11. *Encourages* all relevant actors in the design of products, environments, programmes and services relating to education to pay due attention to universal design and to universal design for learning, which requires consideration of the needs of all members of society in order to avoid the need for any subsequent adaptation or specific design;

12. *Urges* States to consult closely with and actively involve persons with disabilities and their representative organizations in designing, implementing, evaluating and monitoring policies and programmes relating to educational matters;

13. *Encourages* States and invites other relevant stakeholders, including national monitoring mechanisms, to collect appropriate information, including disability-specific and gender-specific statistical and research data, to enable the formulation and implementation of inclusive education policies;

14. *Also encourages* States to develop measurable goals on inclusive quality education and to promote their monitoring through indicators, including disability-specific indicators;

15. *Further encourages* States to create or strengthen relevant monitoring or complaint mechanisms that, inter alia, promote, protect and monitor the implementation of the right to education for persons with disabilities;

16. *Recognizes* the importance of international cooperation and its promotion in support of national efforts to promote the rights of persons with disabilities, including the right to education of persons with disabilities without discrimination and on the basis of equal opportunity, and in this regard encourages the mobilization of public and private resources on a sustainable basis to mainstream disability in development at all levels, and underlines the need to promote and strengthen international cooperation at all levels, and the exchange of good practices and partnerships for disability-inclusive development;

17. *Calls upon* States to ensure that all international cooperation is inclusive of persons with disabilities and does not contribute to creating new barriers for them;

18. *Encourages* States and intergovernmental organizations to consider becoming party to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled;

19. *Decides* to continue to integrate the rights of persons with disabilities into its work, in accordance with Human Rights Council resolution 7/9 of 27 March 2008, and invites States to consider the possibility of establishing a special procedures mandate on the rights of persons with disabilities within 2014;

20. *Also decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its twenty-eighth session, from within existing resources, and that it will focus on article 19 of the Convention on the Rights of Persons with Disabilities on living independently and being included in the community, and will have international sign interpretation and captioning;

21. *Requests* the Office of the High Commissioner to prepare its annual study on the rights of persons with disabilities on article 19 of the Convention on living independently and being included in the community, from within existing resources and in consultation with States and other relevant stakeholders, regional organizations, the Special Rapporteur on Disability of the Commission for Social Development, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, requiring contributions to be submitted in an accessible format, and requests that such stakeholder contributions, and the study and an easy-to-read-version of it, be made available on the website of the Office, in an accessible format, prior to the twenty-eighth session of the Human Rights Council;

22. *Encourages* organizations of persons with disabilities, national monitoring bodies and human rights institutions to participate actively in the debate referred to in paragraph 20 above, as well as in regular and special sessions of the Human Rights Council and its working groups;

23. *Requests* the Secretary-General to continue to ensure that the work of the Office of the High Commissioner with respect to the rights of persons with disabilities and the Committee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks;

24. *Invites* the Conference of State Parties to the Convention on the Rights of Persons with Disabilities to consider the discussion of article 19 of the Convention on living independently and being included in the community, according to its mandate;

25. *Requests* the Secretary-General, the High Commissioner and United Nations offices to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines that the Human Rights Council, including its Internet resources, should be fully accessible to persons with disabilities.

55th meeting
28 March 2014

[Adopted without a vote.]

25/21

Human rights and the environment

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Reaffirming Human Rights Council resolutions 16/11 of 24 March 2011 and 19/10 of 22 March 2012, and recalling that, in the latter, the Council decided to establish the mandate of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment,

Recalling other relevant Human Rights Council resolutions on human rights and climate change, on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, on the human right to safe drinking water and sanitation and on the right to food, as well as relevant Commission on Human Rights resolutions on human rights and the environment as part of sustainable development,

Recalling also the Declaration of the United Nations Conference on the Human Environment, the Rio Declaration on Environment and Development, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development,

Welcoming the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012, and its outcome document “The Future We Want”, and aiming to contribute to follow-up processes, including the identification and realization of sustainable development goals,

Recognizing that human beings are at the centre of concerns for sustainable development, that the right to development must be fulfilled in order to meet the development and environment needs of present and future generations equitably, and that the human person is the central subject of development and should be the active participant in and beneficiary of the right to development,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling the Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011,

Recognizing that sustainable development and the protection of the environment can contribute to human well-being and to the enjoyment of human rights,

Recognizing also, conversely, that climate change, unsustainable management and use of natural resources and the unsound management of chemicals and wastes may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights,

Recognizing further that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by those segments of the population who are already in vulnerable situations,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

1. *Notes with appreciation* the reports of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment submitted to the Human Rights Council at its twenty-second⁴⁴ and the twenty-fifth⁴⁵ sessions;

2. *Welcomes* the work undertaken to date by the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment;

3. *Also welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on the issue of human rights and the environment;

4. *Recognizes* that human rights law sets out certain obligations on States that are relevant to the enjoyment of a safe, clean, healthy and sustainable environment, and that the enjoyment of the corresponding human rights and fundamental freedoms can be facilitated by assessing environmental impact, making environmental information public and enabling effective participation in environmental decision-making processes, and that in that regard a good practice includes adopting, strengthening and implementing laws and other measures to promote and protect human rights and fundamental freedoms in the context of environmental legislation and policies;

5. *Reaffirms* the duty of States to protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises, as provided for in the Guiding Principles on Business and Human Rights;

6. *Also reaffirms* the importance of non-discrimination in the application of environmental laws, but also of paying due attention to the members of groups particularly vulnerable to environmental harm, bearing in mind that environmental damage is felt most acutely by those segments of the population already in vulnerable situations;

7. *Recognizes* the role of human rights obligations and commitments in informing and strengthening international, regional and national policymaking in the area of sustainable development and environmental protection, and the importance of identifying best practices in that regard;

⁴⁴ A/HRC/22/43.

⁴⁵ A/HRC/25/53 and Add.1 and 2.

8. *Urges* States to comply with their human rights obligations when developing and implementing their environmental policies;
9. *Recognizes* the important role played by individuals, groups and organs of society, including human rights defenders, in the promotion and protection of human rights as they relate to the enjoyment of a safe, clean, healthy and sustainable environment;
10. *Also recognizes* the importance of giving due consideration to human rights obligations relevant to the enjoyment of a safe, clean, healthy and sustainable environment while shaping the post-2015 development agenda;
11. *Stresses* the particular relevance of international cooperation in addressing the impact on the enjoyment of human rights that may result from environmental harm;
12. *Recognizes* the need to clarify further the scope of human rights obligations of States as they relate to environmental harm;
13. *Welcomes* the cooperation extended to date to the Independent Expert by different actors, and calls upon all States to continue to cooperate with the Independent Expert in the discharge of his mandate and to respond favourably to requests for information and visits;
14. *Requests* the High Commissioner to continue to ensure that the Independent Expert receives the resources necessary to enable him to discharge his mandate fully;
15. *Decides* to continue its consideration of this matter under the same agenda item and in accordance with its programme of work.

*55th meeting
28 March 2014*

[Adopted without a vote.]

25/22

Ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular Article 2, paragraph 4 thereof,

Reaffirming the Universal Declaration of Human Rights, which recognizes the right to life, liberty and security of person, among other rights,

Reaffirming also the principles enshrined in the Vienna Declaration and Programme of Action,

Reaffirming further the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling General Assembly resolution 68/178 of 18 December 2013 and Human Rights Council resolution 19/19 of 23 March 2012 on the protection of human rights and fundamental freedoms while countering terrorism,

Expressing deep concern at the civilian casualties resulting from the use of remotely piloted aircraft or armed drones, as reflected in the reports of the Special Rapporteur on the protection of human rights and fundamental freedoms while countering terrorism to the General Assembly⁴⁶ and to the Human Rights Council,⁴⁷

Expressing concern at the broader impact of remotely piloted aircraft or armed drones on individuals, children, families and communities, including the interruption of education, the undermining of religious and cultural practices and the reluctance to assist the victims of drone strikes for fear of being caught in secondary strikes,

Reaffirming that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism and to recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but are complementary and mutually reinforcing,

Reaffirming also that all counter-terrorism measures should be implemented by States in accordance with their obligations under international law, including international human rights law, international humanitarian law and international refugee law, thereby taking into full consideration the human rights of all, including persons belonging to national or ethnic, religious and linguistic minorities, and in this regard must not be discriminatory on grounds such as race, colour, sex, language, religion or social origin,

Taking note with appreciation of the reports of the Special Rapporteur on the protection of human rights and fundamental freedoms while countering terrorism, presented to the Human Rights Council at its twenty-fifth session,⁴⁷ and of the Special Rapporteur on extrajudicial, summary or arbitrary executions, submitted to the General Assembly at its sixty-eighth session,⁴⁸

Welcoming the statements made by the Secretary-General on 13 August 2013, and of the United Nations High Commissioner for Human Rights to the Security Council, on 19 August 2013, and to the Human Rights Council at its twenty-third session, on 27 May 2013, and at its twenty-fifth session, on 3 and 6 March 2014, on the use of remotely piloted aircraft,

Commending the role of civil society organizations in highlighting the humanitarian and human rights impact of the use of remotely piloted aircrafts or armed drones,

1. *Urges* all States to ensure that any measures employed to counter terrorism, including the use of remotely piloted aircraft or armed drones, comply with their obligations under international law, including the Charter of the United Nations, international human rights law and international humanitarian law, in particular the principles of precaution, distinction and proportionality;

2. *Calls upon* States to ensure transparency in their records on the use of remotely piloted aircraft or armed drones and to conduct prompt, independent and impartial investigations whenever there are indications of a violation to international law caused by their use;

3. *Invites* the United Nations High Commissioner for Human Rights and relevant special procedures of the Human Rights Council and the human rights treaty bodies to pay attention, within the framework of their mandates, to violations of international law as a result of the use of remotely piloted aircraft or armed drones;

⁴⁶ A/68/389.

⁴⁷ A/HRC/25/59.

⁴⁸ A/68/382.

4. *Decides* to organize an interactive panel discussion of experts at its twenty-seventh session on the issues raised in the report of the Special Rapporteur on the protection of human rights and fundamental freedoms while countering terrorism, from within existing resources, and invites the Office of the High Commissioner to liaise with States, relevant United Nations bodies and agencies, relevant special procedures, civil society and other stakeholders with a view to ensuring their participation in the panel discussion;

5. *Requests* the Office of the High Commissioner to present a summary of the deliberations of the panel discussion at its twenty-eighth session.

*55th meeting
28 March 2014*

[Adopted by a recorded vote of 27 to 6, with 14 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Botswana, Brazil, Chile, China, Congo, Costa Rica, Cuba, Gabon, Indonesia, Ireland, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Morocco, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Venezuela (Bolivarian Republic of), Viet Nam

Against:

France, Japan, Republic of Korea, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Austria, Benin, Burkina Faso, Côte d'Ivoire, Czech Republic, Estonia, Ethiopia, Germany, India, Italy, Montenegro, Namibia, Romania, United Arab Emirates]

25/23

The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Condemning the grave deterioration of the human rights situation and the indiscriminate killing and deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that may foment sectarian tensions,

Condemning also the lack of cooperation by the Syrian authorities with the independent international commission of inquiry,

Welcoming the efforts of the Joint Special Representative of the United Nations and the League of Arab States,

Reaffirming its support for the mission of the Joint Special Representative of the United Nations and the League of Arab States, and welcoming the international efforts to find a political solution to the Syrian crisis that meets the legitimate aspirations of the

Syrian people for a civil, democratic and pluralistic State, where all citizens are equal, regardless of gender, religion and ethnicity,

Welcoming Security Council resolution 2139 (2014) of 22 February 2014, stressing the importance of its implementation, and noting its demand for rapid, safe and unhindered humanitarian access and of the need to end impunity for violations of international humanitarian law and violations and abuses of human rights,

Recalling the statements made by the United Nations High Commissioner for Human Rights and by the special procedures of the Human Rights Council that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic, and noting the repeated encouragement by the High Commissioner to the Security Council to refer the situation to the International Criminal Court,

1. *Welcomes* the report of the commission of inquiry on the Syrian Arab Republic;⁴⁹

2. *Decides* to extend the mandate of the commission of inquiry through to the twenty-eighth session of the Human Rights Council, and requests the commission to present a written report on the situation of human rights in the Syrian Arab Republic during an interactive dialogue at the twenty-seventh and the twenty-eighth sessions of the Council and to provide an oral update to the Council during an interactive dialogue at the twenty-sixth session;

3. *Demands* that the Syrian authorities cooperate fully with the commission of inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

4. *Calls upon* all groups in the Syrian Arab Republic to refrain from retaliation and violence, including sexual violence and torture, and urges all parties to the conflict to prevent violations of international humanitarian law and human rights violations and abuses;

5. *Strongly condemns* the continued gross, systematic and widespread violations of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including those involving aerial bombardment of civilian areas, in particular the indiscriminate use of barrel bombs, ballistic missiles and cluster bombs, and other actions that may amount to war crimes or crimes against humanity;

6. *Expresses grave concern* at the spread of extremism and extremist groups, and strongly condemns all human rights abuses and violations of international humanitarian law in the Syrian Arab Republic;

7. *Strongly condemns* all violations and abuses committed against children, and urges all parties to comply with their obligations under international law;

8. *Demands* that all parties demilitarize medical facilities, schools and other civilian facilities, avoid establishing military positions in populated areas and desist from attacks directed against civilian objects;

9. *Strongly condemns* all violence against persons belonging to religious or ethnic groups, and calls upon all parties to fully respect international law;

10. *Expresses grave concern* at credible reports that thousands of detainees, both Syrian and non-Syrian nationals, may have died in government prisons as a result of starvation and torture, condemns those responsible for those violations, demands the release

⁴⁹ A/HRC/25/65.

of all persons arbitrarily detained, including children, and calls upon the Syrian authorities to publish a list of all detention facilities, to ensure that conditions of detention comply with applicable international law and immediately to allow access by independent monitors to all detention facilities;

11. *Stresses* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights are held to account;

12. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, as well as reparations and effective remedies for victims, taking into account the relevance of referrals to the appropriate international criminal justice mechanism under appropriate circumstances;

13. *Demands* that the Syrian authorities meet their responsibility to protect the Syrian population;

14. *Strongly condemns* the use of chemical weapons and all indiscriminate methods of warfare in the Syrian Arab Republic, which is prohibited under international law, amounts to a serious crime and has a devastating impact on civilians, and in this regard calls upon the Syrian authorities to accelerate the complete and irreversible destruction of their chemical weapons programme and the removal of its chemical weapons in accordance with their obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the time frames pursuant to Security Council resolution 2118 (2013) of 27 September 2013 and the decisions of the Executive Council of the Organization for the Prohibition of Chemical Weapons;

15. *Expresses its support* for the efforts of the Joint Special Representative of the United Nations and the League of Arab States to find a negotiated political solution to the Syrian crisis, and urges those countries with influence over the Syrian parties to take all measures to encourage the parties to negotiate constructively and on the basis of the call made in the Geneva communiqué for the formation of a transitional governing body;

16. *Encourages* the full participation of women in political talks as envisaged in by the Security Council in its resolutions 1325 (2000) of 31 October 2000 and 2122 (2013) of 18 October 2013, and welcomes the work of the United Nations Entity for Gender Equality and the Empowerment of Women in this regard;

17. *Strongly condemns* the intentional denial of humanitarian assistance to civilians, from whatever quarter, noting especially the responsibilities of the Government of the Syrian Arab Republic in this regard, and deplores the deteriorating humanitarian situation;

18. *Also strongly condemns* the use by the Syrian authorities of starvation of civilians as a method of combat, and further condemns the besiegement of civilians;

19. *Further strongly condemns* all acts of violence directed against humanitarian actors, and demands that the Syrian authorities promptly allow, and all other parties to the conflict not hinder, rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies and their implementing partners, including across conflict lines and across borders, in order to ensure that humanitarian assistance reaches people in need through the most direct routes;

20. *Welcomes* the outcomes of the second International Humanitarian Pledging Conference for Syria, held in Kuwait on 15 January 2014, and the fourth meeting of the

High-level Group on Humanitarian Challenges in Syria, held in Geneva on 3 March 2014, and further welcomes the efforts of neighbouring countries to host Syrian refugees;

21. *Urges* the international community, including all donors, to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

22. *Decides* to remain seized of the matter.

*55th meeting
28 March 2014*

[Adopted by a recorded vote of 32 to 4, with 11 abstentions. The voting was as follows:

In favour:

Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, France, Gabon, Germany, Indonesia, Ireland, Italy, Japan, Kuwait, Maldives, Mexico, Montenegro, Morocco, Peru, Republic of Korea, Romania, Saudi Arabia, Sierra Leone, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

China, Cuba, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Algeria, Congo, Ethiopia, India, Kazakhstan, Kenya, Namibia, Pakistan, Philippines, South Africa, Viet Nam]

25/24

Situation of human rights in the Islamic Republic of Iran

The Human Rights Council,

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

Recalling Human Rights Council resolutions 16/9 of 24 March 2011, 19/12 of 3 April 2012 and 22/23 of 22 March 2013, General Assembly resolution 68/184 of 18 December 2013 and all previous resolutions of the Assembly on the situation of human rights in the Islamic Republic of Iran, and regretting the lack of cooperation of the Islamic Republic of Iran with the requests of the Council and the Assembly made in those resolutions,

Welcoming the report and recommendations of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submitted to the Human Rights Council,⁵⁰ and expressing serious concern at the developments noted in that report as well as the lack of access permitted to the Special Rapporteur to travel to the Islamic Republic of Iran,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that mandate holders are to discharge their duties in accordance with those resolutions and the annexes thereto,

⁵⁰ A/HRC/25/61.

1. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a further period of one year, and requests the Special Rapporteur to submit a report on the implementation of his mandate to the Human Rights Council at its twenty-eighth session and to the General Assembly at its sixty-ninth session;

2. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and to permit access to visit the country as well as all information necessary to allow the fulfilment of the mandate;

3. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate.

*55th meeting
28 March 2014*

[Adopted by a recorded vote of 21 to 9, with 16 abstentions.* The voting was as follows:

In favour:

Argentina, Austria, Botswana, Brazil, Chile, Costa Rica, Czech Republic, Estonia, France, Germany, Ireland, Italy, Japan, Mexico, Montenegro, Peru, Republic of Korea, Romania, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

China, Cuba, India, Indonesia, Kazakhstan, Pakistan, Russian Federation, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Algeria, Benin, Burkina Faso, Congo, Côte d'Ivoire, Ethiopia, Gabon, Kenya, Kuwait, Morocco, Namibia, Philippines, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates]

25/25

Situation of human rights in the Democratic People's Republic of Korea

See chapter II.

25/26

Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming previous resolutions on the situation of human rights in Myanmar, the most recent being Human Rights Council resolution 22/14 of 21 March 2013 and General Assembly resolution 68/242 of 27 December 2013, and President's statement PRST/23/1 of 14 June 2013,

Welcoming the work and reports of the Special Rapporteur on the situation of human rights in Myanmar, as well as the cooperation of the Government of Myanmar with the

* One delegation was absent at the time of the vote.

Special Rapporteur, including the facilitation of his visits to the country from 11 to 16 February 2013, 11 to 21 August 2013 and 14 to 19 February 2014,

Recalling Human Rights Council resolution 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the 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. *Welcomes* the positive developments in Myanmar and the commitment of the Government of Myanmar to continue on its path of political and economic reform, democratization and national reconciliation and the promotion and protection of human rights, recognizing the scale of the reform effort undertaken to date;

2. *Also welcomes* the continued engagement of the Government of Myanmar with political actors within the parliament, civil society and opposition parties, and urges the Government to continue constitutional and electoral reform in order to ensure that the general and presidential elections to be held in 2015 are genuinely credible, inclusive and transparent, allowing all candidates to fairly contest the elections;

3. *Further welcomes* the increased space for political activity, assembly, speech and the press, and encourages the Government of Myanmar to fulfil its commitment to carry out comprehensive media reform and to protect the rights to freedom of expression, association and of peaceful assembly, including to allow for free and independent media and to ensure the safety and security of human rights defenders and their freedom to pursue their activities;

4. *Welcomes* the continued and significant release of prisoners of conscience during the past year, and urges the Government of Myanmar to continue the important remaining tasks of the prisoner review committee aimed at the unconditional release of all political prisoners, including all political activists and human rights defenders detained recently, to continue working with the parliament to repeal existing legislation which is not in line with international human rights standards and to ensure the full rehabilitation of former prisoners of conscience;

5. *Expresses concern* about remaining human rights violations and abuses, including arbitrary arrest and detention, forced displacement, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment, arbitrary deprivation of property, including land, and violations of international humanitarian law in some parts of the country, and urges the Government of Myanmar to step up its efforts to put an end to such violations;

6. *Welcomes* the ongoing efforts aimed at reviewing and reforming legislation, including the Constitution, and stresses the need for and relevance of such reforms, recalls the importance of ensuring its compatibility with international standards and democratic principles, in this regard acknowledges with interest the draft legislation on the National Human Rights Commission intended to bring its functioning into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and calls upon the Government of Myanmar to continue legal reform, including by further repealing laws restricting fundamental freedoms, and to consider ratifying additional international instruments, including international human rights conventions, and incorporating them into national legislation;

7. *Encourages* the Government of Myanmar to take further steps to strengthen good governance and the rule of law, including through legislative and institutional reform, and to address the need for an independent, impartial and effective judiciary, and repeats its call upon the Government to take the measures necessary to ensure accountability and end

impunity, including by undertaking a full, transparent and independent investigation into all reports of violations of international human rights law and humanitarian law;

8. *Welcomes* the peace process efforts and the ensuing signing of ceasefire agreements between the Government of Myanmar and the ethnic armed groups, and urges full implementation of those agreements, including for all parties to protect the civilian population against ongoing violations and abuses of human rights and international humanitarian law and for safe, timely, full and unhindered humanitarian access to be granted to all areas, and also welcomes the commitment of the President and his Government and the armed opposition groups to reach a nationwide ceasefire and to pursue an all-inclusive political dialogue, notably with the participation of women, with the objective of achieving lasting peace;

9. *Urges* the Government of Myanmar to accelerate its efforts to address discrimination, human rights violations, violence, hate speech, displacement and economic deprivation affecting various ethnic and religious minorities, to take all measures necessary to prevent the destruction of places of worship, cemeteries, infrastructure and commercial residential buildings belonging to all peoples and to ensure freedom of movement and equal access to services, including health and education;

10. *Reiterates its serious concern* about the situation of the Rohingya and other minorities in Rakhine State, including repeated instances of violence that led all communities to suffer tremendous trauma, and other reported abuses in the past year, including earlier this year in Du Chee Yar Tan, requesting that an independent investigation be undertaken into those events and that those responsible be held to account, about attacks against Muslim minorities elsewhere in the country and about intimidation of and threats to the United Nations and other humanitarian workers operating in Rakhine State; calls upon the Government of Myanmar to protect all civilians from violence, to ensure full respect for human rights and fundamental freedoms, including full and immediate access to humanitarian assistance without discrimination, unhindered access by humanitarian agencies across Rakhine State and the safe and voluntary return of internally displaced persons and refugees to their communities of origin, to allow freedom of movement and equal access to full citizenship for the Rohingya minority, and to address issues of land ownership and restitution of property; and, while welcoming some measures taken by the Government in this regard, encourages the Government to facilitate interfaith and intercommunity dialogue and to address the root causes of the issue and to undertake full, transparent and independent investigations into all reports of human rights violations to ensure accountability and to bring about reconciliation;

11. *Welcomes* the improved engagement and cooperation of the Government of Myanmar with the United Nations and other international actors, including the Special Representative of the Secretary-General for Children and Armed Conflict and the International Labour Organization, and the progress made towards ending recruitment and use of child soldiers in Myanmar and towards the elimination of forced labour, including the Government's agreement to an extension of the action plan to end and prevent the recruitment and use of children by the armed forces, and encourages its full implementation and also the implementation of other relevant agreements, including the commitment to end forced labour by 2015;

12. *Expresses concern* at further delays, while recalling the commitment of the Government of Myanmar to open a country office of the Office of the United Nations High Commissioner for Human Rights, notes ongoing negotiations and calls upon the Government to promptly establish the office with a full mandate and to specify a process for the opening of the office in accordance with the mandate of the High Commissioner;

13. *Encourages* the international community to continue to support the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of its democratic transitional process and its economic and social development, and encourages private companies to ensure that their investment and related activities respect human rights in accordance with the Guiding Principles on Business and Human Rights;

14. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with the relevant resolutions of the Commission on Human Rights and Human Rights Council resolutions 7/32 of 28 March 2008, 10/2 of 27 March 2009, 13/25 of 26 March 2010, 16/24 of 25 March 2011, 19/21 of 23 March 2012 and 22/14 of 21 March 2013 and, in addition, invites the Special Rapporteur to include in his or her next report, inter alia, further recommendations on the needs of Myanmar, including with regard to technical assistance and capacity-building and information on the progress in the electoral process and reform in the run-up to the 2015 elections;

15. *Calls upon* the Government of Myanmar to continue its cooperation with the next Special Rapporteur in the exercise of the mandate, including by facilitating further visits, while welcoming the cooperation of the Government with the Special Rapporteur, and calls upon the Office of the High Commissioner to provide the Special Rapporteur with all the assistance and resources necessary to enable him or her to discharge the mandate fully;

16. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its sixty-ninth session and to the Human Rights Council in accordance with its annual programme of work;

17. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, and calls upon the Government of Myanmar to ensure full cooperation with the Secretary-General and his Special Adviser on Myanmar.

*55th meeting
28 March 2014*

[Adopted without a vote.]

25/27

Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and by the provisions of the Vienna Declaration and Programme of

Action, adopted on 25 June 1993 by the World Conference on Human Rights,⁵¹ and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Taking note of General Assembly resolution 67/19 of 29 November 2012,

Recalling the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

Recalling also the resolutions adopted in this regard by the Commission on Human Rights, the last of which was resolution 2005/1 of 7 April 2005,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, and emphasizing that this jus cogens norm of international law is a basic prerequisite for achieving a just, lasting and comprehensive peace in the region of the Middle East,

Affirming the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination,

Noting the decision of the General Assembly, in its resolution 68/12 of 26 November 2013, to proclaim 2014 the International Year of Solidarity with the Palestinian People, and reaffirming that the United Nations will continue to be engaged on the question of Palestine until the question is resolved in all its aspects in accordance with international law,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity, and to establish their sovereign, independent, democratic and viable contiguous State;
2. *Also reaffirms* its support for the solution of two States, Palestine and Israel, living side by side in peace and security;
3. *Stresses* the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;
4. *Confirms* that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination;

⁵¹ A/CONF.157/23.

5. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination;

6. *Decides* to continue the consideration of this question at its twenty-eighth session.

*56th meeting
28 March 2014*

[Adopted by a recorded vote of 46 to 1. The voting was as follows:

In favour:

Algeria, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Estonia, Ethiopia, France, Gabon, Germany, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Montenegro, Morocco, Namibia, Pakistan, Peru, Philippines, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Against:

United States of America]

25/28

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling the relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

Recalling also Human Rights Council resolution 19/17 of 22 March 2012, in which the Council decided to establish an independent international fact-finding mission to investigate the implications of the Israeli settlements on the human rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Mindful that Israel is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva

Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions of 12 August 1949,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting that the International Court of Justice concluded that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, had been established in breach of international law,

Taking note of the recent relevant reports of the Secretary-General, the Office of the United Nations High Commissioner for Human Rights, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the treaty bodies monitoring compliance with the human rights treaties to which Israel is a party, as well as the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

Taking note also of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,⁵²

Affirming that the Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, undermine regional and international efforts aimed at the realization of the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders,

Recalling the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and emphasizing specifically the Quartet's call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

Taking note of General Assembly resolution 67/19 of 29 November 2012, by which, inter alia, Palestine was accorded the status of non-member observer State in the United Nations, and taking note of the follow-up report thereon of the Secretary-General,⁵³

Aware that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forced displacement of Palestinian civilians, including Bedouin families, the exploitation of natural resources and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

Expressing grave concern at the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the international community to cease all settlement activities,

Expressing grave concern in particular at the construction and expansion by Israel of settlements in and around occupied East Jerusalem, including its so-called E-1 plan,

⁵² A/HRC/22/63.

⁵³ A/67/738.

which aims to connect its illegal settlements around and further isolate occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State, as well as at the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city and ongoing settlement activities in the Jordan Valley,

Expressing grave concern at the continuing construction, contrary to international law, by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular at the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline in socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudice future negotiations and make the two-State solution physically impossible to implement,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Deploring settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, as well as any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced displacement of civilians and the de facto annexation of land,

Gravely concerned at the rising number of incidents of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, including the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences in this regard,

Recalling Human Rights Council resolution 22/29 of 22 March 2013, in follow-up to the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the Guiding Principles on Business and Human Rights,⁵⁴ which place responsibilities on all business enterprises to respect human rights by, inter alia, refraining from contributing to human rights abuses arising from conflict, and urge States to provide adequate assistance to business enterprises to assess and address the heightened risks of abuses in conflict-affected areas,

Reaffirming the fact that the High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War undertook to respect and ensure respect for the Convention in all circumstances, and that States should not recognize an unlawful situation arising from breaches of peremptory norms of international law,

⁵⁴ A/HRC/17/31, annex.

Emphasizing the importance for States to act in accordance with their own national legislation on promoting compliance with international humanitarian law with regard to business activities that result in human rights abuses,

Expressing its concern at the failure of Israel, the occupying Power, to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, to abide scrupulously by the provisions of the Convention, in particular article 49 thereof, and to comply with all its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan;

3. *Demands* that Israel, the occupying Power, immediately and completely cease all of its settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 1515 (2003) of 19 November 2003;

4. *Also demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

5. *Condemns* the continuing settlement and related activities by Israel, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, and in particular article 49 thereof;

6. *Also condemns* the recent Israeli announcements of the construction of new housing units for Israeli settlers in the West Bank and around occupied East Jerusalem, as they seriously undermine the peace process and jeopardize the ongoing efforts by the international community to reach a final settlement compliant with international legitimacy, including relevant United Nations resolutions, constitute a threat to the two-State solution and the creation of a contiguous, sovereign, independent Palestinian State, and are in violation of international law and would entail the forced transfer of Palestinian civilians, and calls upon Israel to immediately reverse its decisions;

7. *Expresses its grave concern* at:

(a) The increasing number of newly built structures over the past years and to date, undermining the efforts of the international community to advance the Middle East peace process;

(b) The implications for the final status negotiations of Israel's announcement that it will retain the major settlement blocks in the Occupied Palestinian Territory, including the settlements located in the Jordan Valley;

(c) The expansion of Israeli settlements and the construction of new ones on the occupied Palestinian territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent, in which case it would be tantamount to de facto annexation;

(d) The operation by Israel of a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev, which is in clear violation of international law and relevant United Nations resolutions;

8. *Calls upon* Israel, the occupying Power:

(a) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of existing settlements, including so-called natural growth and related activities, prevent any new installation of settlers in the occupied territories, including in East Jerusalem, and discard its E-1 plan;

(b) To immediately cease construction of the new illegal settlement highway (the "Begin Highway") in the neighbourhood of Beit Safafa in occupied East Jerusalem, which is in clear violation of international law;

(c) To put an end to the human rights violations linked to the presence of settlements, especially of the right to self-determination, and fulfil its international obligations to provide effective remedy for victims;

(d) To take immediate measures to prohibit and eradicate all policies or practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, by, inter alia, putting an end to the system of separate roads for the exclusive use of Israeli settlers, who reside illegally in the said territory, to the complex combination of movement restrictions consisting of the wall, roadblocks and a permit regime that only affects the Palestinian population, and to the application of a two-tier legal system;

(e) To put an end to measures resulting in the territorial fragmentation of the Occupied Palestinian Territory, including East Jerusalem, and which are isolating Palestinian communities into separate enclaves;

(f) To take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of ensuring full accountability for, and preventing, all acts of violence by Israeli settlers, and to take other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

(g) To bring to a halt all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian populations;

9. *Welcomes* the adoption of the European Union Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the European Union from 2014 onwards;

10. *Encourages* all States and international organizations to continue to actively pursue policies that ensure respect of their obligations under international law with regard

to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlements;

11. *Urges* all States:

(a) To ensure that they are not taking actions that assist the expansion of settlements or construction of the wall in the Occupied Palestinian Territory, including East Jerusalem;

(b) To implement the Guiding Principles on Business and Human Rights in relation to the Occupied Palestinian Territory, including East Jerusalem, to take appropriate measures to encourage businesses domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, and to refrain from committing or contributing to gross human rights abuses of Palestinians, in accordance with the expected standard of conduct in the Guiding Principles and relevant international laws and standards;

(c) To provide information to individuals and businesses on the financial, reputational and legal risks, as well as the possible abuses of the rights of individuals, of becoming involved in settlement-related activities, including economic and financial activities, the provision of services in settlements and the purchasing of property;

12. *Requests* that all parties concerned, including United Nations bodies, implement and ensure the implementation of the recommendations contained in the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and endorsed by the Human Rights Council through its resolution 22/29, in accordance with their respective mandates;

13. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011, on the Guiding Principles on Business and Human Rights and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

14. *Welcomes* the decision of the Working Group on the issue of human rights and transnational corporations and other business enterprises to issue a statement before the twenty-sixth session of the Human Rights Council, in follow-up to Council resolution 22/29;

15. *Requests* the United Nations High Commissioner for Human Rights to present a report detailing the implementation of the recommendations contained in the report of the independent fact-finding mission on the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian People throughout the Occupied Palestinian Territory, including East Jerusalem, to the Human Rights Council at its twenty-eighth session;

16. *Requests* the Secretary-General to report on the implementation of the present resolution at its twenty-eighth session;

17. *Decides* to remain seized of the matter.

*56th meeting
28 March 2014*

[Adopted by a recorded vote of 46 to 1. The voting was as follows:

In favour:

Algeria, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Estonia, Ethiopia, France, Gabon, Germany, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Montenegro, Morocco, Namibia, Pakistan, Peru, Philippines, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Against:

United States of America]

25/29

Human rights situation in Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination, and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Recalling also relevant resolutions of the Human Rights Council,

Taking note of the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, as well as of other relevant recent reports of the Human Rights Council,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads, the wall and other measures that are tantamount to de facto annexation of Palestinian land,

Emphasizing the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Mindful of the failure by Israel, the occupying Power, to live up to its obligations as set forth in international law and as reaffirmed in all relevant United Nations resolutions and the advisory opinion rendered on 9 July 2004 by the International Court of Justice,

Reaffirming that all States have the right and the duty to take actions in conformity with international human rights law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,

Expressing grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children, women and non-violent, peaceful demonstrators; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned in particular about the critical humanitarian and security situation in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and the military operations between December 2008 and January 2009 and in November 2012, which caused extensive loss of life and injury, particularly among Palestinian civilians, including children and women, widespread destruction and damage to Palestinian homes, properties, vital infrastructure and public institutions, including hospitals, schools and United Nations facilities and the internal displacement of civilians, as well as about the firing of rockets into Israel,

Expressing deep concern about the short- and long-term detrimental impact of such widespread destruction and the continued impeding of the reconstruction process by Israel, the occupying Power, on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population,

Stressing the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, taking into account Israeli concerns,

Expressing deep concern at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only, and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East

Jerusalem, and impair the Territory's contiguity, and deeply concerned also at the consequent violation of the human rights of the Palestinian people and the negative impact on their socioeconomic situation and the efforts aimed at rehabilitating and developing the Palestinian economy,

Deploring all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

Emphasizing that the destruction of property and the permanent displacement of Palestinian communities in the Occupied Palestinian Territory, including East Jerusalem, from their initial locations constitute, in all but the most limited cases as specified under international law, violations of the prohibitions on destruction of property and forcible transfer, respectively, under articles 53 and 49 of the Fourth Geneva Convention,

Expressing deep concern that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also about the ill-treatment and harassment of any Palestinian prisoner and all reports of torture,

Expressing concern about the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population, and to help the parties implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron,

Taking note of the continued efforts and tangible progress made in the security sector by the Palestinian Government, calling upon the parties to continue cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

Emphasizing the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

3. *Stresses* the need for Israel, the occupying Power, to withdraw from the Palestinian Territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

4. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

5. *Also demands* that Israel, the occupying Power, cease its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic sustainability and development throughout Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

6. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

7. *Expresses grave concern* at the confiscation and damage by Israel of fishing nets in the Gaza Strip for which there is no discernible security justification;

8. *Condemns* the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, and in the context of peaceful protests in the West Bank, resulting in extensive loss of life and vast numbers of injuries;

9. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

10. *Further condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, including the torching of places of worship and the destruction of olive trees and crops by Israeli settlers;

11. *Calls upon* Israel to cease all violations of the right to education of Palestinians, including those stemming from restrictions on movement and incidents of harassment and attacks on school children and educational facilities by Israeli settlers and as a result of Israeli military action;

12. *Also calls upon* Israel to end any harassment, intimidation and reprisals against human rights defenders who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies;

13. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees in Israeli jails and detention centres, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, and also expresses its concern at the continued extensive use of administrative detention, calls for a full implementation of the agreement reached in May 2012 for a prompt and independent investigation into all cases of death custody, and also calls upon Israel to release any Palestinian prisoner whose detention is not in accordance with international law;

14. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

15. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

16. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

17. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

18. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings, and to ensure adequate housing and legal security of tenure;

19. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

20. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including home demolitions, evictions of Palestinian residents, excavations in and around religious and historic sites, and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a whole;

21. *Expresses grave concern* at:

(a) The restrictions imposed by Israel that impede access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites;

(b) The increasing tensions in occupied East Jerusalem and the wider region, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

22. *Expresses serious concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between an Israeli citizen and a person residing in the Occupied

Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

23. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

24. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

25. *Stresses* the need for Israel to abide by all relevant United Nations resolutions and to cooperate with the Human Rights Council, all special procedures and the Office of the United Nations High Commissioner for Human Rights;

26. *Requests* the Secretary-General to report on the implementation of the present resolution to the Human Rights Council at its twenty-eighth session;

27. *Decides* to remain seized of the matter.

56th meeting
28 March 2014

[Adopted by a recorded vote of 46 to 1. The voting was as follows:

In favour:

Algeria, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Estonia, Ethiopia, France, Gabon, Germany, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Montenegro, Morocco, Namibia, Pakistan, Peru, Philippines, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Against:

United States of America]

25/30

Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict

See chapter II.

25/31

Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolution 68/84 of 11 December 2013, in which the Assembly declared that Israel had

failed to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human of the Palestinian People and Other Arabs of the Occupied Territories⁵⁵ and, in this connection, deploring the Israeli settlements in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November and 338 (1973) of October 1973, and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and of the Human Rights Council, the most recent being Council resolution 22/17 of 21 March 2013,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, *inter alia*, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Also calls upon* Israel to desist from its continuous building of settlements, the most recent of which is the settlement campaign being conducted by the so-called Golan Regional Council under the slogan "Come to the Golan", and to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to

⁵⁵ A/68/379.

Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;⁵⁵

4. *Calls upon* Israel to allow the Syrian population of occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 27 years, and to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset's decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations to disseminate it as widely as possible and to report on this matter to the Human Rights Council at its twenty-eighth session;

10. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its twenty-eighth session.

*56th meeting
28 March 2014*

[Adopted by a recorded vote of 33 to 1, with 13 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Ethiopia, Gabon, India, Indonesia, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Morocco, Namibia, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

United States of America

Abstaining:

Austria, Czech Republic, Estonia, France, Germany, Ireland, Italy, Japan, Montenegro, Republic of Korea, Romania, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland]

25/32**Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

The Human Rights Council,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Reaffirming the obligations of States under relevant international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in its resolution 2106 (XX) of 21 December 1965,

Recalling all previous resolutions and decisions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling also Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for a further period of three years, in accordance with the terms of reference contained in Human Rights Council resolution 7/34 of 28 March 2008;

2. *Requests* all Governments to cooperate fully with the Special Rapporteur in the discharge of his/her mandate, including by responding promptly to the Special Rapporteur's communications, including urgent appeals, and by providing the information requested;

3. *Requests* the Special Rapporteur to submit an annual report to the Human Rights Council and to the General Assembly on all activities relating to his/her mandate with a view to maximizing the benefits of the reporting process;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial assistance necessary for the effective fulfilment of his/her mandate;

5. *Decides* to remain seized of this priority issue.

*56th meeting
28 March 2014*

[Adopted without a vote.]

25/33**International Decade for People of African Descent**

See chapter II.

25/34**Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief**

The Human Rights Council,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also Human Rights Council resolutions 16/18 of 24 March 2011, 19/25 of 23 March 2012 and 22/31 of 22 March 2013, as well as General Assembly resolutions 66/167 of 19 December 2011, 67/178 of 20 December 2012 and 68/169 of 18 December 2013,

Reaffirming further the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of his choice and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching,

Reaffirming also the positive role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance, and also that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

Expressing deep concern at those acts that advocate religious hatred and thereby undermine the spirit of tolerance,

Reaffirming that terrorism, in all its forms and manifestations, cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming also that violence can never be an acceptable response to acts of intolerance on the basis of religion or belief,

Reaffirming further the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Reaffirming the positive role of human rights education and training in promoting tolerance, non-discrimination and equality,

Deeply concerned about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world,

Deploring any advocacy of discrimination or violence on the basis of religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, as well as any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Expressing concern at the growing manifestation of intolerance based on religion or belief that can generate hatred and violence among individuals from and within different nations that may have serious implications at the national, regional and international levels, and in this regard emphasizing the importance of respect for religious and cultural diversity as well as interfaith and intercultural dialogue aimed at promoting a culture of tolerance and respect among individuals, societies and nations,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Recognizing also that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts and expand human rights education are an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

Taking note of General Assembly resolution 68/127 on “A world against violence and violent extremism”, adopted by the Assembly by consensus on 18 December 2013, and welcoming the leading role of the United Nations Educational, Scientific and Cultural Organization in promoting intercultural dialogue, the work of the United Nations Alliance of Civilizations and the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures, as well as the work of the King Abdullah Bin Abdulaziz International Centre for interreligious and intercultural dialogue in Vienna, and Assembly resolution 65/5 of 20 October 2010 on World Interfaith Harmony Week proposed by King Abdullah II of Jordan,

Welcoming in this regard all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, including the launching of the Istanbul Process, and taking note of the recent initiative of the chairmanship of Albania of the Committee of Ministers of the Council of Europe under the theme “United in diversity” and the initiative of the Office of the United Nations High Commissioner for Human Rights on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, as well as programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses its concern* that incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief, continue to rise around the world, condemns in this context any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution, consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns deeply* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

4. *Welcomes* international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, in particular the series of experts' meetings held in Washington, D.C., London, Geneva and Doha, in the framework of the Istanbul process to discuss the implementation of Human Rights Council resolution 16/18;

5. *Notes* the efforts of the Office of the United Nations High Commissioner for Human Rights and the holding of four regional workshops, in Austria, Chile, Kenya and Thailand, on separate but related issues, as well as the final workshop in Morocco and its outcome document, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and the recommendations and conclusions contained therein;

6. *Recognizes* that the open, public debate of ideas, as well as interfaith and intercultural dialogue, at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and convinced that continuing dialogue on these issues can help to overcome existing misperceptions;

7. *Notes* the speech given by Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and draws on his call on States to take the following actions to foster a domestic environment of religious tolerance, peace and respect by:

(a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(b) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(c) Encouraging the training of government officials in effective outreach strategies;

(d) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter these causes;

(e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(f) Adopting measures to criminalize incitement to imminent violence based on religion or belief;

(g) Understanding the need to combat denigration and negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, region and international levels through, inter alia, education and awareness-building;

(h) Recognizing that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

8. *Calls upon* all States:

(a) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against an individual on the basis of religion or belief;

(b) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion, and to contribute openly and on an equal footing to society;

(c) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

(d) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

9. *Encourages* States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the High Commissioner;

10. *Calls upon* States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

11. *Takes note* of the report submitted by the High Commissioner pursuant to Human Rights Council resolution 22/31 summarizing contributions received from States,⁵⁶ and also takes note of the conclusions of the report based on those contributions;

12. *Requests* the High Commissioner to prepare and submit to the Human Rights Council, at its twenty-eighth session, a comprehensive follow-up report with elaborated conclusions based upon information provided by States on the efforts and measures taken by them for the implementation of the action plan outlined in paragraphs 7 and 8 above, as well as their views on potential follow-up measures for further improvement of the implementation of that plan;

13. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs.

*56th meeting
28 March 2014*

[Adopted without a vote.]

25/35

Strengthening of technical cooperation and consultative services in Guinea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 13/21 of 26 March 2010, 16/36 of 25 March 2011, 19/30 of 23 March 2012 and 23/23 of 14 June 2013,

⁵⁶ A/HRC/25/34.

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms set forth in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments to which they are parties,

Noting with satisfaction the efforts made by Guineans and the international community, in particular the African Union and the Economic Community of West African States, to establish democratic institutions and to strengthen the rule of law,

Welcoming the successful holding of peaceful and inclusive legislative elections on 28 September 2013 and the establishment of the new National Assembly of Guinea on 13 January 2014,

Recalling that it is the primary responsibility of the Government of Guinea to protect its population, to conduct inquiries into allegations of violations of human rights and international humanitarian law and to bring perpetrators to justice,

1. *Recognizes* the efforts made by the Government of Guinea to strengthen the rule of law and improve the human rights situation in the country, in line with the recommendations of the International Commission of Inquiry established by the Secretary-General⁵⁷ and supported by the African Union and the Economic Community of West African States;

2. *Welcomes* the existence of the new Ministry of Human Rights and Civil Liberties and its constructive work and the mainstreaming of human rights in the reform of the security sector;

3. *Calls upon* the Guinean authorities to guarantee freedom of opinion and expression and freedom of peaceful assembly and association;

4. *Urges* all political stakeholders:

(a) To continue to take an active part in good faith in the political dialogue, particularly on issues regarding the organization of free, transparent, inclusive and peaceful elections;

(b) To prevent and prohibit any act of violence that harms the democratization process under way;

(c) To be actively involved in the national reconciliation process;

5. *Encourages* the Government of Guinea to make the national commission established in 2013 for the study and prevention of the problem of violence operational;

6. *Firmly reiterates* its commitment to accession to power by democratic means and condemns all incitement to ethnic and/or racial hatred;

7. *Welcomes* the efforts by the Government of Guinea to undertake reforms in the security and defence sectors that incorporate respect for human rights and guarantee the enjoyment of civil and political rights;

8. *Encourages* the Government of Guinea to draw up a comprehensive programme to strengthen the administration of justice to combat impunity and strengthen respect for human rights;

9. *Notes* that measures have been taken by the panel of judges appointed by the Government of Guinea to investigate the events of 28 September 2009, including the

⁵⁷ See S/2009/693.

hearing of testimony of victims and the filing of charges against suspects, encourages the panel of judges to pursue its work and urges the Government to guarantee the necessary means and security conditions for the panel of judges so that its members may effectively fulfil their mandate;

10. *Encourages* the Government of Guinea to adopt the following supplementary measures:

(a) Support the work of the panel of judges and expedite judicial proceedings against those responsible for the events of 28 September 2009, including the acts of sexual violence committed against women and girls, ensure the safety and protection of the witnesses and victims and provide them with appropriate redress and assistance, including in the form of medical and psychological support;

(b) Compensate the families of victims who lost their lives as a result of the events of 28 September 2009 and provide redress for the physical and psychological suffering inflicted upon those who were wounded;

11. *Notes* that the Government of Guinea has agreed to accept technical assistance from an expert deployed by the Team of Experts on the Rule of Law and Sexual Violence in Conflict and encourages the Government to continue its cooperation with the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict;

12. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea in 2013;⁵⁸

13. *Firmly reiterates* its appeal to the international community:

(a) To provide the Government of Guinea with appropriate assistance to promote respect for human rights through, inter alia, the achievement of the Millennium Development Goals, the fight against impunity and the reform of the security and justice sectors, as well as the initiatives that are under way to promote truth, justice and national reconciliation;

(b) To support the Office of the United Nations High Commissioner for Human Rights in Guinea;

(c) To support the Ministry of Human Rights and Civil Liberties in the implementation of its plan of action;

14. Invites the High Commissioner to report to the Human Rights Council at its twenty-eighth session on the situation of human rights and the work of the Office of the High Commissioner in Guinea;

15. Decides to remain seized of this matter.

*56th meeting
28 March 2014*

[Adopted without a vote.]

25/36

Assistance to the Republic of Mali in the field of human rights

The Human Rights Council,

⁵⁸ A/HRC/25/44.

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 20/17 of 6 July 2012, 21/25 of 28 September 2012 and 22/18 of 21 March 2013,

Recalling also Security Council resolutions 2085 (2012) of 20 December 2012 and 2100 (2013) of 25 April 2013,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments to which they are parties,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of the Republic of Mali,

Taking note of the report of the Independent Expert on the situation of human rights in Mali,⁵⁹

Welcoming the commitment of the authorities of Mali to restore the rule of law and firmly combat impunity,

1. *Welcomes* the full return to constitutional order and significant improvement in the security situation in Mali which were made possible by the coordinated action to support the efforts of the authorities of Mali taken by the international community through the deployment of the United Nations Multidimensional Integrated Stabilization Mission in Mali;

2. *Reiterates* its concern over the human rights violations and abuses and violations of international humanitarian rights law committed in the Republic of Mali since 2012, which include summary executions, enforced disappearances, violence against women and children, the recruitment and use of child soldiers, attacks on schools, hospitals and cultural and religious sites, looting, arbitrary arrests and detentions and torture and cruel, inhuman or degrading treatment perpetrated in particular by armed groups;

3. *Commends* the action undertaken by the Government of Mali to bring all perpetrators of such acts before impartial and independent courts regardless of their status or function;

4. *Welcomes* the establishment in Mali of a Ministry for National Reconciliation, commends the commitment of the authorities of Mali to expand the mandate of the Dialogue and Reconciliation Commission to include a truth and justice component, and encourages the Commission to set up a workplan to facilitate rapid progress;

5. *Takes note* of the signature of an agreement on judicial cooperation between the Republic of Mali and the International Criminal Court;

6. *Welcomes* the good cooperation of Mali with the Independent Expert on the situation of human rights in Mali;

7. *Calls upon* the Government of Mali to continue its efforts to protect human rights and to promote national reconciliation, including through strengthening the judiciary,

⁵⁹ A/HRC/25/72.

developing transitional justice mechanisms and reintroducing actual State services throughout the country;

8. *Reiterates* its call for women's full participation in the process of reconciliation, in accordance with the relevant resolutions of the Security Council;

9. *Urges* the international community to continue to provide, in consultation with the Government of Mali and the neighbouring countries concerned, appropriate and secure humanitarian assistance to refugees and displaced persons in order to encourage the voluntary return of such persons to their place of origin;

10. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for one year with a view to assisting the Government of Mali in its efforts to promote and protect human rights;

11. *Requests* the Independent Expert to work closely with all entities of the United Nations, the African Union and the Economic Community of West African States, and with all other international organizations concerned and Malian civil society, and to report to the Human Rights Council at its twenty-eighth session;

12. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Independent Expert with all the assistance necessary to enable him or her to fully discharge his or her mandate;

13. *Encourages* the States Members of the United Nations, within the framework of their international cooperation activities, the relevant United Nations agencies, international financial institutions and all other relevant international organizations to provide technical and capacity-building assistance with a view to promoting respect for human rights and introducing judicial reforms;

14. *Decides* to remain seized of this matter.

*56th meeting
28 March 2014*

[Adopted without a vote.]

25/37

Technical assistance for Libya in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the other relevant international human rights treaties,

Confirming that it is the primary responsibility of States to promote and protect all human rights and fundamental freedoms,

Recognizing the challenges facing Libya in laying the foundations for transitional justice and national reconciliation,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

Recognizing the efforts made by Libya to build the basis for democracy, the rule of law and human rights,

Recalling General Assembly resolutions 60/251 of 15 March 2006 and 66/11 of 18 November 2011, on the restoration of the rights of membership of Libya in the Human Rights Council,

Recalling also the communiqué of the International Ministerial Conference on Support to Libya in the Areas of Security, Justice and the Rule of Law, issued in Paris on 12 February 2013,

Recalling further Human Rights Council resolutions S-15/1 of 25 February 2011, 17/7 of 17 June 2011, 18/9 of 29 September 2011 and 19/39 of 23 March 2012,

Recalling Human Rights Council resolution 22/19 of 21 March 2013 on assistance for Libya in the field of human rights,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the human rights-related challenges and needs in Libya and the support provided by the United Nations Support Mission in Libya, including technical assistance and other activities to build expertise and improve cooperation with Libya in relation to the promotion and protection of human rights;⁶⁰

2. *Recognizes* the security, political and economic challenges faced by Libya;

3. *Welcomes*:

(a) The election of the members of the Libyan Constitutional Assembly, which has been tasked with drafting an inclusive Constitution that guarantees the human rights of all Libyans without discrimination, that will then be subject to approval by the people of Libya;

(b) The promulgation of Law No. 29 on 2 December 2013 on transitional justice, which begins to address national reconciliation and inclusive national dialogue by establishing a fact-finding and reconciliation commission to address human rights violations committed under the former regime as well as during the transitional period, and by providing a 90-day deadline to complete the screening process of all detainees held without charge;

(c) The issuance of Decree No. 119 of 2014 by the Council of Ministers concerning recognition of victims of sexual violence as victims of war, which allows for reparation, healing and legal support;

(d) The adoption of laws recognizing, protecting and supporting the cultural and linguistic heritage of the Amazigh, Tebu and Tuareg; criminalizing torture, enforced disappearances and discrimination; abolishing the jurisdiction of military courts over civilians; providing pensions and benefits to families of those killed or missing during the revolution; and establishing a committee to investigate the killings in the Abu Salim prison in 1996, and urges the General National Congress to implement these laws;

(e) The amendment to the law in May 2013 to enhance the independence of the judiciary by allowing the election by peers of 11 out of 13 members of the Supreme Judicial Council;

4. *Also welcomes*:

(a) The wish expressed by the Government of Libya to continue its cooperation with the United Nations High Commissioner for Human Rights and to renew the invitation for her to visit Libya;

(b) The commitment of Libya to the rule of law and the establishment of legislative, executive and judicial branches of government in accordance with its

⁶⁰ A/HRC/25/42.

international obligations, including the establishment of a committee on human rights within the General National Congress;

(c) The plans within the judicial police to develop a comprehensive prison reform strategy and to establish professional correction services, and the continued efforts of the Ministry of Justice to improve the situation of human rights in State-controlled detention centres;

(d) The commitment of the National Council for Civil Liberties and Human Rights to continue to work in conformity with the Paris Principles to monitor and protect human rights in Libya;

(e) Efforts to strengthen the role of and support for civil society and non-governmental organizations in enhancing, affirming and raising awareness of human rights;

(f) The ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto;

(g) Progress towards the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(h) Improvements in the treatment of detainees in detention centres under State control, and the opening of the newly built al-Jawwiyah Institution for Correction and Rehabilitation in Misrata;

(i) The intention to draft a national plan of action on enhancing the protection of human rights in partnership with the Office of the High Commissioner with a view to building a State governed by the rule of law, and encourages its implementation;

5. *Calls upon* the Government of Libya to establish a broad-based and inclusive national dialogue in order to ensure a peaceful and sustainable democratic transition;

6. *Condemns* the assassination of government officials and civil society leaders, including judges and other members of the judiciary in Derna and Benghazi, and urges the Government of Libya to continue its investigations in order to bring the perpetrators of these crimes to justice and to ensure a strengthened justice system, recognizing the need to provide substantial technical support for the investigations;

7. *Expresses concern* at the continued mistreatment of detainees in detention centres out of judicial police control;

8. *Calls upon* the Government of Libya to urgently increase efforts to establish full and effective control over all detention centres in order to ensure that detainees, including foreign detainees, are treated in accordance with its international obligations, including those relating to due process of law and basic legal protections, humane conditions of detention and fair trials, and that all detainees who will not be charged are released immediately;

9. *Urges* the Government of Libya to intensify efforts to prevent acts of torture, to investigate all allegations of torture and other ill-treatment in detention facilities, and to bring to justice those responsible;

10. *Notes* the continued cooperation of the Government of Libya with the International Criminal Court regarding the situation in Libya;

11. *Urges* the Government of Libya to expedite the voluntary return in safety and dignity of all persons displaced, in accordance with the law on transitional justice, and to

strengthen efforts to end the continued arbitrary detention, torture and harassment of individuals;

12. *Also urges* the Government of Libya to take further steps to protect freedom of expression, ensuring that media can operate freely and without discrimination, to review provisions of the Penal Code and other provisions that violate freedom of expression and to abolish all Penal Code restrictions on free speech that stipulate imprisonment and the death penalty for “insults” to officials, judiciary and the State, for “slander” and for blasphemy;

13. *Calls upon* the Government of Libya to further empower women and girls, ensuring full participation in relation to the electoral system, the police and the judiciary;

14. *Encourages* the Libyan Constitutional Assembly to include in the Constitution protections for the rights of all, including members of vulnerable groups and women;

15. *Also encourages* the Libyan Constitutional Assembly to ensure participation of all members of society, as far as possible, in the process of drafting the Constitution;

16. *Calls upon* the Government of Libya to continue to protect freedom of religion and belief according to its international obligations, and to take appropriate measures to prevent attacks against persons belonging to religious or ethnic minorities, and to prosecute the perpetrators of such attacks;

17. *Urges* the Government of Libya to take further steps to guarantee freedom of association and assembly by reviewing Penal Code articles that undermine freedom of association and adopting a law for civil society organizations that is in accordance with international freedom of association standards, ensures the protection of human rights defenders and that any legal limitations are necessary and proportionate, and complies with Libya’s international treaty obligations;

18. *Calls upon* the Government of Libya to review the Political Isolation Law and the amendment to Article No. 195 of the Penal Code of 5 February 2014 to ensure that they remain compliant with international human rights obligations and international humanitarian law;

19. *Calls upon* the international community to support the efforts of the Government of Libya to ensure protection of the human rights of migrants, refugees and internally displaced persons;

20. *Encourages* the Government of Libya to provide a framework for the engagement of the Office of the United Nations High Commissioner for Refugees in Libya;

21. *Welcomes and supports* the efforts made by the Government of Libya to stabilize the security situation, and urges it:

(a) To maintain this process through means that include arms control, availability of arms and the reintegration into society of the armed groups currently operating outside government control;

(b) To respond to significant psychosocial needs as a direct consequence of the conflict and, to process conflict-related detainees through the civil justice system;

22. *Takes note* of the final report of the International Commission of Inquiry on Libya,⁶¹ and encourages the Government of Libya to implement fully the recommendations contained therein;

⁶¹ A/HRC/19/68.

23. *Welcomes* the technical support provided by the United Nations High Commissioner for Human Rights, the relevant international organizations and the international community to promote the process of building a State governed by the rule of law;

24. *Recognizes* the efforts made by States in tracing, freezing and recovering stolen assets and the importance of effective cooperation between the international community and the Libyan authorities in this regard, taking into account the potential of the recovery of these assets in helping the Libyan authorities to improve security, development and the realization of all human rights of the Libyan people;

25. *Welcomes* the announcement at the Rome Conference, held on 6 March 2014, of an international partnership for Libya to monitor progress in various domains, including security, governance, the rule of law, national dialogue and transitional justice;

26. *Requests* the Office of the High Commissioner to further provide technical assistance to support the Government of Libya in building and strengthening national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law in Libya;

27. *Calls upon* the international community to continue to provide the necessary assistance to Libyan efforts towards establishing the rule of law, in coordination with the Libyan authorities, the Office of the High Commissioner and the United Nations Support Mission in Libya;

28. *Calls upon* the Government of Libya to continue to extend full cooperation to the Office of the High Commissioner and the United Nations Support Mission in Libya on all issues pertaining to the promotion and protection of human rights, including by providing full access to detainees, the courts, the judiciary and other institutions;

29. *Requests* the Office of the High Commissioner to prepare a written report for submission to the Human Rights Council at its twenty-eighth session, reflecting the human rights situation in Libya, and the technical support and capacity-building needs in Libya to strengthen the promotion and protection of and respect for human rights and fundamental freedoms, and to overcome the current challenges to security, respect for the rule of law and transitional justice.

*56th meeting
28 March 2014*

[Adopted without a vote.]

25/38

The promotion and protection of human rights in the context of peaceful protests

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recalling the Vienna Declaration and Programme of Action,

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and relevant regional human rights instruments,

Reaffirming also that, consistent with the Universal Declaration of Human Rights, States Members of the United Nations have pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling Human Rights Council resolutions 12/16 of 2 October 2009 and 16/4 of 24 March 2011, on freedom of opinion and expression, 15/21 of 30 September 2010, 21/16 of 27 September 2012 and 24/5 of 26 September 2013, on the rights to freedom of peaceful assembly and of association, and 19/35 of 23 March 2012 and 22/10 of 21 March 2013, on the promotion and protection of human rights in the context of peaceful protests,

Recalling also Human Rights Council resolutions 21/12 of 27 September 2012, on the safety of journalists, 24/8 of 26 September 2013, on equal political participation, 22/6 of 21 March 2013, on protecting human rights defenders, and 24/21 of 27 September 2013, on civil society space: creating and maintaining, in law and practice, a safe and enabling environment,

Recalling further the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recognizing that, pursuant to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the rights to freedom of peaceful assembly, of expression and of association are human rights guaranteed to all, while their exercise may be subject to certain restrictions, in accordance with States' obligations under applicable international human rights instruments,

Recognizing also that any such restrictions must be based in law, in accordance with States' obligations under applicable international human rights instruments and subject to a competent, independent, impartial and prompt administrative or judicial review,

Recalling that States have the primary responsibility for the promotion and protection of human rights and fundamental freedoms, including in the context of peaceful protests, and to ensure that national legislation, policies and practices, as the national framework for the exercise of the rights to freedom of peaceful assembly, of expression and of association, are in compliance with international human rights law,

Acknowledging that peaceful protests can occur in all societies, including protests that are spontaneous, simultaneous, unauthorized or restricted,

Acknowledging also that participation in peaceful protests can be an important form of exercising the rights to freedom of peaceful assembly, of expression, of association and of participation in the conduct of public affairs,

Recognizing that peaceful protests can make a positive contribution to the development, strengthening and effectiveness of democratic systems and to democratic processes, including elections and referendums,

Acknowledging that peaceful protests can contribute to the full enjoyment of civil, political, economic, social and cultural rights,

Reaffirming that everyone has the right to life, liberty and security of person,

Reaffirming also that participation in public and peaceful protests should be entirely voluntary and uncoerced,

Stressing therefore that everyone must be able to express their grievances or aspirations in a peaceful manner, including through public protests, without fear of reprisals

or of being intimidated, harassed, injured, sexually assaulted, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance,

Deeply concerned about extrajudicial, summary or arbitrary executions, torture and other cruel, inhuman or degrading treatment or punishment of persons exercising their rights to freedom of peaceful assembly, of expression and of association in all regions of the world,

Expressing its concern about the number of attacks targeting human rights defenders and journalists in the context of peaceful protests,

Expressing its concern also at the criminalization, in all parts of the world, of individuals and groups for having organized or taken part in peaceful protests,

Stressing that peaceful protests should not be viewed as a threat, and therefore encouraging all States to engage in an open, inclusive and meaningful dialogue when dealing with peaceful protests and their causes,

Recalling that isolated acts of violence committed by others in the course of a protest do not deprive peaceful individuals of their rights to freedom of peaceful assembly, of expression and of association,

Recognizing that national human rights institutions and representatives of civil society, including non-governmental organizations, can play a useful role in facilitating continued dialogue between individuals taking part in peaceful protests and the relevant authorities,

Stressing the need to ensure full accountability for human rights violations or abuses in the context of peaceful protests,

Recalling the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,

Recalling also the importance of adequate training for officials exercising law enforcement duties assigned to deal with public protests, and of refraining, to the extent feasible, from assigning military personnel to perform such duties,

Bearing in mind that assemblies can be facilitated on the basis of communication and collaboration among protesters, local authorities and officials exercising law enforcement duties,

1. *Takes note with interest* of the summary of the seminar on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests, held on 2 December 2013, prepared by the United Nations High Commissioner for Human Rights, in accordance with Human Rights Council resolution 22/10;⁶²

2. *Recalls* that States have the responsibility, including in the context of peaceful protests, to promote and protect human rights and to prevent human rights violations, including extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances and torture and other cruel, inhuman or degrading treatment or punishment, and calls upon States to avoid the abuse of criminal and civil proceedings or threats of such acts at all times;

3. *Calls upon* States to promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of

⁶² A/HRC/25/32 and Corr.1.

association, including by ensuring that their domestic legislation and procedures relating to the rights to freedom of peaceful assembly, of expression and of association are in conformity with their international human rights obligations and commitments, clearly and explicitly establish a presumption in favour of the exercise of these rights, and that they are effectively implemented;

4. *Urges* States to facilitate peaceful protests by providing protestors with access to public space and protecting them, without discrimination, where necessary, against any form of threat and harassment, and underlines the role of local authorities in this regard;

5. *Underlines* the important role that communication between protestors, local authorities and officials exercising law enforcement duties can play in the proper management of assemblies, such as peaceful protests, and calls on States to establish appropriate channels in that regard;

6. *Urges* States to pay particular attention to the safety and protection of women and women human rights defenders from acts of intimidation and harassment, as well as gender-based violence, including sexual assault, in the context of peaceful protests;

7. *Reaffirms* that States must take all appropriate measures for the safety and protection of children, including while they exercise their rights to freedom of peaceful assembly, expression and association, including in the context of peaceful protests;

8. *Calls upon* all States to pay particular attention to the safety of journalists and media workers covering peaceful protests, taking into account their specific role, exposure and vulnerability;

9. *Urges* all States to avoid using force during peaceful protests and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force;

10. *Calls upon* States, as a matter of priority, to ensure that their domestic legislation and procedures are consistent with their international obligations and commitments in relation to the use of force in the context of law enforcement and are effectively implemented by officials exercising law enforcement duties, in particular applicable principles of law enforcement, such as the principles of necessity and proportionality, bearing in mind that lethal force may only be used as a last resort to protect against an imminent threat to life and that it may not be used merely to disperse a gathering;

11. *Affirms* that nothing can ever justify the indiscriminate use of lethal force against a crowd, which is unlawful under international human rights law;

12. *Calls upon* States to investigate any death or significant injury committed during protests, including those resulting from the discharge of firearms or the use of non-lethal weapons by officials exercising law enforcement duties;

13. *Also calls upon* States to ensure adequate training of officials exercising law enforcement duties and, where applicable, to promote adequate training for private personnel acting on behalf of a State, including in international human rights law and, where appropriate, international humanitarian law;

14. *Encourages* States to make protective equipment and non-lethal weapons available to their officials exercising law enforcement duties, while pursuing international efforts to regulate and establish protocols for the training and use of non-lethal weapons;

15. *Underlines* the importance of thorough, independent and scientific testing of non-lethal weapons prior to deployment to establish their lethality and the extent of likely injury, and of monitoring appropriate training and use of such weapons;

16. *Stresses* the importance of international cooperation in support of national efforts for the promotion and protection of human rights and fundamental freedoms in the context of peaceful protests, in order to raise the capacities of law enforcement agencies to deal with such protests in a manner that conforms to their international human rights obligations and commitments;

17. *Underlines* the necessity to address the management of assemblies, including peaceful protests, so as to contribute to their peaceful conduct, and to prevent loss of life of and injuries to protestors, bystanders, those monitoring such protests and officials exercising law enforcement duties, as well as any human rights violation or abuse;

18. *Recognizes* the importance of documenting human rights violations and abuses committed in the context of peaceful protests, and the role that can be played by national human rights institutions, civil society, including non-governmental organizations, journalists and other media workers, Internet users and human rights defenders, in this regard;

19. *Urges* States to ensure accountability for human rights violations and abuses through judicial or other national mechanisms, based on law in conformity with their international human rights obligations and commitments, and to provide victims with access to a remedy and redress, including in the context of peaceful protests;

20. *Requests* the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions to prepare, from within existing resources, a compilation of practical recommendations for the proper management of assemblies based on best practices and lessons learned and, in the preparation of the compilation, to seek the views of States, relevant United Nations agencies, in particular the Office of the High Commissioner and the United Nations Office on Drugs and Crime, intergovernmental organizations, other relevant special procedures mandate holders, national human rights institutions, non-governmental organizations and other relevant stakeholders, such as practitioners, and to submit the compilation to the Human Rights Council at its thirty-first session;

21. *Decides* to continue its consideration of this topic, as well as next steps, at its thirty-first session under agenda item 3.

*56th meeting
28 March 2014*

[Adopted by a recorded vote of 31 to 9, with 7 abstentions. The voting was as follows:

In favour:

Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, France, Gabon, Germany, Indonesia, Ireland, Italy, Japan, Kazakhstan, Maldives, Mexico, Montenegro, Morocco, Peru, Philippines, Republic of Korea, Romania, Sierra Leone, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

China, Cuba, India, Kenya, Pakistan, Russian Federation, South Africa, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Algeria, Congo, Ethiopia, Kuwait, Namibia, Saudi Arabia, United Arab Emirates]

B. Decisions

25/101

Outcome of the universal periodic review: Saudi Arabia

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Saudi Arabia on 21 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Saudi Arabia, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/3), the views of Saudi Arabia concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/25/3/Add.1 and A/HRC/25/2, chap. VI).

*38th meeting
19 March 2014*

[Adopted without a vote.]

25/102

Outcome of the universal periodic review: Senegal

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Senegal on 21 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Senegal, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/4), the views of Senegal concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/25/4/Add.1 and A/HRC/25/2, chap. VI).

*38th meeting
19 March 2014*

[Adopted without a vote.]

25/103**Outcome of the universal periodic review: Nigeria**

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Nigeria on 22 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Nigeria, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/6), the views of Nigeria concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/25/2, chap. VI).

*39th meeting
20 March 2014*

[Adopted without a vote.]

25/104**Outcome of the universal periodic review: Mexico**

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Mexico on 23 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Mexico, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/7), the views of Mexico concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/25/7/Add.1 and A/HRC/25/2, chap. VI).

*39th meeting
20 March 2014*

[Adopted without a vote.]

25/105

Outcome of the universal periodic review: Mauritius

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Mauritius on 23 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Mauritius, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/8), the views of Mauritius concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/25/8/Add.1 and A/HRC/25/2, chap. VI).

*39th meeting
20 March 2014*

[Adopted without a vote.]

25/106

Outcome of the universal periodic review: Jordan

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Jordan on 24 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Jordan, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/9), the views of Jordan concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/25/2, chap. VI).

*40th meeting
20 March 2014*

[Adopted without a vote.]

25/107

Outcome of the universal periodic review: Malaysia

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Malaysia on 24 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Malaysia, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/10), the views of Malaysia concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/25/10/Add.1 and Corr.1, and A/HRC/25/2, chap. VI).

*40th meeting
20 March 2014*

[Adopted without a vote.]

25/108

Outcome of the universal periodic review: Central African Republic

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Central African Republic on 25 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of the Central African Republic, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/11), the views of the Central African Republic concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/25/2, chap. VI).

*40th meeting
20 March 2014*

[Adopted without a vote.]

25/109

Outcome of the universal periodic review: Belize

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Belize on 28 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Belize, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/13), the views of Belize concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/25/13/Add.1 and A/HRC/25/2, chap. VI).

*41st meeting
20 March 2014*

[Adopted without a vote.]

25/110

Outcome of the universal periodic review: Chad

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Chad on 29 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Chad, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/14), the views of Chad concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/25/14/Add.1 and A/HRC/25/2, chap. VI).

*41st meeting
20 March 2014*

[Adopted without a vote.]

25/111

Outcome of the universal periodic review: China

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of China on 22 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of China, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/5 and Corr.1), the views of China concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/25/5/Add.1 and A/HRC/25/2, chap. VI).

*41st meeting
20 March 2014*

[Adopted without a vote.]

25/112

Outcome of the universal periodic review: Monaco

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Monaco on 29 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Monaco, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/12), the views of Monaco concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/25/12/Add.1 and A/HRC/25/2, chap. VI).

*42nd meeting
21 March 2014*

[Adopted without a vote.]

25/113

Outcome of the universal periodic review: Congo

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Congo on 30 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of the Congo, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/16), the views of the Congo concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the

interactive dialogue held in the Working Group (A/HRC/25/16/Add.1 and A/HRC/25/2, chap. VI).

*42nd meeting
21 March 2014*

[Adopted without a vote.]

25/114

Outcome of the universal periodic review: Malta

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Malta on 30 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Malta, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/17), the views of Malta concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/25/17/Add.1 and A/HRC/25/2, chap. VI).

*42nd meeting
21 March 2014*

[Adopted without a vote.]

25/115

Outcome of the universal periodic review: Israel

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Israel on 29 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Israel, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/15), the views of Israel concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/25/15/Add.1 and A/HRC/25/2, chap. VI).

*53rd meeting
27 March 2014*

[Adopted without a vote.]

25/116**Postponement of the renewal of the mandate of the Working Group on Enforced or Involuntary Disappearances**

At its 53rd meeting, on 27 March 2014, the Human Rights Council, recalling the annex to its resolution 16/21 of 25 March 2011 and to General Assembly resolution 65/281 of 17 June 2011, decided, in an effort to synchronize schedules for resolutions, mandates and the presentation of reports by the special procedures of the Council, to postpone the renewal of the mandate of the Working Group on Enforced or Involuntary Disappearances to its twenty-seventh session and, for that reason, to extend, on an exceptional basis, the mandate of the Working Group until that session.

[Adopted without a vote.]

25/117**Panel on the right to privacy in the digital age**

At its 54th meeting, on 27 March 2014, the Human Rights Council decided to adopt the text below:

“The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights, relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and other relevant international human rights instruments,

Reaffirming also the Vienna Declaration and Programme of Action,

Recalling General Assembly resolution 68/167 of 18 December 2013 on the right to privacy in the digital age,

Recalling also all relevant resolutions of the Commission on Human Rights and the Human Rights Council, in particular Council resolution 20/8 of 5 July 2012 on the promotion, protection and enjoyment of human rights on the Internet,

Reaffirming the right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights,

Welcoming the efforts undertaken by the Office of the United Nations High Commissioner for Human Rights, special procedures, treaty bodies and other relevant mechanisms in promoting and protecting the right to privacy in the digital age,

Reaffirming that the same rights that people have offline must also be protected online, including the right to privacy,

Recognizing that the exercise of the right to privacy is important for the realization of the right to freedom of expression and to hold opinions without interference, and is one of the foundations of a democratic society,

Deeply concerned at the negative impact that surveillance and/or interception of communications, including extraterritorial surveillance and/or interception of communications, as well as the collection of personal data, in particular when carried out on a mass scale, may have on the exercise and enjoyment of human rights,

1. *Decides* to convene, at its twenty-seventh session, a panel discussion on the promotion and protection of the right to privacy in the digital age in the context of domestic and extraterritorial surveillance and/or the interception of digital communications and the collection of personal data, including on a mass scale, also with a view to identifying challenges and best practices, taking into account the report of the United Nations High Commissioner for Human Rights requested by the General Assembly in its resolution 68/167;

2. *Requests* the High Commissioner to organize the panel discussion, in consultation with States, relevant United Nations bodies, funds and programmes, treaty bodies, special procedures and regional human rights mechanisms, as well as with civil society, non-governmental organizations, the private sector and national human rights institutions, with a view to ensuring multi-stakeholder participation in the panel discussion;

3. *Also requests* the High Commissioner to prepare a summary report on the panel discussion for submission to the Human Rights Council at its twenty-eighth session.”

[Adopted without a vote.]

C. President's statements

PRST 25/1

Situation of human rights in Haiti

At the 56th meeting of the Human Rights Council, held on 28 March 2014, the President of the Council made the following statement:

“1. The Human Rights Council expresses its gratitude to the Independent Expert for his report on the situation of human rights in Haiti.⁶³ It takes note of the latest legal and political developments in Haiti, which have been marked by progress in terms of civil and political rights and of economic, social and cultural rights:

(a) The submission of the initial report of Haiti on the rights of persons with disabilities to the secretariat of the Committee on the Rights of Persons with Disabilities on 20 March 2014;

(b) The recent decision of the Port-au-Prince Court of Appeals to order that further enquiries be undertaken in the case of former President for Life Jean-Claude Duvalier;

(c) The deposit, in December 2013, of the instrument of ratification of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, which will enter into force for Haiti on 1 April 2014;

⁶³ A/HRC/25/71.

(d) The opening of an office to combat violence against women and girls on 27 November 2013 and the establishment of a parliamentary gender equity bureau on 2 December 2013;

(e) The establishment of an ad hoc committee to oversee and assess cases of prolonged pretrial detention on 30 October 2013;

(f) The accession, on 8 October 2013, to the International Covenant on Economic, Social and Cultural Rights, which entered into force for Haiti on 8 January 2014;

(g) The implementation of the 400/100 Programme for the construction of 400 social housing units in 100 districts, which was executed with support from the Inter-American Development Bank, and the launch of the first phase of a programme for the construction of 3,000 social housing units on 16 May 2013;

(h) The establishment of the Interministerial Human Rights Committee to coordinate and harmonize public human rights policies.

2. The Council welcomes the signature of the El Rancho Accord on 14 March 2014, which gives voice to the desire of Haitian political actors to move forward with the planning of elections and the consolidation of democracy in Haiti. To that end, the Council also welcomes the publication of the electoral law and the law on political parties, which pave the way for legislative and local elections to be held in late October 2014. The Council encourages the political authorities of Haiti to maintain their spirit of cooperation and to take swift action with a view to scheduling elections;

3. The Council welcomes the reaffirmation of the commitment of the Haitian authorities to improve the living conditions of Haitian women and men by, *inter alia*, devoting greater attention to respect for human rights. The Council also welcomes the priorities set out in that regard by the President of Haiti (known as the 'five Es' in French): ensuring the rule of law, education, the environment, employment and energy, along with the recent addition of elections to that list. It urges the Government of Haiti to pursue these priorities in a way that will produce concrete, sustainable results for the population of Haiti;

4. Within this context, the Council encourages the Government of Haiti to work to strengthen the rule of law by, *inter alia*, combating impunity, crime and its causes, and the use of prolonged pretrial detention so as to ensure the operation of public institutions and services and the enjoyment of all human rights;

5. The Council also encourages the Government of Haiti to strengthen national human rights institutions, particularly the Office of Citizen Protection, which the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights accredited with an A status on 4 December 2013 in recognition of its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The Council further encourages the authorities of Haiti to redouble their efforts to strengthen judicial institutions and to make them fully compatible with the commitments made by Haiti in relation to respect for human rights;

6. The Council urges the Government of Haiti to continue to adopt the necessary political and legal measures to safeguard the rights of members of vulnerable groups, including women, children, particularly child domestic workers, and persons with disabilities, to increase women's participation in political affairs and to continue to combat gender-based violence and discrimination;

7. The Council is aware of the many obstacles to development in Haiti and the difficulties which the population of Haiti and its leaders continue to encounter in the aftermath of the earthquake of 12 January 2010. It recognizes that families whose members were separated by the earthquake, including unaccompanied children and displaced persons in camps and outside the scope of the main rescue operations, are more vulnerable to human rights violations and that the full enjoyment of civil and political, economic, social and cultural human rights constitutes a factor in peace, stability and development in Haiti;

8. The Council encourages the international community as a whole and, in particular, international donors, the Group of Latin American and Caribbean States, the group of countries known as the Friends of Haiti, specialized agencies of the United Nations and, in particular, the Office of the United Nations High Commissioner for Human Rights, to step up their cooperation with the Haitian authorities with a view to the full realization of all human rights in Haiti;

9. The Council welcomes and approves the request of the Haitian authorities for a one-year extension of the mandate of the Independent Expert on the situation of human rights in Haiti, which concerns technical assistance and capacity-building;

10. The Council encourages the Independent Expert to continue to work with international institutions, donors and the international community to raise their awareness of the need to provide their expertise and appropriate resources to support the efforts of the Haitian authorities to rebuild the country and pursue sustainable development;

11. The Council also encourages the Independent Expert to continue to work with the Government of Haiti, non-governmental organizations of Haiti and civil society in Haiti. It invites the Government of Haiti to continue its active cooperation with civil society;

12. The Council invites the Independent Expert to assist the Government of Haiti in acting upon his own recommendations and those made by other special procedures, in particular those of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context;⁶⁴

13. The Council also invites the Independent Expert to submit his report on the situation of human rights in Haiti to the Council at its twenty-eighth session. It further invites him to undertake a mission to Haiti and to report on that mission to the Council at its twenty-eighth session.”

PRST 25/2

Situation of human rights in South Sudan

At the 56th meeting, held on 28 March 2014, the President of the Human Rights Council read out the following statement:

“The Human Rights Council:

⁶⁴ See A/HRC/25/54.

1. Expresses deep concern at and deplores the situation of human rights resulting from the crisis and violence that broke out in mid-December 2013 in South Sudan;
2. Acknowledges the relevant communiqués and resolutions issued by the Intergovernmental Authority on Development, the African Union and the United Nations, and the statements made by United Nations High Commissioner for Human Rights, in which they urged the parties to the conflict to protect the civilian population from violence and to ensure full respect for human rights and fundamental freedoms;
3. Calls upon the parties to the conflict to put an end to all violations and abuses of human rights, and violations of international humanitarian law, including attacks against and killings of civilians, the displacement of populations and sexual and gender-based violence, and to implement the Cessation of Hostilities Agreement and its Implementation Modalities, as well as to show their political will and commitment to end the conflict through inclusive dialogue, reconciliation and peacebuilding;
4. Expresses support for the democratically elected Government of South Sudan, encourages it to investigate the root causes of the crisis and the violence that broke out in mid-December 2013, and reiterates that all perpetrators of atrocities must be held accountable;
5. Commends the leading role played by the Intergovernmental Authority on Development in mediating between the parties to the conflict in signing the Cessation of Hostilities Agreement and the formation of a monitoring and verification mechanism;
6. Calls upon the international community, United Nations mechanisms and the Office of the High Commissioner to support the efforts of the African Union and the Intergovernmental Authority on Development;
7. Urges the parties to the conflict to allow immediate and full access to humanitarian assistance to all populations in need of assistance, in accordance with humanitarian principles, to facilitate the efforts of humanitarian agencies to address the critical humanitarian crisis, and to explore durable solutions for the refugees and internally displaced persons, in collaboration and coordination with local and international humanitarian organizations;
8. Welcomes the establishment by the African Union of a commission of inquiry for South Sudan as an important step towards ensuring accountability and preventing the recurrence of such abuses;
9. Calls upon the Government of South Sudan to cooperate fully with the United Nations Mission in South Sudan in accordance with the Status of Forces Agreement signed in August 2011;
10. Encourages the United Nations Mission in South Sudan to carry out regular public reporting on the human rights situation in the country, calls upon the Mission to enhance consultation with the Government of South Sudan on such reporting, welcomes the release of the Mission's interim report and looks forward to the public release of its more comprehensive report;
11. Stresses the importance of the continued attention of the Human Rights Council to this human rights situation, including through the interim report of the High Commissioner, to be submitted to the Council at its twenty-sixth session, in accordance with Council resolution 23/24 of 14 June 2013;

12. Encourages the Government of South Sudan to continue to engage with the Intergovernmental Authority on Development, the Human Rights Council and the Office of the High Commissioner on this matter.”

V. Twenty-sixth session

A. Resolutions

26/1

Implementation of the International Decade for People of African Descent: draft programme of activities

See chapter II.

26/2

The question of the death penalty

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, and reaffirming that all States must implement their obligations under international human rights law,

Recalling also the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty,

Recalling further General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008, 65/206 of 21 December 2010 and 67/176 of 20 December 2012 on the question of a moratorium on the use of the death penalty,

Reaffirming the safeguards guaranteeing protection of those facing the death penalty set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, and the provisions regarding the implementation of the guidelines contained in Council resolutions 1989/64 of 24 May 1989 and 1996/15 of 23 July 1996,

Recalling all the resolutions of the Commission on Human Rights on the question of the death penalty, the last of which was resolution 2005/59 of 20 April 2005,

Recalling also Human Rights Council decision 18/117 of 28 September 2011 on reporting by the Secretary-General on the question of the death penalty, Council resolution 22/11 of 21 March 2013 on a panel on the human rights of children of parents sentenced to the death penalty or executed, and Council decision 22/117 of 21 March 2013 on a high-level panel discussion on the question of the death penalty,

Taking note of the reports of the Secretary-General on the question of the death penalty, the latest of which⁶⁵ highlighted the significant developments towards the universal abolition of the death penalty and some noticeable steps towards restricting its use in countries that have retained it, and reminded those States that still intend to implement the death penalty of the need to protect the rights of those facing the death penalty and to ensure that it is not imposed for offences committed by persons below 18 years of age, in particular in accordance with the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,

⁶⁵ A/HRC/24/18.

Mindful of the work of special procedure mandate holders who have addressed human rights issues related to the death penalty, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on extrajudicial, summary or arbitrary executions,

Mindful also of the work undertaken by the treaty bodies to address human rights issues related to the death penalty,

Welcoming the fact that many States are applying a moratorium on the use of the death penalty,

Noting that States with different legal systems, traditions, cultures and religious backgrounds have abolished the death penalty or are applying a moratorium on its use,

Strongly deploring the fact that the use of the death penalty leads to violations of the human rights of those facing the death penalty and of other affected persons,

Acknowledging the interest in studying the question of the death penalty, as well as in holding national and international debates related thereto,

1. *Urges* States that have not yet abolished the death penalty to protect the rights of those facing the death penalty and to ensure that the death penalty is not imposed for offences committed by persons below 18 years of age, in particular in accordance with the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child;

2. *Calls upon* States that have not yet acceded to or ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty to consider doing so;

3. *Requests* the Secretary-General to dedicate the 2015 supplement to his quinquennial report on capital punishment to the consequences arising at various stages of the imposition and application of the death penalty on the enjoyment of the human rights of those facing the death penalty and other affected persons, and to present it to the Human Rights Council at its thirtieth session;

4. *Decides* to convene biennial high-level panel discussions in order to further exchange views on the question of the death penalty, the first of which is to be held at the twenty-eighth session of the Human Rights Council and is to address regional efforts aiming at the abolition of the death penalty and the challenges faced in that regard;

5. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the panel discussions and to liaise with States, relevant United Nations bodies, agencies, treaty bodies, special procedures and regional human rights mechanisms, as well as with parliamentarians, civil society, including non-governmental organizations, and national human rights institutions, with a view to ensuring their participation in the panel discussions;

6. *Also requests* the Office of the High Commissioner to prepare a summary report on the first panel discussion for submission to the Human Rights Council at its thirtieth session;

7. *Decides* to continue consideration of this issue in accordance with its programme of work.

*37th meeting
26 June 2014*

[Adopted by a recorded vote of 29 to 10, with 8 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Austria, Benin, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, France, Gabon, Germany, Ireland, Italy, Kazakhstan, Mexico, Montenegro, Namibia, Peru, Philippines, Romania, Sierra Leone, South Africa, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

Against:

Botswana, China, Ethiopia, India, Indonesia, Japan, Kuwait, Pakistan, Saudi Arabia, United Arab Emirates

Abstaining:

Cuba, Kenya, Maldives, Morocco, Republic of Korea, Russian Federation, United States of America, Viet Nam]

26/3**Extreme poverty and human rights***The Human Rights Council,*

Recalling that, in accordance with the Universal Declaration of Human Rights and the International Covenants on Human Rights, the ideal of a world in which all human beings can enjoy freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights, and reaffirming in this regard the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling also all previous resolutions on the issue of human rights and extreme poverty adopted by the General Assembly, including resolutions 65/214 of 21 December 2010 and 67/164 of 20 December 2012, and by the Commission on Human Rights, as well as relevant Human Rights Council resolutions, including Council resolutions 2/2 of 27 November 2006, 7/27 of 28 March 2008, 8/11 of 18 June 2008, 12/19 of 2 October 2009, 15/19 of 30 September 2010, 17/13 of 17 June 2011 and 21/11 of 27 September 2012,

Recalling further that, in its resolution 62/205 of 19 December 2007, the General Assembly proclaimed the Second United Nations Decade for the Eradication of Poverty (2008–2017) in order to support, in an efficient and coordinated manner, the internationally agreed development goals relating to poverty eradication, including the Millennium Development Goals,

Recalling that, in its resolution 67/164 of 20 December 2012, the General Assembly took note with appreciation of the guiding principles on extreme poverty and human rights, adopted by the Human Rights Council in its resolution 21/11, as a useful tool for States in the formulation and implementation of poverty reduction and eradication policies, as appropriate,

Reaffirming in this regard the commitments made at relevant United Nations conferences and summits, including those made at the World Summit for Social Development, held in Copenhagen in 1995, at the Millennium Summit, at which Heads of State and Government committed themselves to eradicate extreme poverty and to halve, by 2015, the proportion of the world's people whose income is less than one dollar a day and of those who suffer from hunger, and at the 2005 World Summit, and welcoming the conclusions of the summit on the Millennium Development Goals, held in New York from 20 to 22 September 2010,

Deeply concerned that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations are particularly severe in developing countries,

Reaffirming that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and that its immediate alleviation and eventual eradication must remain a high priority for the international community,

Recalling its resolutions 5/1, on the institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the 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,

Expressing its gratitude to the previous mandate holder on extreme poverty and human rights for the important work accomplished in the discharge of her mandate, in particular for her work on the drafting of the guiding principles on extreme poverty and human rights, and conscious of the necessity to continue working on the implementation of the principles,

1. *Welcomes* the work of the Special Rapporteur on extreme poverty and human rights, including the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for her thematic reports, as well as the undertaking of country missions, and welcomes the report of the Special Rapporteur on extreme poverty and human rights on fiscal and tax policy;⁶⁶

2. *Decides* to extend, for a period of three years, the mandate of the Special Rapporteur on extreme poverty and human rights as set out in Human Rights Council resolution 8/11;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to give high priority to extreme poverty and human rights, and invites it to pursue further work in this area, integrating and cooperating fully with the Special Rapporteur in the various activities, notably the Social Forum and the dissemination and implementation of the guiding principles on extreme poverty and human rights, and to continue to provide the Special Rapporteur with all the assistance necessary for the effective fulfilment of his mandate;

4. *Requests* the Special Rapporteur to submit an annual report on the implementation of the present resolution to the General Assembly and to the Human Rights Council, in accordance with their programmes of work;

5. *Also requests* the Special Rapporteur to promote the effective and comprehensive dissemination and implementation of the guiding principles on extreme poverty and human rights;

6. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task, to supply all necessary information requested by the mandate holder, and to respond favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate effectively;

7. *Invites* relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

⁶⁶ A/HRC/26/28.

8. *Decides* to continue its consideration of the issue of extreme poverty and human rights in accordance with its programme of work.

37th meeting
26 June 2014

[Adopted without a vote.]

26/4

Protection of Roma⁶⁷

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling also the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Recalling further general recommendation XXVII of the Committee on the Elimination of Racial Discrimination on discrimination against Roma,

Bearing in mind Commission on Human Rights resolution 1992/65 entitled "Protection of Roma (Gypsies)" of 4 March 1992,

Taking note of the efforts of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on minority issues to fight against discrimination and the social exclusion of Roma,

Recognizing that Roma have faced, for more than five centuries, widespread and enduring discrimination, rejection, social exclusion and marginalization all over the world, in particular in Europe, and in all areas of life,

Expressing concern that Roma in many parts of the world continue to be socially and economically marginalized, which undermines the respect of their human rights, propagates prejudice and impedes their full participation in society and the effective exercise of civic responsibilities,

Recognizing the existence of anti-Gypsyism as a specific form of racism and intolerance, leading to hostile acts ranging from exclusion to violence against Roma communities,

Deploring the recent rise of anti-Gypsyism, anti-Roma rhetoric and violent attacks against Roma, which constitutes a major obstacle to the successful social inclusion of Roma and the full respect of their human rights,

⁶⁷ The term "Roma" used throughout the present text refers to Roma, Sinti, Kale and Travellers, and aims to cover the wide diversity of groups concerned, including groups that identify themselves as "Gypsies".

Recognizing that the primary responsibility for combating discrimination against Roma and for promoting their inclusion lies with the States of which Roma are nationals or long-term legal residents, while the role of the international community is to support and assist the efforts made at the regional, national and, in particular, local levels,

Bearing in mind that the challenges faced by States in handling Roma issues may have cross-border implications,

Noting the work done by States, regional organizations, national human rights institutions and civil society organizations to promote and protect the rights of Roma,

1. *Condemns* unequivocally the persistent manifestations of racism, racial discrimination, xenophobia and related intolerance against Roma, including violence, stigmatization and social exclusion;

2. *Recognizes* the need to carry out a comprehensive study of the human rights situation of Roma worldwide, with a particular focus on the phenomenon of anti-Gypsyism;

3. *Invites* the Special Rapporteur on minority issues to prepare the above-mentioned study with concrete recommendations in consultation with States, national human rights institutions, civil society organizations, regional arrangements, and relevant special procedures and treaty bodies, and to submit it to the Human Rights Council at its twenty-ninth session;

4. *Also invites* the Special Rapporteur, while making recommendations for future thematic subjects of the Forum on Minority Issues, to take the present resolution into account;

5. *Decides* to be seized of the matter.

37th meeting
26 June 2014

[Adopted without a vote.]

26/5 Elimination of discrimination against women

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities,

Recalling also the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights, the Programme of Action of the International Conference on Population and Development, adopted on 13 September 1994, the Beijing Declaration and Platform for Action, adopted on 15 September 1995 by the Fourth World Conference on Women, and their review conferences in 2005 and 2010, the Durban Declaration and Programme of Action, adopted on 8 September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the outcome document of the Durban Review Conference, adopted on 24 April 2009,

Recalling further General Assembly resolution 66/130 of 19 December 2011, Security Council resolution 1325 (2000) of 31 October 2000 and Human Rights Council resolutions 15/23 of 1 October 2010, 20/6 of 5 July 2012 and 23/7 of 13 June 2013 on the elimination of discrimination against women, and 20/4 of 5 July 2012 on the right to a nationality: women and children,

Bearing in mind that international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, prohibit discrimination on the basis of gender and include guarantees to ensure the enjoyment by women and men, and girls and boys, of their civil, political, economic, social and cultural rights on a basis of equality,

Recognizing that the full, equal and effective participation of women of all ages in all spheres of life on an equal basis with men is essential for the full and complete economic, political and social development of a country and for achieving lasting solutions to global challenges, and that gender equality and the empowerment of women benefit women, men, girls and boys and society as a whole,

Mindful of the fact that the elimination of discrimination against women and girls requires the consideration of their specific socioeconomic context, and recognizing that laws, policies, customs and traditions that restrict their equal access to full and effective participation in development processes and economic and social life are discriminatory, and that the non-participation of women in decision-making contributes to the feminization of poverty and hampers sustainable development and economic growth,

Mindful also of the gender gaps in salaries, social security, pensions, decision-making and access to resources, capital and financial services, the burden of unpaid care work and the concentration of women in higher numbers than men in the informal sector,

Bearing in mind the challenges still faced by all countries throughout the world to overcome inequality between men and women, and the need to intensify efforts to eliminate all forms of discrimination against women and girls throughout the world,

Recognizing and deeply regretting that many women and girls face multiple forms of discrimination and are still subject to significant disadvantage as the result of discriminatory laws and practices, and that de jure and de facto equality has not been achieved,

Deeply concerned by the widespread persistence of various forms of violence against girls and women of all ages,

Acknowledging the work undertaken by the United Nations Entity for Gender Equality and the Empowerment of Women, the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the special procedures mandate holders of the Human Rights Council and other relevant United Nations bodies, funds, agencies and mechanisms to eliminate discrimination in law and in practice throughout the world, and noting the work undertaken by the Office of the United Nations High Commissioner for Human Rights on the issue,

Recognizing that gender responsiveness is an essential part of the role played by national human rights institutions as established by the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) adopted by the General Assembly in its resolution 48/134 of 20 December 1993,

Underscoring that periods of economic and financial crisis pose additional challenges to the advancement of women's equal participation and representation in economic, political and social spheres,

1. *Welcomes* the work undertaken by the Working Group on the issue of discrimination against women in law and in practice, and takes note with appreciation of its report,⁶⁸ in which it focused on discrimination against women in economic and social life;
2. *Affirms* that realizing human rights requires the full, effective and meaningful participation of women in all aspects of economic and social life, on an equal footing with men;
3. *Calls upon* States to include, as appropriate, special or positive action measures to achieve gender equality and the empowerment of women in economic and social life as part of a comprehensive system-wide approach of non-discrimination and equality of opportunity and treatment;
4. *Also calls upon* States to promote the rights of women and girls and to support their empowerment by adopting, as appropriate, a coherent set of gender-responsive social and economic policies directed at the family, the workplace and the marketplace, and by addressing poverty and social exclusion in order to overcome the structural barriers and inequalities they face and thereby to ensure their long-term and sustainable participation in economic and social life;
5. *Further calls upon* States to promote reforms, the effectiveness of institutional mechanisms and good governance, and to accelerate the implementation of legal frameworks and policies directed towards achieving equality and the elimination of all forms of discrimination against women and girls, including nationality laws;
6. *Emphasizes* that the prohibition of discrimination against women on grounds of sex, pregnancy, maternity, parenthood or care work should be enforced for all women in all areas of work, including in the informal sector;
7. *Requests* States to take measures to overcome the barriers to women's economic opportunities resulting from maternity and the disproportionate burden of unpaid care work in order to permit choice by women and men as to how they allocate work and family duties and in order to enable the complementarity of work and family between women and men;
8. *Urges* States to take measures to reduce informal work for women, with a focus on female participation in economic life and by increasing women's economic opportunities, particularly in formal employment, in order to promote gender equality;
9. *Recommends* that States support women's entrepreneurship, including through training, the dissemination of information and the provision of credit and saving facilities, and by securing women's equal rights over resources to ensure women's equality and well-being;
10. *Also recommends* that States promote and protect women's rights by providing women with access to social security over the course of their life cycle;
11. *Calls upon* States to analyse and evaluate the impact of the economic and financial crisis from a gender perspective, and to ensure that the principles of gender equality and the empowerment of woman are reflected also in State-led initiatives to sustain and expand the economic recovery, which can provide opportunities to tackle patterns of gender inequality and discrimination;
12. *Calls for* gender equality, the empowerment of women and human rights of women and girls to be reflected as a stand-alone goal and to be integrated and

⁶⁸ A/HRC/26/39.

mainstreamed through, inter alia, targets and indicators, into all sustainable development goals in the post-2015 development agenda;

13. *Calls upon* States to take concrete steps towards eliminating all forms of discrimination against women and girls, directed to achieve gender equality and the empowerment of women at all levels of economic and social decision-making processes, especially during economic and financial crises, and to engage women in State-building;

14. *Stresses* the need to accelerate efforts to eliminate all forms of violence against women and girls, including in economic and social life, such as gender-based violence and sexual harassment against women in the public arena, such as in public transport and services, workplaces, educational institutions and cyberspace, to combat impunity, and to guarantee access to appropriate civil remedies and redress that take into account multiple, intersecting and aggravated forms of discrimination;

15. *Reaffirms* the importance of the right to education as key to the empowerment of women and girls and for ensuring equality and non-discrimination, and the need for the elimination of discriminatory laws and practices that prevent girls from completing their education;

16. *Calls upon* States and encourages institutions of global economic governance and business to promote women's equal access to decision-making positions and processes, and encourages them to appoint and promote women staff members in order to guarantee women's full participation;

17. *Urges* Governments to recognize the important role the media can play in the elimination of gender stereotypes and, to the extent consistent with freedom of expression, increase women's participation in and access to all forms of media, and to encourage the media to increase public awareness of the Beijing Platform for Action, the Millennium Development Goals, gender equality and the empowerment of women and girls;

18. *Recognizes* that the work done by civil society organizations, in particular independent women's civil society organizations, is crucial to promoting full equality in all aspects of economic and social life and eliminating violence against women and girls, including women human rights defenders, and that they therefore require support for their sustainability and growth;

19. *Calls upon* all States to cooperate with and assist the Working Group in its task, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively;

20. *Invites* relevant United Nations agencies, funds and programmes, treaty bodies within their respective mandates and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requests the Working Group to continue its cooperation with the Commission on the Status of Women, including by participating in its work, and reporting, on request;

21. *Requests* the Working Group to continue to work on its thematic priorities, namely, political and public life, economic and social life, family and cultural life, and health and safety, and to dedicate specific attention to good practices that have contributed to mobilizing society as a whole, including men and boys, in the elimination of all forms of discrimination against women and girls;

22. *Takes note with appreciation* of the intention of the Working Group to focus its next report on the issue of discrimination against women in law and in practice in family and cultural life;

23. *Requests* the Working Group, in the discharge of its mandate, to offer support to States' initiatives to address multiple forms of discrimination against women and girls when implementing their obligations as State parties to relevant international human rights treaties with regard to civil, cultural, economic, political and social rights, and related commitments, where applicable;

24. *Decides* to continue its consideration of this issue in conformity with its annual programme of work.

37th meeting
26 June 2014

[Adopted without a vote.]

26/6

Mandate of the Independent Expert on human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005 and Council resolutions 6/3 of 27 September 2007, 7/5 of 27 March 2008, 9/2 of 24 September 2008, 12/9 of 1 October 2009, 15/13 of 30 September 2010, 17/6 of 16 June 2011, 18/5 of 29 September 2011, 21/10 of 27 September 2012 and 23/12 of 13 June 2013,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1, on the institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the 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,

Underlining the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Recalling that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries to realize the right to development of their peoples and to promote the full enjoyment of economic, social and cultural rights by everyone has been insufficient, and in this context reaffirming the critical relevance of international solidarity to the post-2015 development agenda,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with the basic principles of equity and social justice, and that those who suffer or benefit least deserve help from those who benefit most;
2. *Also reaffirms* that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens;
3. *Reiterates its determination* to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;
4. *Reaffirms* the fact that the promotion of international cooperation is a duty for States, that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;
5. *Welcomes* the report of the Independent Expert on human rights and international solidarity⁶⁹ and the work conducted by her;
6. *Decides* to extend the mandate of the Independent Expert on human rights and international solidarity for a period of three years;
7. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity into their activities, to cooperate with the Independent Expert in her mandate, to supply all necessary information requested by her and to give serious consideration to responding favourably to the requests of the Independent Expert to visit their countries, and to enable her to fulfil her mandate effectively;
8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Independent Expert;
9. *Requests* the Independent Expert to continue to participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the implementation of the Millennium Development Goals and in the post-2015 sustainable development agenda;
10. *Takes note with appreciation* of the proposed draft declaration on the right of peoples and individuals to international solidarity contained in the report of the independent expert;⁷⁰
11. *Decides* that, in order to obtain inputs from as many Member States as possible on the proposed draft declaration, the Independent Expert will convene regional consultations and/or workshops, and requests the Office of the High Commissioner to assist the Independent Expert in organizing these regional consultations and/or workshops;

⁶⁹ A/HRC/26/34 and Add.1.

⁷⁰ A/HRC/26/34/Add.1, annex.

12. *Requests* the Independent Expert to consolidate and consider the outputs from all the regional consultations, to submit to the Human Rights Council, at its thirty-second session, a report on those consultations and to submit to the Council and the General Assembly, before the end of her second term, a revised draft declaration;

13. *Also requests* the Independent Expert to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;

14. *Decides* to continue its consideration of this matter under the same agenda item.

37th meeting
26 June 2014

[Adopted by a recorded vote of 33 to 14. The voting was as follows:

In favour:

Algeria, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Ethiopia, Gabon, India, Indonesia, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Morocco, Namibia, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Austria, Czech Republic, Estonia, France, Germany, Ireland, Italy, Japan, Montenegro, Republic of Korea, Romania, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America]

26/7

Mandate of the Special Rapporteur on the independence of judges and lawyers

The Human Rights Council,

Recalling all previous resolutions and decisions of the Human Rights Council, as well as those of the Commission on Human Rights and the General Assembly, on the independence of the judiciary and on the integrity of the judicial system,

Convinced that an independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution able to perform its functions accordingly and the integrity of the judicial system are essential prerequisites for the protection of human rights and fundamental freedoms and the application of the rule of law and for ensuring fair trials without any discrimination,

Condemning the increasingly frequent attacks on the independence of judges, lawyers, prosecutors and court officials, in particular threats, intimidation and interference in the discharge of their professional functions,

Recalling its resolutions 5/1, on the institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the 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. *Commends* the Special Rapporteur on the independence of judges and lawyers for the important work undertaken in the discharge of her mandate;

2. *Decides* to extend the mandate of the Special Rapporteur for a period of three years on the same terms as provided by the Human Rights Council in its resolution 17/2 of 16 June 2011;

3. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, to respond to communications transmitted to them by the Special Rapporteur without undue delay, to consider responding favourably to his or her request for visits and to consider implementing his or her recommendations;

4. *Encourages* the United Nations, including its specialized agencies, as well as regional organizations, national human rights institutions, independent experts, bar associations, professional associations of judges and prosecutors, non-governmental organizations and other relevant stakeholders, to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his or her mandate;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the necessary human and financial resources for the effective fulfilment of his or her mandate;

6. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

37th meeting

26 June 2014

[Adopted without a vote.]

26/8

Mandate of the Special Rapporteur on trafficking in persons, especially women and children

The Human Rights Council,

Reaffirming all previous General Assembly and Human Rights Council resolutions on the problem of trafficking in persons, especially women and children,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

Recalling the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and reaffirming in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and recalling the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Recalling also the Forced Labour Convention, 1930 (No. 29), the Worst Forms of Child Labour Convention, 1999 (No. 182), the Domestic Workers Convention, 2011 (No. 189) and the Domestic Workers Recommendation, 2011 (No. 201) of the International Labour Organization, and recalling the adoption by the Organization in 2014 of the

Protocol to the Forced Labour Convention and the Recommendation on Supplementary Measures for the Effective Suppression of Forced Labour, 2014 (No. 203),

Taking note of the decision of the General Assembly to declare 30 July World Day against Trafficking in Persons,⁷¹

Taking note also of the Recommended Principles and Guidelines on Human Rights and Human Trafficking⁷² and the commentary thereto developed by the Office of the United Nations High Commissioner for Human Rights,

Recalling the United Nations Global Plan of Action to Combat Trafficking in Persons and Commission on Crime Prevention and Criminal Justice resolution 20/3 of 15 April 2011,

Recognizing the concern expressed by the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee against Torture at the persistence of trafficking and the vulnerability of trafficked persons to human rights violations and abuses,

Affirming that trafficking in persons violates and impairs or nullifies the enjoyment of human rights and fundamental freedoms, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral, regional and bilateral cooperation among countries of origin, transit and destination for its eradication,

Recognizing that victims of human trafficking are exposed to multiple forms of discrimination and violence, including on the grounds of gender, age, race, disability, ethnicity, culture and religion, as well as national or social origin or other status, and that these forms of discrimination may themselves fuel trafficking in persons,

Acknowledging that poverty is an important factor in making persons vulnerable to trafficking,

Recognizing that persons without nationality or birth registration are particularly vulnerable to trafficking,

Noting with concern that some of the demand fostering sexual exploitation, exploitative labour and the illegal removal of organs is met by trafficking in persons,

Bearing in mind that all States have an obligation to exercise due diligence to prevent trafficking in persons, to investigate instances of trafficking and punish perpetrators, to rescue victims and to provide for their protection and access to remedies, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Recognizing the importance of the work of the Special Rapporteur on trafficking in persons, especially women and children, in the prevention and promotion of and global fight against human trafficking and in promoting awareness of and upholding the human rights of victims of trafficking,

Welcoming the cooperation of those States that have accepted requests for visits by the Special Rapporteur and have responded to her requests for information,

Acknowledging with interest the work of the Special Rapporteur in drafting the basic principles on the right to an effective remedy for victims of trafficking, as annexed to the

⁷¹ General Assembly resolution 68/192.

⁷² E/2002/68/Add.1.

report of the United Nations High Commissioner for Human Rights,⁷³ and taking note with interest of the regional and global consultations conducted by the Special Rapporteur with all relevant stakeholders on the basic principles on the right to an effective remedy for victims of trafficking, as well as the report of the High Commissioner, as requested by the Human Rights Council in its resolution 20/1 of 5 July 2012,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on a Code of Conduct for Special Procedures Mandate Holders of the 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. *Welcomes* the report of the Special Rapporteur on the first decade of the mandate of the Special Rapporteur on trafficking in persons, especially women and children;⁷⁴

2. *Decides* to extend the mandate of the Special Rapporteur for a period of three years, in order to, inter alia:

(a) Promote the prevention of trafficking in persons in all its forms and the adoption of effective measures to uphold and protect the human rights of victims of trafficking in persons;

(b) Promote the effective application of relevant international norms and standards and to contribute to their further improvement;

(c) Integrate a gender and age perspective throughout the work of his or her mandate through, inter alia, the identification of gender- and age-specific vulnerabilities in relation to the issue of trafficking in persons;

(d) Identify, share and promote good practices in order to uphold and protect the human rights of victims of trafficking in persons and to identify protection gaps in this regard, including with regard to the identification of victims of trafficking in persons;

(e) Examine the impact of national, regional and international anti-trafficking measures on the human rights of victims of trafficking in persons with a view to proposing adequate responses to challenges arising in this regard and to avoid re-victimization of victims of trafficking;

(f) Give particular emphasis to recommendations on practical solutions with regard to the implementation of the rights relevant to the mandate, including by the identification of concrete areas and means for international and regional cooperation and capacity-building to tackle the issue of trafficking in persons;

(g) Request, receive and exchange information on trafficking in persons from and with Governments, relevant treaty bodies, special procedures, specialized agencies, intergovernmental organizations, civil society, including non-governmental organizations, national human rights institutions and other sources, including victims of trafficking or their representatives, as appropriate, and, in accordance with current practice, respond effectively to reliable information on alleged human rights violations with a view to protecting the human rights of actual or potential victims of trafficking;

(h) Work in close cooperation, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Council, relevant United Nations bodies, agencies and mechanisms, including the Office of the United Nations High

⁷³ A/HRC/26/18.

⁷⁴ A/HRC/26/37.

Commissioner for Human Rights, the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Refugees, the International Labour Organization, the United Nations Children's Fund and the Inter-Agency Coordination Group against Trafficking in Persons, as well as the International Organization for Migration, relevant treaty bodies, regional human rights mechanisms, national human rights institutions, civil society, including non-governmental organizations, and the private sector;

(i) Cooperate closely with the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, including its Working Group on Trafficking in Persons and the Working Group on the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and attend and participate in their annual sessions, upon invitation;

(j) Continue consultations with States through its national-level actors to fight trafficking in persons, including national rapporteurs, coordinators and committees, as well as with human rights mechanisms and national human rights institutions, with a view to contributing to strengthening cooperation between those actors;

(k) Report annually on the implementation of the present resolution to the Human Rights Council and the General Assembly, according to their respective programmes of work;

3. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to his or her requests to visit their countries, to provide him or her with all necessary information related to the mandate and to react promptly to his or her urgent appeals in order to enable him or her to fulfil the mandate effectively;

4. *Strongly encourages* Governments to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the High Commissioner as a useful tool in integrating a human rights-based approach into their responses to combat trafficking in persons;

5. *Urges* States, subregional, regional and multilateral organizations to develop and strengthen strategies and plans of action to combat trafficking in persons in accordance with a victim-centred approach;

6. *Invites* States and other interested parties to make further voluntary contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children;

7. *Requests* the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur receives the resources necessary to enable him or her to discharge his or her mandate fully;

8. *Decides* to continue consideration of the issue of trafficking in persons, especially women and children, in accordance with its annual programme of work.

*37th meeting
26 June 2014*

[Adopted without a vote.]

26/9

Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights

The Human Rights Council,

Recalling the principles and purposes of the Charter of the United Nations,

Recalling also the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling further the Declaration on the Right to Development, adopted by the General Assembly through its resolution 41/128 on 4 December 1986,

Recalling Commission on Human Rights resolution 2005/69 of 20 April 2005, in which the Commission established the mandate of Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, and all previous Human Rights Council resolutions on the issues of human rights and transnational corporations and other business enterprises, including resolutions 8/7 of 18 June 2008 and 17/4 of 16 June 2011,

Bearing in mind the approval of the Guiding Principles on Business and Human Rights by the Human Rights Council in its resolution 17/4,

Taking into account all the work undertaken by the Commission on Human Rights and the Human Rights Council on the question of the responsibilities of transnational corporations and other business enterprises⁷⁵ with respect to human rights,

Stressing that the obligations and primary responsibility to promote and protect human rights and fundamental freedoms lie with the State, and that States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including transnational corporations,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect human rights,

Emphasizing also that civil society actors have an important and legitimate role in promoting corporate social responsibility, and in preventing, mitigating and seeking remedy for the adverse human rights impacts of transnational corporations and other business enterprises,

Acknowledging that transnational corporations and other business enterprises have the capacity to foster economic well-being, development, technological improvement and wealth, as well as causing adverse impacts on human rights,

Bearing in mind the progressive development of this issue,

1. *Decides* to establish an open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights; whose mandate shall be to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises;

⁷⁵ "Other business enterprises" denotes all business enterprises that have a transnational character in their operational activities, and does not apply to local businesses registered in terms of relevant domestic law.

2. *Also decides* that the first two sessions of the open-ended intergovernmental working group shall be dedicated to conducting constructive deliberations on the content, scope, nature and form of the future international instrument, in this regard;
3. *Further decides* that the Chairperson-Rapporteur of the open-ended intergovernmental working group should prepare elements for the draft legally binding instrument for substantive negotiations at the commencement of the third session of the working group on the subject, taking into consideration the discussions held at its first two sessions;
4. *Decides* that the open-ended intergovernmental working group shall hold its first session for five working days in 2015, before the thirtieth session of the Human Rights Council;
5. *Recommends* that the first meeting of the open-ended intergovernmental working group serve to collect inputs, including written inputs, from States and relevant stakeholders on possible principles, scope and elements of such an international legally binding instrument;
6. *Affirms* the importance of providing the open-ended intergovernmental working group with independent expertise and expert advice in order for it to fulfil its mandate;
7. *Requests* the United Nations High Commissioner for Human Rights to provide the open-ended intergovernmental working group with all the assistance necessary for the effective fulfilment of its mandate;
8. *Requests* the open-ended intergovernmental working group to submit a report on progress made to the Human Rights Council for consideration at its thirty-first session;
9. *Decides* to continue consideration of this question in conformity with its annual programme of work.

*37th meeting
26 June 2014*

[Adopted by a recorded vote of 20 to 14, with 13 abstentions. The voting was as follows:

In favour:

Algeria, Benin, Burkina Faso, China, Congo, Côte d'Ivoire, Cuba, Ethiopia, India, Indonesia, Kazakhstan, Kenya, Morocco, Namibia, Pakistan, Philippines, Russian Federation, South Africa, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Austria, Czech Republic, Estonia, France, Germany, Ireland, Italy, Japan, Montenegro, Republic of Korea, Romania, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Argentina, Botswana, Brazil, Chile, Costa Rica, Gabon, Kuwait, Maldives, Mexico, Peru, Saudi Arabia, Sierra Leone, United Arab Emirates]

26/10 International Albinism Awareness Day

See chapter II.

26/11 Protection of the family

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Guided by the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and other relevant human rights instruments,

Recalling General Assembly resolutions 44/82 of 8 December 1989, 47/237 of 20 September 1993, 50/142 of 21 December 1995, 52/81 of 12 December 1997, 54/124 of 17 December 1999, 56/113 of 19 December 2001, 57/164 of 18 December 2002, 58/15 of 3 December 2003, 59/111 of 6 December 2004, 59/147 of 20 December 2004, 60/133 of 16 December 2005, 62/129 of 18 December 2007, 64/133 of 18 December 2009, 66/126 of 19 December 2011, 67/142 of 20 December 2012 and 68/136 of 18 December 2013, concerning the proclamation of, preparations for and observance of the International Year of the Family and its tenth and twentieth anniversaries,

Recognizing that the preparations for and observance of the twentieth anniversary of the International Year of the Family provide a useful opportunity to draw further attention to the objectives of the International Year for increasing cooperation at all levels on family issues and for undertaking concerted actions to strengthen family-centred policies and programmes as part of an integrated, comprehensive approach to human rights and development,

Reaffirming that States have the primary responsibility to promote and protect the human rights and fundamental freedoms of all human beings, including women, children and older persons,

Recognizing that the family has the primary responsibility for the nurturing and protection of children and that children, for the full and harmonious development of their personality, should grow up in a family environment and in an atmosphere of happiness, love and understanding,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members, and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Reaffirming that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State,

1. *Decides* to convene, at its twenty-seventh session, a panel discussion on the protection of the family and its members to address the implementation of States' obligations under relevant provisions of international human rights law and to discuss challenges and best practices in this regard;

2. *Requests* the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including the relevant United Nations bodies, agencies, and programmes, the treaty bodies, the special procedures of the Human Rights Council, national human rights institutions and civil society, with a view to ensuring their participation in the panel discussion;

3. *Also requests* the High Commissioner to prepare a report on the panel discussion in the form of a summary, and to submit it to the Human Rights Council at its twenty-eighth session;

4. *Decides* to remain seized of the matter.

38th meeting
26 June 2014

[Adopted by a recorded vote of 26 to 14, with 6 abstentions. The voting was as follows:

In favour:

Algeria, Benin, Botswana, Burkina Faso, China, Congo, Côte d'Ivoire, Ethiopia, Gabon, India, Indonesia, Kazakhstan, Kenya, Kuwait, Maldives, Morocco, Namibia, Pakistan, Philippines, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Austria, Chile, Czech Republic, Estonia, France, Germany, Ireland, Italy, Japan, Montenegro, Republic of Korea, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Argentina, Brazil, Costa Rica, Mexico, Peru, the former Yugoslav Republic of Macedonia]

26/12

Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Welcoming the universal ratification of the Geneva Conventions of 12 August 1949, which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1, on the institution building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the 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,

Mindful of all relevant General Assembly, Human Rights Council and Commission on Human Rights resolutions on extrajudicial, summary or arbitrary executions, in particular Commission resolution 2004/37 of 19 April 2004, Council resolutions 8/3 of 18

June 2008 and 17/5 of 16 June 2011 and Assembly resolutions 61/173 of 19 December 2006, 65/208 of 21 December 2010 and 67/168 of 20 December 2012,

Acknowledging that extrajudicial, summary or arbitrary executions are crimes under the Rome Statute of the International Criminal Court,

Convinced of the need for effective action to combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the inherent right to life,

Dismayed that, in a number of countries, impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions,

1. *Strongly condemns* once again all extrajudicial, summary or arbitrary executions, in all their forms, that continue to take place throughout the world;

2. *Acknowledges* the importance of relevant special procedures of the Human Rights Council, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, in their key role as early warning mechanisms in preventing the crime of genocide, crimes against humanity and war crimes, and encourages the relevant special procedures, within their mandates, to cooperate towards this end;

3. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

4. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and to bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions, as stated in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;

5. *Welcomes* the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions, and notes with appreciation the thematic reports presented to the Human Rights Council during his mandate on the protection of the right to life of journalists,⁷⁶ on lethal autonomous robotics⁷⁷ and on the protection of the right to life during law enforcement,⁷⁸ and invites States to give due consideration to the conclusions and recommendations given therein;

6. *Commends* the important role that the Special Rapporteur plays towards eliminating extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within the framework of his or her mandate, to collect information from all concerned, to respond effectively to information that comes before him or her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in the elaboration of his or her reports;

7. *Requests* the Special Rapporteur, in carrying out his or her mandate:

⁷⁶ A/HRC/20/22 and Corr.1.

⁷⁷ A/HRC/23/47.

⁷⁸ A/HRC/26/36.

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions in all circumstances and for whatever reason, and to submit his or her findings on an annual basis, together with conclusions and recommendations, to the Human Rights Council and the General Assembly, and to draw the attention of the Council to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(b) To continue to draw the attention of the United Nations High Commissioner for Human Rights to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(c) To respond effectively to information that comes before him or her, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(d) To enhance further his or her dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(e) To continue to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(f) To apply a gender perspective in his or her work;

8. *Urges* States:

(a) To cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to do so without further delay;

(b) To give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries;

(c) To ensure appropriate follow-up to the recommendations and conclusions of the Special Rapporteur, including by providing information to the Special Rapporteur on the actions taken on those recommendations;

9. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

10. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable him or her to carry out the mandate effectively, including through country visits;

11. *Decides* to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years;

12. *Also decides* to continue to consider this matter in conformity with its programme of work.

*38th meeting
26 June 2014*

[Adopted without a vote.]

26/13**The promotion, protection and enjoyment of human rights on the Internet**

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular Council resolution 20/8 of 5 July 2012, on the promotion, protection, and enjoyment of human rights on the Internet, as well as resolutions 12/16 of 2 October 2009, on freedom of opinion and expression, and 23/2 of 13 June 2013, on the role of freedom of opinion and expression in women's empowerment, and also recalling General Assembly resolutions 68/167 of 18 December 2013, on the right to privacy in the digital age, and 68/198 of 20 December 2013, on information and communications technologies for development, and Human Rights Council decision 25/117 of 27 March 2014 on the panel on the right to privacy in the digital age,

Taking note of the Global Multi-stakeholder Meeting on the Future of Internet Governance, held in São Paulo on 23 and 24 April 2014, which acknowledged, inter alia, the need for human rights to underpin Internet governance and that rights that people have offline must also be protected online,

Noting that the exercise of human rights, in particular the right to freedom of expression, on the Internet is an issue of increasing interest and importance as the rapid pace of technological development enables individuals all over the world to use new information and communication technologies,

Noting also the importance of building confidence and trust in the Internet, not least with regard to freedom of expression, privacy and other human rights so that the potential of the Internet as, inter alia, an enabler for development and innovation can be realized,

Emphasizing that access to information on the Internet facilitates vast opportunities for affordable and inclusive education globally, thereby being an important tool to facilitate the promotion of the right to education, while underlining the need to address digital literacy and the digital divide, as it affects the enjoyment of the right to education,

Recognizing that, for the Internet to remain global, open and interoperable, it is imperative that States address security concerns in accordance with their international human rights obligations, in particular with regard to freedom of expression, freedom of association and privacy,

Taking note with appreciation of the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, submitted to the Human Rights Council at its seventeenth and twenty-third sessions,⁷⁹ and to the General Assembly at its sixty-sixth session,⁸⁰ on freedom of expression on the Internet,

⁷⁹ A/HRC/17/27 and A/HRC/23/40 and Corr.1.

⁸⁰ A/66/290.

Considering the key importance of government engagement with all relevant stakeholders, including civil society, private sector, the technical community and academia, in protecting and promoting human rights and fundamental freedoms online,

1. *Affirms* that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

2. *Recognizes* the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms;

3. *Calls upon* all States to promote and facilitate access to the Internet, and international cooperation aimed at the development of media and information and communication facilities and technologies in all countries;

4. *Affirms* that quality education plays a decisive role in development, and therefore calls upon all States to promote digital literacy and to facilitate access to information on the Internet, which can be an important tool in facilitating the promotion of the right to education;

5. *Calls upon* all States to address security concerns on the Internet in accordance with their international human rights obligations to ensure protection of freedom of expression, freedom of association, privacy and other human rights online, including through national democratic, transparent institutions, based on the rule of law, in a way that ensures freedom and security on the Internet so that it can continue to be a vibrant force that generates economic, social and cultural development;

6. *Stresses* the importance of combating advocacy of hatred that constitutes incitement to discrimination or violence on the Internet, including by promoting tolerance and dialogue;

7. *Calls upon* all States to consider formulating, through transparent and inclusive processes with all stakeholders, and adopting national Internet-related public policies that have the objective of universal access and enjoyment of human rights at their core;

8. *Encourages* the special procedures to take these issues into account within their existing mandates, as applicable;

9. *Decides* to continue its consideration of the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the Internet and other technologies, as well as of how the Internet can be an important tool for development and for exercising human rights, in accordance with its programme of work.

*38th meeting
26 June 2014*

[Adopted without a vote.]

26/14

Human rights and arbitrary deprivation of nationality

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his or her nationality,

Reaffirming its resolutions 7/10 of 27 March 2008, 10/13 of 26 March 2009, 13/2 of 24 March 2010, 20/4 of 5 July 2012 and 20/5 of 16 July 2012, as well as all previous resolutions adopted by the Commission on Human Rights, on the issue of human rights and the arbitrary deprivation of nationality,

Reaffirming also its resolution 19/9 of 22 March 2012, in which it took into consideration the fact that persons without birth registration may be vulnerable to statelessness and associated lack of protection,

Recognizing the authority of States to establish laws governing the acquisition, renunciation or loss of nationality in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession,

Recalling articles 7 and 8 of the Convention on the Rights of the Child, which guarantee the right of the child to be registered immediately after birth and to acquire nationality,

Noting the provisions of other international human rights instruments and international instruments on statelessness and nationality recognizing the right to acquire, change or retain nationality or prohibiting arbitrary deprivation of nationality, inter alia, article 5, paragraph (d) (iii), of the International Convention on the Elimination of All Forms of Racial Discrimination, article 24, paragraph 3 of the International Covenant on Civil and Political Rights, articles 1 to 3 of the Convention on the Nationality of Married Women, article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, article 18 of the Convention on the Rights of Persons with Disabilities, the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons, as well as relevant regional instruments,

Noting also general recommendation No. 30 (2004) of the Committee on the Elimination of Racial Discrimination,

Recalling that persons arbitrarily deprived of nationality are protected by international human rights and refugee law, as well as by instruments on statelessness, including, with respect to State parties, the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees and the Protocol thereto,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Recalling General Assembly resolution 68/141 of 18 December 2013, in which the Assembly, inter alia, urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons,

Taking note of the intergovernmental event organized by the Office of the United Nations High Commissioner for Refugees on 7 December 2011 marking the sixtieth anniversary of the Convention on the Status of Refugees and the fiftieth anniversary of the Convention on the Reduction of Statelessness, which guarantees the right of the child to be registered immediately after birth and to acquire nationality, and welcoming the ongoing implementation of pledges made by States at the said event in the field of the reduction of statelessness, prevention of statelessness and protection of stateless persons,

Welcoming the call of the United Nations High Commissioner for Refugees to eradicate statelessness within 10 years, including by preventing new situations of arbitrary deprivation of nationality and resolving existing situations of statelessness,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying them to individuals in their populations because of nationality, ethnicity, race, religion or language,

Recalling General Assembly resolutions on the issue of the nationality of natural persons in relation to the succession of States, in particular resolutions 55/153 of 12 December 2000, 59/34 of 2 December 2004, 63/118 of 11 December 2008 and 66/92 of 9 December 2011, in which the Assembly invited States to take into account the provisions of the articles on nationality of natural persons in relation to the succession of States prepared by the International Law Commission in dealing with issues of nationality of natural persons in relation to the succession of States,

Recognizing that arbitrary deprivation of nationality disproportionately affects persons belonging to minorities, and recalling the work done by the Special Rapporteur on minority issues on the subject of the right to nationality,

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Acknowledging that incidents of discriminatory deprivation of nationality, including without clear legislative basis or for which a legislative basis was exceptionally created, have been a source of widespread suffering and statelessness in the past,

Noting that some of the situations mentioned above remain unresolved to this day and have led to intergenerational statelessness, which affects the children and grandchildren of those originally deprived of their nationality,

Recalling that arbitrarily depriving a person of his or her nationality may lead to statelessness, and in this regard expressing concern at various forms of discrimination against stateless persons that may violate the obligations of States under international human rights law,

Emphasizing that the human rights and fundamental freedoms of persons whose nationality may be affected by State succession must be fully respected,

1. *Reaffirms* that the right to a nationality of every human person is a fundamental human right enshrined in, inter alia, the Universal Declaration of Human Rights;

2. *Reiterates* that arbitrary deprivation of nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status is a violation of human rights and fundamental freedoms;

3. *Also reiterates* that the prevention and reduction of statelessness are primarily the responsibility of States, in appropriate cooperation with the international community;

4. *Calls upon* all States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, especially if such measures and legislation render a person stateless;

5. *Urges* all States to adopt and implement nationality legislation with a view to avoiding statelessness, consistent with the principles of international law, in particular by preventing arbitrary deprivation of nationality and statelessness as a result of State succession;

6. *Notes* that the full enjoyment of all human rights and fundamental freedoms of an individual might be impeded as a result of arbitrary deprivation of nationality, and that such individuals are placed in a situation of increased vulnerability to human rights violations;

7. *Expresses its concern* that persons arbitrarily deprived of nationality may be affected by poverty, social exclusion and limited legal capacity, which have an adverse impact on their enjoyment of relevant civil, political, economic, social and cultural rights, in particular in the areas of education, housing, employment, health and social security;

8. *Reaffirms* that every child has the right to acquire a nationality, and recognizes the special needs of children for protection against arbitrary deprivation of nationality;

9. *Stresses* that children deprived of nationality and stateless children are at greater risk of particular forms of human rights violations, such as trafficking and other forms of exploitation;

10. *Urges* all States to prevent statelessness through legislative and other measures aimed at ensuring that all children are registered immediately after birth and have the right to acquire a nationality and that individuals do not become stateless thereafter;

11. *Welcomes* the report of the Secretary-General submitted in accordance with Human Rights Council resolution 20/5⁸¹ and the conclusions contained therein;

12. *Calls upon* States to observe minimum procedural standards in order to ensure that decisions concerning the acquisition, deprivation or change of nationality do not contain any element of arbitrariness and are subject to review, in conformity with their international human rights obligations;

13. *Emphasizes* that where States take any measure that would render individuals stateless by depriving them of nationality, they should endeavour to do so in a limited manner;

14. *Urges* States in regulating loss and deprivation of nationality to ensure incorporation in their domestic law of safeguards to prevent statelessness;

15. *Calls upon* States to ensure that such safeguards are implemented and access of persons arbitrarily deprived of their nationality to effective remedies, including, but not limited to, restoration of nationality, is provided;

16. *Also calls upon* States to consider whether loss or deprivation of nationality is proportionate to the interest to be protected by the loss or deprivation, including in the light of the severe impact of statelessness, and to consider alternative measures that could be adopted;

17. *Urges* States to refrain from automatically extending the loss or deprivation of nationality to a person's dependents;

⁸¹ See A/HRC/25/28.

18. *Encourages* States to grant their nationality to persons who had habitual residence in their territory before it was affected by the succession of States, especially if those persons would otherwise become stateless;

19. *Also encourages* States to consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction on Statelessness if they have not already done so;

20. *Welcomes* the ongoing efforts made in the field of reduction of statelessness and combating arbitrary deprivation of nationality by different United Nations bodies and entities and human rights treaty bodies, and calls on them to follow in this work the guidance note of the Secretary-General entitled “The United Nations and Statelessness” and the guidelines on statelessness issued by the United Nations High Commissioner for Refugees;

21. *Urges* relevant United Nations human rights mechanisms and appropriate treaty bodies and encourages the Office of the United Nations High Commissioner for Refugees to continue to collect information on the issue of human rights and arbitrary deprivation of nationality from all relevant sources, and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates;

22. *Requests* the Secretary-General, in consultation with States, United Nations agencies and other relevant stakeholders, to prepare a report on the impact that the arbitrary deprivation of nationality has on the enjoyment of the rights of children concerned, as well as on the existing laws and practices on accessibility for children to acquire nationality, inter alia, of the country in which they are born, if they otherwise would be stateless, and to present it to the Human Rights Council before its thirty-first session;

23. *Decides* to continue consideration of this issue in 2016 in accordance with its programme of work.

*38th meeting
26 June 2014*

[Adopted without a vote.]

26/15

Accelerating efforts to eliminate all forms of violence against women: violence against women as a barrier to women’s political and economic empowerment

The Human Rights Council,

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

Guided also by the Convention on the Elimination of All Forms of Discrimination against Women,

Reaffirming the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development,

Recalling all relevant resolutions of the Human Rights Council, as well as those of the Commission on Human Rights, on the elimination of all forms of violence against

women, and recalling also relevant resolutions of the General Assembly and relevant resolutions and agreed conclusions of the Commission on the Status of Women,

Taking note of the important role that can be played by the regional instruments to combat violence against women,

Outraged about the continued persistence and pervasiveness of all forms of violence against women and girls worldwide, and emphasizing that such violence is a violation, abuse or impairment of human rights and as such is unacceptable,

Reiterating the need to intensify efforts at all levels to prevent and eliminate all forms of violence against women and girls throughout the world,

Recognizing that violence against women and girls is rooted in historical and structural inequality in power relations between women and men, and that all forms of violence against women and girls seriously violate and impair or nullify their enjoyment of all human rights and fundamental freedoms and constitute a major impediment to the ability of women and girls to make use of their capabilities,

Recalling that the threat of violence, including all forms of harassment, is a permanent constraint on the mobility of women and girls, limits their access to resources, services and basic activities, and impedes their economic and political empowerment,

Emphasizing the need for States, and all segments of society, including civil society organizations, the private sector and the media, as well as community leaders, including tribal leaders, and religious leaders to take meaningful steps to promote the empowerment of women and girls in order to achieve gender equality and to strongly condemn and address attitudes and behaviours that perpetuate violence against women and girls,

Stressing that any custom, tradition or religious consideration should not be invoked by States to avoid their obligations with respect to the elimination of all forms of violence against women and girls, as set out in the Declaration on the Elimination of Violence against Women,

Acknowledging the important role that men and boys can play in preventing and eliminating violence against women and girls, and further encouraging men and boys to take an active part and become strategic partners and allies in the prevention and elimination of all forms of violence and discrimination against women and girls, and the importance of effectively responding to violence against boys as well, in order to break the intergenerational cycles of violence,

Recognizing that poverty and lack of empowerment of women, as well as their marginalization resulting from their exclusion from social policies and from the benefits of education, health and sustainable development, can place them at increased risk of violence, and that all forms of violence against women and girls, including sexual violence, are impediments to the development of their full potential as equal partners in all aspects of life, as well as obstacles to the achievement of the internationally agreed development goals, including the Millennium Development Goals,

Recognizing also the continuing need to increase women's full and effective participation in all actions and activities related to the prevention and resolution of armed conflict, the maintenance of peace and security and post-conflict peacebuilding in line with relevant Security Council resolutions, including Council resolution 1325 (2000) of 31 October 2000 and related resolutions,

Recognizing further that child, early and forced marriage continues to be an impediment to not only the economic, legal, health and social status of women and girls but also to the development of the community as a whole, and that the empowerment of and investment in women and girls, as well as their meaningful participation in decisions that

affect them, are a key factor in breaking the cycle of gender inequality and discrimination, violence and poverty and is critical for sustainable development and economic growth,

Expressing concern about institutional and structural discrimination against women and girls, such as laws, policies, regulations, programmes, administrative procedures or structures and services that directly or indirectly regulate access to institutions, property and land ownership, health, education, employment and access to credit, which negatively affect women's empowerment and increase their vulnerability to violence,

Recognizing that indigenous women and girls, women and girls with disabilities, older women, women migrants and minorities often experience multiple forms of discrimination, which may increase their vulnerability to all forms of violence and limit their ability to participate in, contribute to and enjoy economic, social, cultural and political autonomy,

Expressing concern that social norms and legal constraints that restrict women's agency in the public and private sphere and their economic independence can constrain a woman's ability to leave an abusive or violent situation and reduce her ability to access protection and to secure an adequate standard of living,

Recognizing that violence against women has both short- and long-term adverse consequences for women's health, including their sexual and reproductive health, and for the enjoyment of their human rights, and that respecting and promoting sexual and reproductive health, and protecting and fulfilling reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences is a necessary condition to achieve gender equality and the empowerment of women to enable them to enjoy all their human rights and fundamental freedoms, and to prevent and mitigate violence against women,

Recognizing also the important role of the United Nations system, in particular of the United Nations Entity for Gender Equality and the Empowerment of Women, in addressing discrimination and violence against women and girls at the global, regional and national levels and in assisting States, upon their request, in their efforts to eliminate and prevent all forms of violence against women and girls, and highlighting the relevance of such efforts to the attainment of the Millennium Development Goals,

Taking note of the work of the Statistical Commission of the United Nations and the Special Rapporteur on violence against women, its causes and consequences, towards developing a set of indicators on violence against women,

Underscoring the positive role that intergovernmental organizations, international financial institutions, regional development banks, civil society, including non-governmental organizations, the private sector, employer organizations, trade unions, media and other relevant organizations can play in supporting State action to promote women's economic empowerment and political participation, which can help to reduce violence against women and girls,

Taking particular note of the report of the High-level Panel of Eminent Persons on the Post-2015 Development Agenda,⁸² and noting other relevant contributions by United Nations agencies, programmes and funds on the post-2015 development agenda, which highlight the impact of violence against women and girls on development outcomes and

⁸² *A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development* (United Nations, New York, 2013).

consider the elimination of violence against women and women's empowerment as a key factor for achieving gender equality,

1. *Strongly condemns* all acts of violence against women and girls, whether these acts are perpetrated by the State, private persons or non-State actors, and calls for the prevention and elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State;

2. *Urges* States and all segments of society, including all levels of government, civil society organizations, the private sector and the media, as well as community and religious leaders, to take meaningful steps to address the harmful attitudes, customs, practices, stereotypes and unequal power relations that underlie and perpetuate violence against women and girls, including by designing, implementing and evaluating national policies, programmes and strategies aimed at transforming social norms that condone violence against women and girls, and to counteract attitudes by which women and girls are regarded as subordinate to men and boys or as having stereotyped roles that perpetuate practices involving violence or coercion;

3. *Calls upon* States to develop or strengthen comprehensive national women-centred multisectoral responses involving relevant authorities in sectors such as justice, health, social services, education and child protection services, as well as relevant non-State actors, that focus on the prevention of violence, the provision of support services for victims and survivors of violence and the punishment of perpetrators to enable accountability and to promote the empowerment of women and girls by changing harmful attitudes, practices and stereotypes;

4. *Underlines* the detrimental impact of sexual violence in armed conflict on women's participation in the resolution of conflict, post-conflict transition, reconstruction, and peacebuilding processes, takes note of international and regional initiatives to combat sexual violence in armed conflict, and acknowledges with appreciation in this context the Global Summit to End Sexual Violence in Conflict, which launched the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict as a tool to promote accountability and victim support;

5. *Expresses grave concern* that violence against women and girls severely limits their capacity to participate fully and effectively in society and in the development of their communities, which undermines the achievement of internationally agreed development goals, such as the Millennium Development Goals, including goals on education, health, gender equality and the empowerment of women and girls;

6. *Urges* States to demonstrate their commitment to preventing and eliminating all forms of violence against women and girls, thereby reducing barriers to women's social, economic and political empowerment, including by:

(a) Taking effective steps to ensure the full and equal participation of women and men in all spheres of political life, including at the grass-roots level, in political reform and at all levels of decision-making, in all situations, and to contribute to the prevention and the elimination of discrimination and violence against women and girls;

(b) Taking measures to ensure women's full, equal and effective participation in all fields and leadership at all levels of decision-making in the public and private sectors through policies and actions such as temporary special measures, and by setting and working to achieve concrete goals, targets and benchmarks and implementing policies and strategies that aim to increase women's representation in parliaments and their full, equal and effective participation in policymaking in all areas, including finance, trade, defence, and foreign affairs portfolios;

(c) Condemning acts of violence against women involved in political processes and public debate, including women parliamentarians, political candidates and human rights defenders, by, inter alia, adopting legal and practical measures to prevent and punish such acts;

(d) Encouraging political parties to adopt policies, as appropriate, to promote the ability of women to participate fully at all levels of decision-making within those political parties and to combat discrimination and harassment based on sex through the implementation of anti-discrimination and anti-harassment policies;

(e) Ensuring that legal provisions accord women an equal status in law and in practice, including in relation to the head-of-household provisions in family law and custody law, and guaranteeing women's and girls' inheritance rights and their full and equal access to and control over assets and natural and other productive resources, including full and equal rights to own and lease land and other property, and by undertaking administrative reforms and all necessary measures to give women the same rights as men to credit, capital, finance, financial assets, science and technology, vocational training, information and communications technologies and markets, and to ensure equal access to justice and legal assistance;

(f) Promoting women's full participation in the formal economy, in particular in economic decision-making, and their equal access to full and productive employment, decent work and social protection, ensuring that women and men enjoy equal treatment in the workplace, as well as equal pay for equal work or work of equal value, and equal access to power and decision-making, and promoting the equal distribution of paid and unpaid work, including valuing unpaid care work;

(g) Empowering women in the informal economy, with particular attention to women domestic workers, who are entitled to the same basic rights as other workers, including protection from violence and abuse, fair terms of employment and a safe and healthy working environment;

(h) Promoting equal and full access to and control over agricultural assets and productive resources, as well as membership in professional or trade associations and access to information networks;

(i) Encouraging private sector investment in programmes, campaigns and strategies to respond to, prevent and eliminate all forms of discrimination and violence against women and girls and to empower victims and survivors of violence, including survivors of conflict-related sexual violence;

(j) Promoting equal access to literacy, education, health services, food security, vocational, professional and leadership skills training, mentorship and employment opportunities, which ensure that women have access to the skills that are necessary to ensure their full political and economic empowerment;

(k) Promoting and protecting sexual and reproductive health and reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action, and the outcome documents of their review conferences;

(l) Improving the safety of girls at, and on the way to and from, school, including by establishing a safe and violence-free environment by improving infrastructure, such as transportation, and providing separate and adequate sanitation facilities, improved lighting, playgrounds and safe environments, and adopting national policies to prohibit, prevent and address violence against children, especially girls, including sexual harassment and bullying and other forms of violence, through measures such as conducting violence

prevention activities in schools and communities and establishing and enforcing penalties for violence against girls;

(m) Adopting measures to enhance the awareness of women, and in particular women at known risk of gender-based violence, of their rights and the law, and the protection and legal remedies it offers, including by disseminating information on the assistance available to women and families who have experienced violence, and ensuring that timely and appropriate information is available to all women who have been subjected to violence at all stages of the justice system, and to address social stigma and legal discrimination faced by victims of violence;

(n) Incorporating a gender perspective into social and economic policies, including development and poverty eradication strategies, with a view to ensuring that the formulation and implementation of relevant strategies contribute to women's economic empowerment, thereby reducing their risk of violence;

7. *Affirms* the need for States to collect thorough and accurate data and statistics on violence against women and girls, disaggregated on the basis of sex, age, disability and other relevant variables, to measure its impact on socioeconomic development and to strengthen the effectiveness of legislative and policy measures aimed at reducing barriers to women's political and economic empowerment;

8. *Welcomes* the panel discussions on gender stereotyping and on women's human rights in the context of the sustainable development agenda, held during the annual full-day discussion on women's human rights at the twenty-sixth session of the Human Rights Council, and requests the Office of the United Nations High Commissioner for Human Rights to present a report summarizing the panel recommendations to the Human Rights Council at its twenty-seventh session, and subsequently to transmit the report to the General Assembly at its sixty-ninth session;

9. *Recalls* the invitation extended to the Office of the High Commissioner by the Human Rights Council in its resolution 23/25 to include, during the annual full-day discussion on women's human rights to be held at the twenty-ninth session of the Council, a discussion on the issue of gender-related killings;

10. *Encourages* Member States to include a target for ending all forms of violence and discrimination against women and girls in the elaboration of a stand-alone goal on gender equality and the empowerment of women and girls in the emerging post-2015 United Nations development agenda, and to mainstream gender equality and women's empowerment in all sustainable development goals;

11. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note of her thematic report on developments in the United Nations regarding violence against women, its causes and consequences over the past 20 years;⁸³

12. *Takes particular note* of the report of the Working Group on the issue of discrimination against women in law and in practice,⁸⁴ addressing discrimination against women in economic and social life, in which the aspect of violence against women is explicitly underlined, and encourages synergies between different relevant United Nations agencies and other actors in efforts to effectively eliminate all forms of violence against women and girls;

⁸³ A/HRC/26/38.

⁸⁴ A/HRC/26/39.

13. *Decides* to continue its consideration of the issue of the prevention and elimination of all forms of violence against women and girls, its causes and consequences, as a matter of high priority and in conformity with its annual programme of work.

38th meeting
26 June 2014

[Adopted without a vote.]

26/16

Human rights and the regulation of civilian acquisition, possession and use of firearms

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, other international human rights law instruments and the Vienna Declaration and Programme of Action,

Recalling also General Assembly resolution 60/251 of 15 March 2006, and Human Rights Council resolutions 5/1 and 5/2 and decision 5/101 of 18 June 2007, and 16/21 of 25 March 2011,

Recalling in particular that the Human Rights Council has the mandate to, inter alia, serve as a forum for dialogue on thematic issues on all human rights,

Recalling that States bear the primary responsibility under international law to promote and protect all human rights and fundamental freedoms, including the right to life and security of person, and that such responsibility may include, as appropriate, the enacting and enforcing of relevant national legislation,

Reaffirming that everyone has the right to life, liberty and security of person and is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Alarmed that hundreds of thousands of human beings of all ages around the world, including women and children, have their human rights, in particular their right to life and security of person, negatively affected by the misuse, intentional or unintentional, of firearms, and that a significant number of such killings of women have occurred as a result of inter-partner violence,

Acknowledging that effective national regulation of civilian acquisition, possession and use of firearms may enhance the protection of the right to life and security of person and thus positively contribute to diminishing the number of victims of the misuse of firearms,

Acknowledging also the efforts made by different States at various levels, including at the regional and subregional levels, to ensure that the civilian acquisition, possession and use of firearms in their respective societies are effectively regulated,

1. *Expresses its deep concern* at the fact that hundreds of thousands of human beings of all ages around the world, including women and children, have lost their lives or suffered injuries and psychological harm by the misuse of firearms by civilians, thus having their human rights, in particular their right to life and security of person, negatively affected;

2. *Calls upon* all States to take appropriate legislative, administrative and other measures, consistent with international human rights law and their constitutional frameworks, in order to ensure that civilian acquisition, possession and use of firearms are effectively regulated with the aim of enhancing the protection of the human rights, in particular the right to life and security of person, of all;

3. *Invites* all relevant special procedures, commissions of inquiry and human rights treaty bodies to bear in mind the present resolution within the framework of their respective mandates.

38th meeting
26 June 2014

[Adopted by a recorded vote of 44 to 0, with 3 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Estonia, Ethiopia, France, Gabon, Germany, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Montenegro, Morocco, Namibia, Pakistan, Peru, Philippines, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

the former Yugoslav Republic of Macedonia, United Arab Emirates, United States of America]

26/17

The right to education: follow-up to Human Rights Council resolution 8/4

The Human Rights Council,

Reaffirming its resolution 8/4 of 18 June 2008, and recalling all other Human Rights Council resolutions on the right to education, the most recent of which is resolution 23/4 of 13 June 2013, and the resolutions adopted by the Commission on Human Rights on the subject,

Recalling the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Rights of Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and other relevant international instruments,

Deeply concerned that, according to the United Nations Educational, Scientific and Cultural Organization, none of the Education for All goals will be achieved globally by 2015 despite the advances achieved over the past decade,

Underlining that full access to quality education at all levels is an essential condition for achieving sustainable development, and in this regard, the need to accelerate progress towards achieving the education-related development goals set for 2015 and to ensure that the right to education is central in the context of the post-2015 agenda,

Underlining also the importance of access to new information technologies, including the Internet, to facilitate the realization of the right to education and to promote quality education;

Aware of the role that communications procedures can play to promote the justiciability of the right to education, and welcoming in this regard the entry into force of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure on 14 April 2014,

Welcoming the steps taken at the national level to implement the right to education, including the enactment of appropriate legislation and adjudication by national courts,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his duties in accordance with those resolutions and the annexes thereto,

1. *Calls upon* all States to take all measures to implement Human Rights Council resolutions on the right to education with a view to ensuring the full realization of this right for all;

2. *Urges* all States to give full effect to the right to education by, inter alia, developing and applying assessment systems that are in compliance with international human rights law, by such means as:

(a) Promoting a holistic approach that respects and promotes human rights in the assessment of student attainments;

(b) Establishing assessment mechanisms to help to ensure the quality of education;

(c) Developing or strengthening the capacity of teachers to foster quality education;

(d) Promoting the use of educational curricula that are updated and in conformity with international human rights law;

(e) Developing innovative assessment mechanisms for technical and vocational education and training programmes;

(f) Support research programmes and studies on national assessments of student attainments;

3. *Notes with appreciation:*

(a) The report of the Special Rapporteur on the right to education on the assessment of the educational attainment of students and the implementation of the right to education;⁸⁵

(b) The work of the United Nations human rights treaty bodies and special procedures in the promotion of the right to education;

(c) The work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(d) The contribution of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and other relevant bodies towards

⁸⁵ A/HRC/26/27.

attaining the goals of the Education for All agenda and education-related Millennium Development Goals;

(e) International initiatives aimed at discussing and advancing the education agenda beyond 2015, while underlining the importance that the Open Working Group on Sustainable Development Goals and other ongoing consultation processes can have in this regard;

4. *Calls upon* all relevant stakeholders urgently to increase their efforts to accelerate progress towards attaining the education goals set for 2015, in particular the goals of the Education for All agenda and education-related Millennium Development Goals, and to ensure that the importance of quality education, including the achievement of relevant learning outcomes, is taken fully into account in the elaboration of the post-2015 agenda;

5. *Reaffirms* the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of the right to education by all appropriate means, including in particular the adoption of legislative measures;

6. *Strongly condemns* attacks, including terrorist attacks, on educational institutions as such, their students and staff, and recognizes the negative impact that such attacks can have on the realization of the right to education, in particular of girls;

7. *Recognizes* the importance of efforts towards the elaboration of relevant guidelines to protect schools and universities from military use during armed conflict;

8. *Decides* to extend the mandate of the Special Rapporteur on the right to education for a period of three years;

9. *Requests* the Special Rapporteur to take fully into account, in the discharge of his mandate, all provisions of Human Rights Council resolutions on the right to education;

10. *Requests all States* to continue to cooperate with the Special Rapporteur with a view to facilitating his tasks in the discharge of his mandate, and to respond favourably to his requests for information and visits;

11. *Requests* the Secretary-General and the High Commissioner to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Special Rapporteur;

12. *Encourages* the Office of the High Commissioner, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies and programmes, within their respective mandates, to continue their efforts to promote the realization of the right to education worldwide and to enhance their cooperation in this regard, including by enhancing technical assistance to Governments;

13. *Stresses* the importance of the contribution of national human rights institutions, civil society, including non-governmental organizations, and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur on the right to education;

14. *Decides* to remain seized of the matter.

*38th meeting
26 June 2014*

[Adopted without a vote.]

26/18**The right of everyone to the enjoyment of the highest attainable standard of physical and mental health: sport and healthy lifestyle as contributing factors**

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, and recalling the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling the resolutions adopted by the General Assembly on the issue of sport, in particular its resolution 67/17 of 28 November 2012, entitled “Sport as a means to promote education, health, development and peace”,

Recalling also Human Rights Council resolution 24/6 of 26 September 2013, and all previous resolutions and decisions on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health adopted by the Council, the General Assembly and the Commission on Human Rights,

Recalling further previous Human Rights Council resolutions on the issue of sport and human rights, in particular resolutions 13/27 of 26 March 2010, 18/23 of 30 September 2011 and 24/1 of 26 September 2013,

Noting with concern that, for millions of people throughout the world, the full enjoyment of the highest attainable standard of physical and mental health remains a distant goal,

Concerned that the increasing incidence of non-communicable diseases constitutes a heavy burden on society, with serious social and economic consequences, which represent a leading threat to human health and development,

Recognizing the urgent need for further measures at the global, regional and national levels to prevent and control non-communicable diseases, particularly by addressing their common risk factors, namely tobacco use, harmful use of alcohol, unhealthy diet and physical inactivity, in order to achieve progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recognizing also 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,

Recognizing further the primary role and responsibility of States, in the context of the promotion and protection of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in responding to the challenge of non-communicable diseases and the essential need for the efforts and engagement of all sectors of society to generate effective responses for the prevention and control of non-communicable diseases,

Recognizing the important role of the international community and international cooperation in assisting Member States, particularly developing countries, in complementing national efforts to generate an effective response to non-communicable diseases, in the context of the promotion and protection of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recognizing also the potential of sport as a universal language that contributes to educating people on the values of respect, diversity, tolerance and fairness and as a means to combat all forms of discrimination and promote social inclusion for all,

Recognizing further that sport and major sporting events, such as the International Federation of Association Football World Cup and the Olympic and the Paralympic Games, can be used to promote human rights and strengthen universal respect for them, thus contributing to their full realization,

Welcoming the hosting of more recent Olympic and the Paralympic Games in the cities of Beijing, London, Sochi, Rio de Janeiro, Pyeong Chang and Tokyo in 2008, 2012, 2014, 2016, 2018 and 2020 respectively, and the International Federation of Association Football World Cup in South Africa, Brazil, the Russian Federation and Qatar, in 2010, 2014, 2018 and 2022 respectively, and stressing the opportunity to make use of these important events to promote human rights,

Recognizing the potential of sport in contributing to fostering development and peace, and, in particular, to promote health and prevent diseases,

Acknowledging the importance of sport and physical activity in combating non-communicable diseases, as reflected in the 2011 political declaration of the high-level meeting of the General Assembly on the prevention and control of non-communicable diseases,⁸⁶

1. *Takes note with appreciation* of the work of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Acknowledges with appreciation* the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on the subject of unhealthy food and diet-related non-communicable diseases,⁸⁷ while recognizing that other risk factors of non-communicable diseases should also be addressed, and invites States to give due consideration to the recommendations of the Special Rapporteur;

3. *Calls upon* States to promote physical activity and sport among all segments of their population as contributing factors to the promotion and protection of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

4. *Also calls upon* States to use sport and major sporting events as an opportunity to promote human rights and strengthen universal respect for them, thus contributing to their full realization;

5. *Encourages* the international community to support efforts, particularly in developing countries, through international cooperation, including North-South, as well as South-South, and trilateral cooperation, to promote sport as a tool to enhance well-being and healthy lifestyles for all, without discrimination, recognizing the links between health, sport, peace and development;

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;

⁸⁶ General Assembly resolution 66/2, annex.

⁸⁷ A/HRC/26/31.

7. *Requests* the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to prepare, in consultation with Member States, United Nations agencies, funds and programmes, international and regional organizations and civil society, including non-governmental organizations, and relevant stakeholders a study on the theme “Sport and healthy lifestyles as contributing factors to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”, and to present it to the Human Rights Council at its thirty-second session.

38th meeting
26 June 2014

[Adopted without a vote.]

26/19

Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, religion or national origin,

Recalling all international norms and standards relevant to the human rights of migrants,

Recalling also Commission on Human Rights resolutions 1999/44 of 27 April 1999, 2002/62 of 25 April 2002 and 2005/47 of 19 April 2005, General Assembly and Human Rights Council resolutions on the human rights of migrants, and Council resolutions 8/10 of 18 June 2008 and 17/12 of 17 June 2011 entitled “Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants”,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1, on the institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the 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,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Decides* to extend for a period of three years the mandate of the Special Rapporteur on the human rights of migrants, with the following functions:

(a) To examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of migrants, recognizing the particular vulnerability of women, children and those undocumented or in an irregular situation;

(b) To request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families;

(c) To formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur;

(d) To promote the effective application of relevant international norms and standards on the issue;

(e) To recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants;

(f) To take into account a gender perspective when requesting and analysing information, and to give special attention to the occurrence of multiple forms of discrimination and violence against migrant women;

(g) To give particular emphasis to recommendations on practical solutions with regard to the implementation of the rights relevant to the mandate, including by identifying best practices and concrete areas and means for international cooperation;

(h) To report regularly to the Human Rights Council, according to its annual programme of work, and to the General Assembly, at the request of the Council or the Assembly, bearing in mind the utility of maximizing the benefits of the reporting process;

2. *Requests* the Special Rapporteur, in carrying out his or her mandate, to take into consideration relevant human rights instruments of the United Nations to promote and protect the human rights of migrants;

3. *Also requests* the Special Rapporteur, in carrying out his or her mandate, to request, receive and exchange information on violations of the human rights of migrants from Governments, treaty bodies, specialized agencies, special rapporteurs for various human rights questions and from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

4. *Further requests* the Special Rapporteur, as part of his or her activities, to continue his or her programme of visits, which contribute to improving the protection afforded to the human rights of migrants and to the broad and full implementation of all aspects of his or her mandate;

5. *Requests* the Special Rapporteur, in carrying out his or her mandate, to take into account bilateral, regional and international initiatives that address issues relating to the effective protection of human rights of migrants, including the return and reintegration of migrants who are undocumented or in an irregular situation;

6. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him or her to fulfil the mandate effectively;

7. *Also encourages* Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested, to consider the implementation of the recommendations contained in the reports of the Special Rapporteur, and to react promptly to his or her urgent appeals;

8. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

9. *Requests* the Secretary-General to give the Special Rapporteur all the human and financial assistance necessary for the fulfilment of his or her mandate.

*38th meeting
26 June 2014*

[Adopted without a vote.]

26/20 Special Rapporteur on the rights of persons with disabilities

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the Convention on the Rights of Persons with Disabilities and other relevant human rights instruments,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Deeply concerned that, in all parts of the world, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights, and conscious that greater attention is needed to these challenges,

Recognizing the work of the Special Rapporteur on Disability of the Commission for Social Development, whose mandate will expire on 31 December 2014,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the 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. *Reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against persons with disabilities and to promote, protect and respect their human rights;

2. *Decides* to appoint, for a period of three years, a Special Rapporteur on the rights of persons with disabilities, with the following mandate:

(a) To develop a regular dialogue and to consult with States and other relevant stakeholders, including United Nations agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, national independent monitoring frameworks designated under article 33, paragraph 2 of the Convention on the Rights of Persons with Disabilities, persons with disabilities and their representative organizations, and other civil society organizations to identify, exchange and promote good practices relating to the realization of the rights of persons with disabilities and their participation as equal members of society;

(b) To gather, request, receive and exchange information and communications from and with States and other relevant sources, including persons with disabilities and their representative organizations and other civil society organizations, on violations of the rights of persons with disabilities;

(c) To make concrete recommendations on how to better promote and protect the rights of persons with disabilities, including on how to contribute to the realization of internationally agreed development goals for persons with disabilities, including the Millennium Development Goals, how to promote development that is inclusive of and accessible to persons with disabilities, and how to promote their role as both agents for and beneficiaries of development;

(d) To conduct, facilitate and support the provision of advisory services, technical assistance, capacity-building and international cooperation in support of national efforts for the effective realization of the rights of persons with disabilities;

(e) To raise awareness of the rights of persons with disabilities, to combat stereotypes, prejudices and harmful practices that hinder their opportunity to participate in society on an equal basis with others, to promote awareness of their positive contributions and to inform persons with disabilities about their rights;

(f) To work closely with the special procedures and other human rights mechanisms of the Human Rights Council, the treaty bodies, in particular the Committee on the Rights of Persons with Disabilities, and other relevant United Nations agencies, programmes and funds, including the United Nations Partnership to Promote the Rights of Persons with Disabilities and the Special Envoy of the Secretary-General on Disability and Accessibility, within their respective mandates, with a view to avoiding unnecessary duplication;

(g) To cooperate closely with the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Commission for Social Development, including by participating in their annual sessions upon request;

(h) To integrate a gender perspective throughout the work of the mandate and to address multiple, intersecting and aggravated forms of discrimination faced by persons with disabilities;

(i) To report annually to the Human Rights Council, starting from its twenty-eighth session, and to the General Assembly, in accessible formats and according to their respective programmes of work;

3. *Calls upon* all States to cooperate with the Special Rapporteur in the performance of his or her mandate, including by providing all necessary information requested, and to give serious consideration to responding favourably to his or her requests to visit their countries and to consider implementing the recommendations made by the mandate holder in his or her reports;

4. *Encourages* all relevant stakeholders, including United Nations agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, national independent monitoring frameworks, the private sector, donors and development agencies to cooperate fully with the Special Rapporteur to enable the mandate holder to fulfil his or her mandate;

5. *Requests* the Secretary-General to bring the reports of the Special Rapporteur to the attention of the Committee on the Rights of Persons with Disabilities, the Conference of States Parties and the Commission for Social Development for their information and to avoid unnecessary duplication;

6. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial resources necessary for the effective fulfilment of his or her mandate.

*39th meeting
27 June 2014*

[Adopted without a vote.]

26/21

Promotion of the right of migrants to the enjoyment of the highest attainable standard of physical and mental health

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations, the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Recalling also previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the protection of the human rights of migrants, the relevant resolutions of the World Health Assembly, in particular its resolution 61.17 of 24 May 2008, and the work of the various special mechanisms of the Council that have reported on the situation of the human rights and fundamental freedoms of migrants,

Reaffirming that the Universal Declaration of Human Rights proclaims that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

Reaffirming also that everyone is entitled to all human rights and fundamental freedoms, without distinction of any kind, wherever the person is and regardless of his or her immigration status,

Recognizing that States are responsible for promoting and protecting the human rights of all persons, including irregular migrants, who are in their territory and subject to their jurisdiction,

Deeply concerned at the large and growing number of migrants, including women and children, who have lost their lives or have been injured in attempting to cross international borders, including those without the required travel documents, and recognizing the obligation of States to protect and respect the human rights of those crossing their borders, regardless of their immigration status,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to border control and the orderly management of migration, must be in accordance with international human rights obligations in order to uphold the human rights and fundamental freedoms of all migrants,

Expressing its concern at measures that, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence, where the effect of doing so is to deny migrants the full enjoyment of their human rights and fundamental freedoms,

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 in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, as well as, with respect to non-discrimination, in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities,

Reaffirming also the need to continue to pursue adequate and sustainable health financing to promote the progressive realization of the right to the enjoyment of the highest attainable standard of physical and mental health, and the importance in this regard of national resource mobilization and international cooperation,

Welcoming the important results of the second High-level Dialogue on International Migration and Development, held on 3 and 4 October 2013,

Reaffirming the Declaration of the High-Level Dialogue on International Migration and Development, adopted by the General Assembly at its sixty-eighth session,⁸⁸ which acknowledges the important contribution of migration in realizing the Millennium Development Goals and recognizes that human mobility is a key factor for sustainable development, which should receive due consideration in the elaboration of the post-2015 development agenda,

Taking note of the seventh Global Forum on Migration and Development, which highlighted that migrants' access to basic services, including health services, is one way to ensure that migrants are not excluded from the goals that will be articulated by the international community for the post-2015 development agenda, and emphasized the importance of facilitating access to regular forms of migration and, where applicable, to social services, including health goods, services and conditions, that contribute to the prosperity of countries of origin, transit and destination and to the strengthening of the empowerment and personal development prospects and outcomes for migrants and their families,

Acknowledging the important role that migrants play as partners in the development of origin, transit and destination countries, and recognizing the need to improve public perceptions of migrants and migration,

Noting the observation made by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in his report submitted to the Human Rights Council at its twenty-third session,⁸⁹ that States should adopt and implement an effective national health policy that does not discriminate against non-nationals and that addresses the needs of irregular and regular migrants, at all stages of the migration process, and that States should ensure the availability and accessibility of quality health facilities, goods and services, including existing health insurance schemes, to migrants, on the basis of equality with other nationals,

Mindful of the fact that, in the fulfilment of their obligations to protect human rights, States of origin, transit and destination can benefit from schemes of international cooperation,

Mindful also that migrant access to health services may help to mitigate the risk of widening inequalities, and recognizing that health contributes to the full enjoyment of human rights,

1. *Takes note with appreciation* of the report of the Special Rapporteur on the human rights of migrants,⁹⁰ invites States to give due consideration to the recommendations contained therein, and welcomes his work;

2. *Calls upon* States that have not yet done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant

⁸⁸ General Assembly resolution 68/4.

⁸⁹ A/HRC/23/41.

⁹⁰ A/HRC/26/35.

Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

3. *Reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party;

4. *Stresses* that the enjoyment of the highest attainable standard of physical and mental health contributes to the full enjoyment of human rights;

5. *Calls upon* States to promote and protect the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as reflected in the Universal Declaration of Human Rights and the International Covenant of Economic, Social and Cultural Rights, and encourages them to promote equitable access to health services, disease prevention and care for migrants, subject to national laws and practice, without discrimination of any kind;

6. *Expresses concern* at legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, including the enjoyment of the highest attainable standard of physical and mental health;

7. *Reaffirms* that, when exercising their sovereign right to enact and implement migration and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

8. *Calls upon* all States to ensure that their immigration policies are consistent with their obligations under international human rights law, and to promote the enjoyment of human rights by all migrants without discrimination, including by taking steps:

(a) To promote and protect the right of all persons to the highest attainable standard of physical and mental health without discrimination of any kind and, to this end, to provide emergency medical and first-aid attention for migrants who need it, regardless of their immigration status, and to create a safe and enabling environment in which individuals and organizations that provide such attention can operate free from hindrance and insecurity;

(b) To promote access to health services for everyone and migrant-sensitive health policies, including by taking into account physical, financial, cultural and linguistic barriers that may contribute to furthering inequalities;

(c) To the effect that domestic law and administrative provisions and their application facilitate the work of medical personnel and staff, humanitarian workers, human rights defenders and any other actor providing humanitarian assistance to and defending the human rights of irregular migrants, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to international human rights law;

(d) To ensure that no person engaged in medical activities is penalized in any way for refusing or failing to give to immigration authorities information concerning the immigration status of a person under his or her care or for providing health care and health-related assistance to undocumented migrants;

(e) To ensure that persons engaged in medical activities are not compelled to perform immigration duties or any other acts contrary to the rules of medical ethics or other rules designed for the benefit of the patients;

(f) To ensure that health-care workers who interact with migrants on a routine basis have good information about the rights of migrants in different legal statuses and about their obligations towards migrants;

9. *Encourages* countries of origin, transit and destination to seek technical assistance from and/or to collaborate with the Office of the United Nations High Commissioner for Human Rights and the World Health Organization to better promote and protect the human rights of migrants, including the right to the enjoyment of the highest attainable standard of physical and mental health;

10. *Takes note with appreciation* of the actions taken by several special procedures of the Human Rights Council and the treaty bodies for the effective prevention of violations of the human rights of migrants, including through joint statements and urgent appeals, and encourages them to continue their collaborative efforts to this end, within their respective mandates;

11. *Requests* the Special Rapporteur on the human rights of migrants and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, within their respective mandates, to continue their efforts to promote and support the building of greater synergies among States to strengthen cooperation and assistance for the protection of the human rights of all migrants and to promote their right to health;

12. *Requests* the Special Rapporteur on the human rights of migrants to continue to report on practical solutions, including by identifying best practices and concrete areas and means for international cooperation, in order to enhance the protection of the human rights of migrants and to continue to pay attention to the topic of the universal enjoyment of human rights for all migrants;

13. *Encourages* States and regional and international organizations to enhance cooperation with the Special Rapporteur;

14. *Decides* to remain seized of the matter.

*39th meeting
27 June 2014*

[Adopted without a vote.]

26/22

Human rights and transnational corporations and other business enterprises

The Human Rights Council,

Recalling its resolutions 8/7 of 18 June 2008, 17/4 of 6 July 2011 and 21/5 of 27 September 2012, and Commission on Human Rights resolution 2005/69 of 20 April 2005, on the issue of human rights and transnational corporations and other business enterprises,

Recalling in particular that the endorsement by consensus of the Guiding Principles on Business and Human Rights by the Human Rights Council in its resolution 17/4 established an authoritative framework to prevent and address adverse human rights risks and impacts of business activities, based on the three pillars of the United Nations “Protect, Respect and Remedy” framework,⁹¹

⁹¹ See A/HRC/17/31, annex.

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

Stressing that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect human rights,

Recognizing that policies and proper regulation, including through national legislation, of transnational corporations and other business enterprises and their responsible operation can contribute to the promotion, protection and fulfilment of and respect for human rights and assist in channelling the benefits of business towards contributing to the enjoyment of human rights and fundamental freedoms,

Concerned that weak national legislation and implementation cannot effectively mitigate the negative impact of globalization on vulnerable economies or derive maximally the benefits of activities of transnational corporations and other business enterprises, and that further efforts to bridge governance gaps at the national, regional and international levels are necessary,

Recognizing the efforts made to implement the Guiding Principles by some States, business enterprises, international organizations and members of civil society,

Recognizing also the valuable role played by civil society, including non-governmental organizations, in promoting the implementation of the Guiding Principles and accountability for business-related human rights abuses and in raising awareness of the human rights impacts and risks of some business enterprises and activities,

Noting the important role that national action plans and other such frameworks on business and human rights can play as a tool for promoting the comprehensive and effective implementation of the Guiding Principles,

Concerned at legal and practical barriers to remedies for business-related human rights abuses, which may leave those aggrieved without opportunity for effective remedy, including through judicial and non-judicial avenues, and recognizing that it may be further considered whether relevant legal frameworks would provide more effective avenues of remedy for affected individuals and communities,

Recognizing that the annual Forum on Business and Human Rights has grown in size and become a valuable opportunity for constructive global exchange of challenges, lessons learned and good practices in implementing the Guiding Principles by all relevant stakeholders,

Recognizing also the importance of building the capacity of Governments, business enterprises, civil society and other stakeholders to better prevent business-related human rights abuses, provide effective remedy and manage challenges in the area of business and human rights, and that the United Nations system has an important role to play in this regard,

Recalling the views and recommendations of the United Nations human rights treaty bodies, including the general comments bearing on the issue of human rights and transnational corporations and other business enterprises, such as general comment No. 16 of the Committee on the Rights of the Child,

1. *Welcomes* the work of the Working Group on the issue of human rights and transnational corporations and other business enterprises in the fulfilment of its mandate,

including the convening of regional forums to discuss challenges and lessons learned from implementation of the Guiding Principles on Business and Human Rights with States and other stakeholders in a regional context;⁹²

2. *Recognizes* that the effective implementation of the Guiding Principles should cover a broad range of public policy areas, and encourages all States to take steps to implement the Guiding Principles, including to develop a national action plan or other such framework;

3. *Calls upon* all business enterprises to meet their responsibility to respect human rights in accordance with the Guiding Principles;

4. *Welcomes* the efforts of the Working Group to build a database of national action plans and other relevant data on global progress in the implementation of the Guiding Principles, and in this regard encourages States to submit information on their national action plans and other relevant initiatives, with annual reports on the implementation of such commitments, and invites all relevant stakeholders to submit relevant information to the Working Group;

5. *Also welcomes* the efforts of the Working Group to develop guidance for the development and implementation of effective national action plans, including with regard to access to both judicial and non-judicial remedy, and encourages all States and other stakeholders to engage with the Working Group in developing such guidance;

6. *Encourages* the Working Group to identify and promote best practices in the national implementation of the Guiding Principles, and to reflect its findings, including in global progress on the implementation of the Guiding Principles, in its annual reports to the Human Rights Council;

7. *Requests* the United Nations High Commissioner for Human Rights to continue work to facilitate the sharing and exploration of the full range of legal options and practical measures to improve access to remedy for victims of business-related human rights abuses, in collaboration with the Working Group, to organize consultations with experts, States and other relevant stakeholders to facilitate mutual understanding and greater consensus among different views, and to publish a progress report thereon before the twenty-ninth session of the Human Rights Council, and the final report to be considered by the Council at its thirty-second session;

8. *Welcomes* the role of the Working Group in guiding the first two annual Forums on Business and Human Rights, encourages all stakeholders to continue to attend the Forum, and decides that the two-day Forum should continue to be held on an annual basis, with the addition of one meeting day to allow for the preparation and sharing of new tools and experience;

9. *Invites* the Working Group to include as an item of the agenda of the Forum on Business and Human Rights, among others, the issue of access to remedy, judicial and non-judicial, for victims of business-related human rights abuses, in order to foster mutual understanding and greater consensus among different viewpoints;

10. *Decides* to extend the mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises as set out in Human Rights Council resolution 17/4 for a period of three years;

11. *Encourages* all States, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental

⁹² See A/HRC/26/25.

organizations, as well as public and private businesses to cooperate fully with the Working Group in the fulfilment of its mandate by, inter alia, responding to communications transmitted, and for States to reply favourably to requests for visits by the Working Group;

12. *Invites* international and regional organizations to seek the views of the Working Group when formulating or developing relevant policies and instruments, and invites the Working Group to continue to collaborate closely with relevant United Nations bodies, including the treaty bodies and the special procedures;

13. *Requests* the Secretary-General and the High Commissioner to provide all the resources and assistance necessary for the Working Group to fulfil its mandate effectively, including for developing guidance for the implementation of the Guiding Principles and the organization of the Forum in a sustainable manner;

14. *Welcomes* the efforts made by national human rights institutions to enhance their capacity to support the effective implementation of the Guiding Principles by all stakeholders;

15. *Also welcomes* the report of the Secretary-General on the challenges, strategies and developments with regard to the implementation of resolution 21/5 by the United Nations system, including programmes, funds and agencies,⁹³ and the recommendations made therein, underscoring the need to embed the business and human rights agenda and the Guiding Principles throughout the United Nations system;

16. *Further welcomes* the study by the Secretary-General on the feasibility of a global fund to enhance the capacity of stakeholders to implement the Guiding Principles,⁹⁴ and requests the High Commissioner to consult with States and relevant stakeholders to develop concrete options and proposals to inform a decision on whether to create such a fund, and to submit a report thereon to the Human Rights Council at its twenty-ninth session;

17. *Emphasizes* the importance of stakeholder dialogue and analysis to maintain and build on the results achieved to date to prevent and address business-related human rights abuses, and to inform further deliberations of the Human Rights Council on business and human rights;

18. *Decides* to continue its consideration of this question in conformity with its annual programme of work.

*39th meeting
27 June 2014*

[Adopted without a vote.]

26/23

The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

⁹³ A/HRC/26/20.

⁹⁴ A/HRC/26/20/Add.1.

Reaffirming also its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Condemning the grave deterioration of the human rights situation and the indiscriminate killing and deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that may foment sectarian tensions,

Expressing its deepest concern about the findings of the independent international commission of inquiry and also the allegations contained in the evidence presented by “Caesar” in January 2014 regarding the torture and execution of persons incarcerated by the current Syrian regime, and underscoring the need for those allegations and similar evidence to be collected, examined and made available for future accountability efforts,

Strongly condemning the lack of cooperation by the Syrian authorities with the commission of inquiry,

Expressing its appreciation for the efforts of the Joint Special Representative of the United Nations and the League of Arab States, and expressing its deep regret at the failure to date to reach a political solution,

Welcoming Security Council resolution 2139 (2014) of 22 February 2014, expressing grave concern at its lack of implementation, and noting its demand for rapid, safe and unhindered humanitarian access and of the need to end impunity for violations of international humanitarian law and violations and abuses of human rights,

Recalling the statements made by the United Nations High Commissioner for Human Rights and by the special procedures of the Human Rights Council that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic, and noting the repeated encouragement by the High Commissioner to the Security Council to refer the situation to the International Criminal Court,

Welcoming the efforts of the United Nations Entity for Gender Equality and the Empowerment of Women and Syrian civil society to find a peaceful, inclusive and long-term solution to the conflict,

1. *Welcomes* the reports of the independent international commission on inquiry on the Syrian Arab Republic, and notes the importance of the work of the commission of inquiry and the information it has collected in support of future accountability efforts, in particular, information on alleged perpetrators violating international law;
2. *Demands* that the Syrian authorities cooperate fully with the commission of inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;
3. *Urges* all parties to the conflict to prevent violations of international humanitarian law and human rights violations and abuses;
4. *Expresses grave concern* that thousands of detainees, both Syrian and non-Syrian nationals, may have died in government prisons as a result of starvation and torture, and condemns those responsible for such horrific acts;
5. *Strongly condemns* all incidences of enforced disappearance by the Syrian regime, of both Syrian and non-Syrian nationals, calls upon the Syrian regime to investigate all such cases, and also condemns all incidences of abduction committed by armed groups;
6. *Also strongly condemns* the use by the Syrian authorities of starvation of civilians as a method of combat, and further condemns the besiegement of civilians;

7. *Further strongly condemns* all violations and abuses committed against journalists and media activists from any quarter, and recognizes the role of journalists in documenting protests and human rights violations and abuses in the Syrian Arab Republic;

8. *Strongly condemns* all violations and abuses committed against the civilian population, in particular women and children, and demands that all parties comply with their obligations under international law;

9. *Demands* that all groups in the Syrian Arab Republic refrain from retaliation and violence, including sexual violence and torture;

10. *Also demands* that all parties demilitarize medical facilities, schools and other civilian facilities, avoid establishing military positions in populated areas and desist from attacks directed against civilian objects;

11. *Further demands* the release of all persons arbitrarily detained, including children, and calls upon the Syrian authorities to publish a list of all detention facilities, to ensure that conditions of detention comply with applicable international law and immediately to allow access by independent monitors to all detention facilities;

12. *Condemns* the continued gross, systematic and widespread violations of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including those involving aerial bombardment of civilian areas, in particular the indiscriminate use of barrel bombs, ballistic missiles, chlorine gas and cluster bombs, and other actions that may amount to war crimes or crimes against humanity;

13. *Strongly condemns* the use of chemical weapons and all indiscriminate methods of warfare in the Syrian Arab Republic, which is prohibited under international law, amounts to a serious crime and has a devastating impact on civilians, and in this regard calls upon the Syrian authorities to accelerate the complete and irreversible elimination of their chemical weapons programme, of which several important elements remain, in accordance with their obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the time frames and requirements set forth in Security Council resolution 2118 (2013) of 27 September 2013, and the decisions of the Executive Council of the Organization for the Prohibition of Chemical Weapons;

14. *Expresses deep concern* at the recent allegations of the use of toxic chemicals in the Syrian Arab Republic, supports the fact-finding mission of the Organization for the Prohibition of Chemical Weapons to investigate these allegations, strongly condemns the recent attack against inspectors of the Organization, and demands that safe and unfettered access for the said mission be ensured throughout the Syrian Arab Republic;

15. *Demands* that the Syrian authorities meet their responsibility to protect the Syrian population;

16. *Notes* the reporting of the commission of inquiry, including on the amount and type of crimes committed, in which it assesses that crimes against humanity and war crimes have been, and continue to be, committed in the territory of the Syrian Arab Republic;

17. *Also notes* that the International Criminal Court was established to help end impunity for such crimes where the State is unwilling or unable to genuinely carry out investigations or prosecutions;

18. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights law are held to account, through appropriate fair and independent domestic or international criminal justice

mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

19. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, as well as reparations and effective remedies for victims;

20. *Expresses grave concern* at the spread of extremism and extremist groups, and strongly condemns all human rights abuses and violations of international humanitarian law in the Syrian Arab Republic;

21. *Condemns* all violence, irrespective of where it comes from, and calls upon all parties to immediately put an end to all forms of violence, including terrorist acts and acts of violence or intimidation that may foment sectarian tensions, and to comply strictly with their obligations under international law, including international humanitarian law;

22. *Strongly condemns* all violence against persons based on their religious or ethnic affiliation, and calls upon all parties to fully respect international law;

23. *Expresses its deep regret* that international efforts to find a political solution to the Syrian crisis have not so far succeeded and condemns those parties who have undermined such efforts;

24. *Reaffirms its commitment* to international efforts to find a political solution to the Syrian crisis that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, where all citizens are equal, regardless of gender, religion and ethnicity, and emphasizes that the decision to hold presidential elections on 3 June 2014, in the midst of this crisis, undermined the Geneva communiqué, which calls for a transitional governing body with full executive powers to be agreed by mutual consent, in order to achieve a peaceful settlement;

25. *Urges* those countries with influence over the Syrian parties to take all measures to encourage the parties to the conflict to negotiate constructively and on the basis of the call made in the Geneva communiqué for the formation of a transitional governing body;

26. *Calls upon* the international community to support the leadership and full participation of women in political talks as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000 and 2122 (2013) of 18 October 2013, and welcomes the work of the United Nations Entity for Gender Equality and the Empowerment of Women and its partners in this regard;

27. *Condemns* the intentional denial of humanitarian assistance to civilians, from whatever quarter, and in particular the denial of medical assistance and the withdrawal of water and sanitation services to civilian areas, which has recently worsened, noting especially the primary responsibility of the Government of the Syrian Arab Republic in this regard, and deplores the deteriorating humanitarian situation;

28. *Further strongly condemns* all acts of violence directed against humanitarian actors, and demands that the Syrian authorities promptly allow, and all other parties to the conflict do not obstruct, rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies and their implementing partners, including across conflict lines and across borders, in order to ensure that humanitarian assistance reaches people in need through the most direct routes;

29. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence, and welcomes the efforts by neighbouring countries

to host Syrian refugees while acknowledging the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

30. *Urges* the international community, including all donors, to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

31. *Calls upon* all members of the international community to respond expeditiously to the Syrian humanitarian appeal and to fulfil previous pledges;

32. *Decides* to remain seized of the matter.

39th meeting
27 June 2014

[Adopted by a recorded vote of 32 to 5, with 9 abstentions. The voting was as follows:

In favour:

Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, France, Gabon, Germany, Indonesia, Ireland, Italy, Japan, Kuwait, Maldives, Mexico, Montenegro, Morocco, Peru, Republic of Korea, Romania, Saudi Arabia, Sierra Leone, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Algeria, China, Cuba, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Congo, Ethiopia, India, Kazakhstan, Namibia, Pakistan, Philippines, South Africa, Viet Nam]

26/24

Situation of human rights in Eritrea

The Human Rights Council,

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

Recalling resolution 91 and decisions 250/2002 and 275/2003 of the African Commission on Human and Peoples' Rights,

Recalling also its resolution 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the 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,

Recalling further its resolutions 20/20 of 6 July 2012 and 23/21 of 14 June 2013,

Emphasizing that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, and expressing grave concern that national elections in Eritrea have not been held since 1993,

Reiterating its deep concern at the ongoing reports of grave violations of human rights by the Eritrean authorities against their own population and fellow citizens, including

violation of civil and political rights, as well as economic, social and cultural rights, and the alarming number of civilians fleeing Eritrea as a result of those violations,

Noting with grave concern the continued use by the Government of Eritrea of arbitrary arrest and detention, including incommunicado detention and in life-threatening conditions, of persons for suspected of evasion of national service, attempting to flee the country or having a family member who has fled, inability to produce identity documents, being a journalist, exercising the right to freedom of religion, being perceived as critical of the Government, and of those who return to the country, as well as those detained in the aftermath of the takeover on 21 January 2013 of the building housing the Ministry of Information,

Expressing grave concern at the widespread use of indefinite conscription into national service, a system that constitutes forced labour, and the reported forced conscription of children under the age of 18 into military service, and regretting that the fear and experience of a lengthy national service causes large numbers of Eritreans to leave the country,

Expressing grave concern also at reports that the Government of Eritrea is also forcing persons to participate in its citizen militia,

Reaffirming that everyone has the right to leave any country, including his or her own, and to return to his or her country,

Noting the participation of Eritrea in the second cycle of the universal periodic review, while regretting the lack of implementation by Eritrea of the recommendations made at its first review,

Noting also the efforts of Eritrea to achieve the Millennium Development Goals and to promote gender equality and progress on reducing and eliminating female genital mutilation, while stressing that sustainable social changes are linked with the establishment of a conducive political and legal environment,

Recalling the obligations of Eritrea under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child,

Expressing continued concern at the failure of the Government of Eritrea to cooperate with the Special Rapporteur on the situation of human rights in Eritrea, including its refusal to allow the Special Rapporteur to visit the country,

1. *Welcomes* the second report of the Special Rapporteur on the situation of human rights in Eritrea⁹⁵ and its focus on indefinite national service constituting a form of forced labour, and arbitrary arrest and detention;

2. *Strongly condemns:*

(a) The continued widespread and systematic violations of human rights and fundamental freedoms committed by the Eritrean authorities, including cases of arbitrary and extrajudicial executions, enforced disappearances, the use of torture, arbitrary and incommunicado detention without recourse to justice, and detention in inhumane and degrading conditions;

(b) The severe restrictions on freedom of opinion and expression, freedom of information, freedom of thought, conscience and religion, and freedom of peaceful

⁹⁵ A/HRC/26/45.

assembly and association, including the detention of journalists, human rights defenders, political actors, religious leaders and practitioners in Eritrea;

(c) The forced conscription of citizens for indefinite periods of national service, a system that amounts to forced labour, and the compulsory practice of all children undertaking the final year of schooling in a military training camp, as well as the intimidation and detention of those suspected of evading national service in Eritrea and their family members;

(d) The forced participation of citizens in the militia, and the detention of those suspected of not participating in it;

(e) The severe restrictions on freedom of movement, including, but not limited to, the arbitrary detention of people caught attempting to flee the country or suspected of an intention to do so;

(f) The violations of the rights of the child, including but not limited to the reported forced military conscription of children;

(g) The widespread use of torture and other cruel, inhuman or degrading treatment or punishment and the use of places of detention that fall far short of international standards, including underground cells and metal shipping containers;

(h) The shoot-to-kill practice employed on the borders of Eritrea to stop Eritrean citizens seeking to flee their country;

(i) Any violation by the Government of Eritrea of its international human rights obligations in connection with the collection of taxes outside Eritrea from its nationals;

(j) The lack of cooperation with international and regional human rights mechanisms by Eritrea;

3. *Reiterates* its call upon the Government of Eritrea, without delay:

(a) To end its use of arbitrary detention of its citizens, and to end the use of torture or other cruel, inhumane and degrading treatment or punishment;

(b) To account for and release all political prisoners, including members of the "G-15" and journalists;

(c) To account for those detained in the aftermath of the takeover on 21 January 2013 of the building housing the Ministry of Information, and to release them or to ensure that they are given a free and fair trial, with full respect for due process;

(d) To ensure free and fair access to an independent judicial system for those detained, and to improve prison conditions, including by prohibiting the use of underground cells and shipping containers to hold prisoners, ending the use of secret detention centres and secret courts and the practice of incommunicado detention, and allowing regular access to prisoners for relatives, legal advocates, medical care and other competent and legally authorized authorities and institutions;

(e) To put an end to the system of indefinite national service by demobilizing the national service conscripts who have completed their mandatory 18 months of service, and by effectively ending the practice of engaging them in forced labour after such a period, to provide for conscientious objection to military service, and to end the compulsory practice of all children undertaking the final year of schooling in a military training camp;

(f) To end the practice of forcing citizens to participate in the militia;

(g) To investigate promptly all allegations of extrajudicial killings, torture, rape and sexual abuse within the national service, and to bring perpetrators to justice;

(h) To allow human rights and humanitarian organizations to operate in Eritrea without fear or intimidation, and to facilitate the full implementation of the Strategic Partnership Cooperation Framework for 2013–2016 signed by the Government of Eritrea and the United Nations on 28 January 2013;

(i) To respect everyone's right to freedom of expression and to freedom of thought, conscience and religion or belief, and the rights to freedom of peaceful assembly and of association;

(j) To enhance the promotion and protection of women's rights, including by taking further measures to combat harmful practices, such as child, early and forced marriage and female genital mutilation;

(k) To implement the recommendations made during its second universal periodic review, to report on progress made and to cooperate fully with the Human Rights Council and the universal periodic review during its third cycle;

(l) To end "guilt-by-association" policies that target family members of those who evade national service or seek to flee Eritrea;

(m) To cooperate fully with the Office of the United Nations High Commissioner for Human Rights in accordance with its international human rights obligations by, inter alia, allowing unhindered access to a further mission by the Office as requested by the High Commissioner, the human rights treaty bodies and all mechanisms of the Human Rights Council, and to cooperate with all international and regional human rights mechanisms;

(n) To provide the Office of the High Commissioner with all relevant information on the identity, safety, well-being and whereabouts of all detained persons and persons missing in action, including members of the G-15, journalists, those detained in the aftermath of takeover on 21 January 2013 of the building housing the Ministry of Information, and the 19 Djiboutian combatants;

(o) To implement fully the Constitution of Eritrea adopted in 1997, and to govern in accordance with the principles of the rule of law;

4. *Urges* Eritrea to make available information pertaining to the Djiboutian combatants missing in action since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

5. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a period of one year, and requests the mandate holder to present a report to the Human Rights Council at its twenty-ninth session and to address and engage in an interactive dialogue with the General Assembly at its sixty-ninth session;

6. *Invites* the High Commissioner to report to the Human Rights Council on the progress in cooperation between Eritrea and the Office of the High Commissioner;

7. *Decides* to establish, for a period of one year, a commission of inquiry comprising three members, one of whom should be the Special Rapporteur, with the other two members appointed by the President of the Human Rights Council;

8. *Also decides* that the commission of inquiry will investigate all alleged violations of human rights in Eritrea, as outlined in the reports of the Special Rapporteur;

9. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur and the commission of inquiry, to permit them and their staff members unrestricted access to visit the country, to give due consideration to the recommendations contained in the reports of the Special Rapporteur, and to provide them with the information necessary for the fulfilment of their mandates, and underlines the importance

for all States to lend their support to the Special Rapporteur and the commission of inquiry for the discharge of their mandates;

10. *Urges* the international community to cooperate fully with the Special Rapporteur and the commission of inquiry;

11. *Also urges* the international community to strengthen efforts to ensure the protection of those fleeing from Eritrea, in particular the increasing number of unaccompanied children;

12. *Requests* the Secretary-General to provide the Special Rapporteur and the commission of inquiry with all information and the resources necessary to fulfil their mandates;

13. *Requests* the commission of inquiry to present an oral update to the Human Rights Council at its twenty-eighth session and to the General Assembly at its seventieth session, and a written report to the Council at its twenty-ninth session;

14. *Decides* to transmit all reports of the commission of inquiry to all relevant bodies of the United Nations and to the Secretary-General for appropriate action;

15. *Also decides* to remain seized of the matter.

*39th meeting
27 June 2014*

[Adopted without a vote.]

26/25

Situation of human rights in Belarus

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolutions 20/13 of 5 July 2012 and 23/15 of 13 June 2013, and deploring the inadequate response and lack of cooperation by the Government of Belarus to the requests of the Council made in those resolutions, including the denial of access to the Special Rapporteur on the situation of human rights in Belarus and other special procedures mandate holders to the country,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Welcomes* the reports of the Special Rapporteur on the situation of human rights in Belarus;⁹⁶

2. *Expresses deep concern* at the continuing violations of human rights in Belarus, which are of a systemic and systematic nature, as well as at the use of torture and ill-treatment in custody, the lack of response by the Government of Belarus to cases of enforced disappearance of political opponents, the impunity of perpetrators of human rights violations, the violations of labour rights amounting to forced labour, the significant gaps in anti-discrimination legislation, the pressure on defence lawyers, and the lack of

⁹⁶ A/HRC/26/44 and A/68/276.

participation of opposition political parties in Parliament, urges the Government to undertake an electoral reform in line with the recommendations made by the Special Rapporteur so as to ensure that elections in Belarus at all levels are in accordance with the norms and standards of the Organization for Security and Cooperation in Europe, and calls upon the Belarusian authorities to cooperate fully to that end with relevant United Nations mechanisms and the Office for Democratic Institutions and Human Rights of the said Organization;

3. *Calls upon* the Government of Belarus to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with international human rights law and with their human rights obligations and commitments, and not used to impede or unduly restrict the exercise of any human right, including the right to freedom of opinion and expression, the right of peaceful assembly and the right to freedom of association, including to form and join a trade union, as well as the freedom of the media;

4. *Notes* the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and encourages the parliamentary working group on the death penalty to expedite its work;

5. *Urges* the Government of Belarus to carry out a comprehensive reform of the justice sector and bar associations in order to guarantee the full independence and impartiality of the judiciary, the presumption of innocence, the right to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal established by law and to freely chosen legal representation throughout all proceedings, as well as the availability of information on the implementation of all sentences, while noting recent attempts to reform the judiciary;

6. *Strongly urges* the Government of Belarus to immediately and unconditionally release and rehabilitate all political prisoners, while welcoming the recent release of a prominent human rights defender, also strongly urges the Government to ensure that those who have been released are immediately and fully reinstated in their civil and political rights, to address, through comprehensive, transparent and credible investigations, reports of torture and ill-treatment by law-enforcement officials and to prosecute alleged perpetrators and punish those found guilty, and to put an immediate end to the arbitrary arrest, detention and harassment of human rights defenders, political opponents and journalists, to arbitrary travel bans and to other policies aimed at intimidating representatives of the political opposition and the media, as well as human rights defenders and civil society organizations;

7. *Strongly encourages* the Government of Belarus to establish a national human rights institution in accordance with the Paris Principles, and to enhance the progress made towards reaching the Millennium Development Goals;

8. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to submit a report on the situation of human rights in Belarus to the Human Rights Council at its twenty-ninth session and to the General Assembly at its seventieth session;

9. *Urges* the Government of Belarus to cooperate fully with the Special Rapporteur, including by providing him access to visit the country and the information necessary to facilitate the fulfilment of the mandate;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of the mandate.

39th meeting
27 June 2014

[Adopted by a recorded vote of 24 to 7, with 16 abstentions. The voting was as follows:

In favour:

Argentina, Austria, Benin, Botswana, Brazil, Chile, Costa Rica, Czech Republic, Estonia, France, Gabon, Germany, Ireland, Italy, Japan, Maldives, Montenegro, Peru, Republic of Korea, Romania, Sierra Leone, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

China, Cuba, India, Kazakhstan, Russian Federation, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Algeria, Burkina Faso, Congo, Côte d'Ivoire, Ethiopia, Indonesia, Kenya, Kuwait, Mexico, Morocco, Namibia, Pakistan, Philippines, Saudi Arabia, South Africa, United Arab Emirates]

26/26

Promotion and protection of the human rights of peasants and other people working in rural areas

The Human Rights Council,

Recalling the Universal Declaration of Human Rights,

Recalling also the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling further the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling Human Rights Council resolutions 13/4 of 24 March 2010, 16/27 of 25 March 2011 and 19/7 of 22 March 2012 on the right to food, and in particular Council resolution 21/19 of 27 September 2012 on the promotion and protection of the human rights of peasants and other people working in rural areas,

Determined to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

Underlining the imperative need to achieve the Millennium Development Goals by 2015 in order to contribute to making the right to development a reality for everyone,

Welcoming General Assembly resolution 66/222 of 22 December 2011, in which the Assembly declared 2014 the International Year of Family Farming,

Gravely concerned that hunger, like poverty, is still predominantly a rural problem, and that in the rural population it is those who produce food who suffer disproportionately, and alarmed that 75 per cent of people suffering from hunger live in rural areas, particularly in developing countries, and 50 per cent are small-scale and traditional farm holders, as

well as subsistence farmers, and that they are especially vulnerable to food insecurity, malnutrition, discrimination and exploitation,

Recognizing that livelihoods in rural areas are disproportionately affected by poverty, climate change and lack of access to land, water, development and scientific progress,

Convinced of the need to strengthen the protection and realization of the human rights of peasants and other people working in rural areas,

Welcoming the report of the open-ended intergovernmental working group on its first session,⁹⁷ held from 15 to 19 July 2013, pursuant to Human Rights Council resolution 21/19, and in particular the inputs from Governments, regional groups, civil society and relevant stakeholders,

Taking note of the expert seminar on the rights of peasants and other people working in rural areas held on 8 and 9 April 2014 at the Geneva Academy of International Humanitarian Law and Human Rights, with the participation of experts from academia, international organizations, civil society, States as observers and other relevant stakeholders,

Bearing in mind the development of this issue,

1. *Decides* that the working group with the mandate of negotiating, finalizing and submitting to the Human Rights Council a draft United Nations declaration on the rights of peasants and other people working in rural areas shall hold its second session for five working days before the twenty-ninth session of the Council;

2. *Requests* the Chairperson-Rapporteur of the working group to conduct informal consultations with Governments, relevant special procedures of the Human Rights Council, regional groups, intergovernmental organizations, United Nations mechanisms, civil society and representatives of peasants and other people working in rural areas, as well as other relevant stakeholders and other relevant specialized agencies of the United Nations system before the second session of the working group;

3. *Also requests* the Chairperson-Rapporteur of the working group to prepare a new text on the basis of the discussions held during the first session of the working group, including on the draft declaration presented by the Advisory Committee, and the informal consultations to be held, and to present it to the working group at its second session for consideration and further discussion;

4. *Invites* States, civil society and all relevant stakeholders to contribute actively and constructively to the work of the working group;

5. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the working group with the human, technical and financial assistance necessary for it to fulfil its mandate;

6. *Requests* the working group to submit to the Human Rights Council for consideration at its thirtieth session a report on progress made, which should be published as an official document in all official languages of the United Nations.

*39th meeting
27 June 2014*

[Adopted by a recorded vote of 29 to 5, with 13 abstentions. The voting was as follows:

⁹⁷ A/HRC/26/48.

In favour:

Algeria, Argentina, Benin, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Ethiopia, Gabon, India, Indonesia, Kazakhstan, Kenya, Morocco, Namibia, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Czech Republic, Republic of Korea, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Austria, Botswana, Estonia, France, Germany, Ireland, Italy, Japan, Kuwait, Maldives, Mexico, Montenegro, the former Yugoslav Republic of Macedonia]

26/27**Human rights and climate change***The Human Rights Council,*

Guided by the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Vienna Declaration and Programme of Action,

Recalling its resolutions 7/23 of 28 March 2008, 10/4 of 25 March 2009 and 18/22 of 17 October 2011 on human rights and climate change, and 16/11 of 24 March 2011, 19/10 of 22 March 2012 and 25/21 of 28 March 2014, on human rights and the environment,

Reaffirming the United Nations Framework Convention on Climate Change and the objectives and principles thereof, and emphasizing that parties should, in all climate change-related actions, fully respect human rights as enunciated in the outcome of the sixteenth session of the Conference of Parties to the Convention,⁹⁸

Reaffirming also the commitment to enable the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change through long-term cooperative action, in order to achieve the ultimate objective of the Convention,

Welcoming the holding of the recent Conferences of the Parties to the United Nations Framework Convention on Climate Change, including the seventeenth Conference of the Parties, held in November 2011 in Durban, South Africa, the eighteenth Conference of the Parties, held in November 2012 in Doha, and the nineteenth Conference of the Parties, held in November 2013 in Warsaw,

Welcoming also the outcome document "The future we want" of the United Nations Conference on Sustainable Development held in June 2012 in Rio de Janeiro, Brazil,⁹⁹

Notes the convening of the climate summit on 23 September 2014 by the Secretary-General aimed at mobilizing action and ambition in relation to climate change,

⁹⁸ FCCC/CP/2010/7/Add.1, dec.1/CP.16.

⁹⁹ General Assembly resolution 66/288, annex.

Recalling the Declaration of the United Nations Conference on the Human Environment, the Rio Declaration on Environment and Development, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development,

Recognizing that human beings are at the centre of concerns for sustainable development, and that the right to development must be fulfilled so as to meet the development and environmental needs of present and future generations,

Recognizing also the challenges of climate change to development and to the progress made towards the achievement of the Millennium Development Goals, in particular with regard to the goals on the eradication of extreme poverty and hunger, environmental sustainability and health,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions,

Acknowledging also that, as stated in the United Nations Framework Convention on Climate Change, responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impact on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming also that it is the primary responsibility of States to promote and protect human rights;

Recalling the report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights,¹⁰⁰ the panel discussion on the relationship between climate change and human rights, held on 15 June 2009, at the eleventh session of the Human Rights Council, and the 2010 Social Forum, which focused on the relationship between climate change and human rights,¹⁰¹

Welcoming the convening of the seminar by the Office of the High Commissioner on 23 and 24 February 2012 on addressing the adverse impact of climate change on the full enjoyment of human rights, and recalling its summary report thereon,¹⁰²

Emphasizing that the adverse effects of climate change have a range of implications, both direct and indirect, for the effective enjoyment of human rights, including, inter alia, the right to life, the right to adequate food, the right to the highest attainable standard of health, the right to adequate housing, the right to self-determination, the right to development and the right to safe drinking water and sanitation, and recalling that in no case may a people be deprived of its own means of subsistence,

Expressing concern that, while these implications affect individuals and communities around the world, the adverse effects of climate change will be felt most

¹⁰⁰ A/HRC/10/61.

¹⁰¹ See A/HRC/16/62 and Corr.1.

¹⁰² A/HRC/20/7.

acutely by those segments of the population that are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status and disability,

Reaffirming that people in developing countries, particularly in least developed countries, small island developing States and African countries, that have contributed the least to global greenhouse gas emissions, are among the most vulnerable to the adverse effects of climate change on the full and effective enjoyment of all human rights, including the right to development, and should be provided with predictable, sustainable and adequate support to meet the costs of adaptation to and mitigation of those adverse effects,

Recognizing the need to give due consideration in the elaboration of the post-2015 development agenda to the role of international cooperation in relation to the special needs and particular circumstances of developing countries and to addressing the adverse impact of climate change on the full and effective realization of human rights,

Recognizing also that climate change is an urgent global problem requiring a global solution, and that effective international cooperation to enable the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change in accordance with the provisions and principles of the Convention is important in order to support national efforts for the realization of human rights affected by climate change-related impact,

Noting that, as stated in the Rio Declaration, States should cooperate to strengthen endogenous capacity-building for sustainable development by improving scientific understanding through the exchange of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new innovative technologies,

Affirming that human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes,

Noting the establishment of the Climate Vulnerable Forum and the launching of the second edition of *Climate Vulnerability Monitor* in 2012 in New York, which may become a useful tool to orient public policies,

1. *Reiterates its concern* that the adverse effects of climate change have a range of direct and indirect implications for the effective enjoyment of all human rights, and that the effects of climate change will be felt most acutely by individuals and communities around the world that are already in vulnerable situations owing to geography, poverty, gender, age, indigenous or minority status or disability;

2. *Expresses concern* that climate change has contributed to the increase of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights;

3. *Emphasizes* the urgent importance of continuing to address, as they relate to States' human rights obligations, the adverse consequences of climate change for all, particularly in developing countries and its people whose situation is most vulnerable to climate change, especially those in a situation of extreme poverty, and deteriorating livelihood conditions;

4. *Stresses* the importance of fostering dialogue and cooperation between relevant international organizations and stakeholders to develop the analysis of the linkages between human rights and climate change;

5. *Calls upon* all States to continue to enhance international dialogue and cooperation in relation to the adverse impact of climate change on the enjoyment of human

rights, including the right to development, particularly in developing countries, especially least developed countries, small island developing States and African countries, including through dialogue and measures, such as the implementation of practical steps to promote and facilitate capacity-building, financial resources and technology transfer;

6. *Decides* to incorporate into its programme of work for the twenty-eighth session a full-day discussion on specific themes relating to human rights and climate change on the basis of the different elements contained in the present resolution, and to dedicate one panel to identifying challenges and ways forward towards the realization of all human rights for all, including the right to development, in particular those in vulnerable situations, as well as the measures and best practices to promote and protect human rights that can be adopted by States in addressing the adverse effects of climate change on the full and effective enjoyment of human rights, and another panel discussion to how climate change has had an adverse impact on States' efforts to progressively realize the right to food, and policies, lessons learned and good practices;

7. *Invites* the special procedures mandate holders, within their respective mandates, and other relevant stakeholders, including academic experts and civil society organizations, to participate actively in the panel discussions;

8. *Encourages* relevant special procedures mandate holders to give consideration to the issue of climate change and human rights within their respective mandates;

9. *Requests* the Office of the United Nations High Commissioner for Human Rights to submit to the Human Rights Council, at its session following the full-day discussion, a summary report, including any recommendations stemming therefrom, for consideration of further follow-up action;

10. *Decides* to consider the possibility of organizing follow-up events on climate change and human rights within its future programme of work;

11. *Requests* the Secretary-General and the High Commissioner to provide all the human and technical assistance necessary for the effective and timely realization of the above-mentioned panel discussions and summary report thereon;

12. *Decides* to remain seized of the matter.

*40th meeting
27 June 2014*

[Adopted without a vote.]

26/28 The Social Forum

The Human Rights Council,

Recalling all previous resolutions and decisions adopted on the Social Forum by the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, as well as by the Economic and Social Council,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 6/13 of 28 September 2007, 10/4 of 25 March 2009, 10/29 of 27 March 2009, 13/17 of 25 March 2010, 16/26 of 25 March 2011, 19/24 of 23 March 2012 and 24/25 of 27 September 2013,

Bearing in mind that the reduction of poverty and the elimination of extreme poverty remain an ethical and moral imperative of humankind, based on the respect for human dignity,

Reaffirming the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States and civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Takes note* of the report of the Chairman-Rapporteur of the 2014 Social Forum,¹⁰³ held in Geneva from 1 to 3 April;

2. *Also takes note* of the conclusions and recommendations of the 2014 Social Forum, and encourages States, international organizations, non-governmental organizations, civil society organizations, trade unions and other relevant actors to take them into account when designing and implementing programmes and strategies;

3. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including the contribution of civil society and grass-roots organizations, and stresses the need to ensure greater participation of grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the sessions of the Forum;

4. *Underlines* the importance of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity and of addressing the social dimension and challenges of the ongoing globalization process and the negative impact of the current economic and financial crises;

5. *Stresses* the need for increased and sustained participation and contribution of civil society and all other relevant actors listed in the present resolution to the promotion and effective realization of the right to development;

6. *Decides* that the Social Forum will meet for three working days in 2015, in Geneva, on dates suitable for the participation of representatives of States Members of the United Nations and of the broadest possible range of other stakeholders, especially from developing countries, and also decides that, at its next meeting, the Forum should focus on access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including best practices in this regard;

7. *Requests* the President of the Human Rights Council to appoint, as early as possible, from candidates nominated by regional groups, the Chairperson-Rapporteur for the 2015 Social Forum, bearing in mind the principle of regional rotation;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights to make available the most recent and relevant United Nations reports and documents on access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health as background documents for the dialogues and debates that will be held at the 2015 Social Forum;

9. *Requests* the High Commissioner to facilitate participation in the 2015 Social Forum, in order to contribute to interactive dialogues and debate at the Forum and to assist

¹⁰³ A/HRC/26/46.

the Chairperson-Rapporteur as resource persons, of up to 10 experts, including representatives from civil society and grass-roots organizations in developing countries;

10. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions and specialized agencies and organizations, as well as representatives designated by human rights national institutions and non-governmental organizations in consultative status with the Economic and Social Council, and shall also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including newly emerging actors, such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers, as well as representatives of the private sector, on the basis of arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

11. *Requests* the Office of the High Commissioner to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, especially those from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

12. *Requests* the Secretary-General to take appropriate measures to disseminate information about the Social Forum, to invite relevant individuals and organizations to the Forum and to take all practical measures required for the success of this initiative;

13. *Invites* the 2015 Social Forum to submit a report containing its conclusions and recommendations to the Human Rights Council at its twenty-ninth session;

14. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and requests the High Commissioner to provide all the support necessary to facilitate the convening and proceedings of the Forum;

15. *Decides* to continue consideration of this issue at its twenty-ninth session under the same agenda item.

*40th meeting
27 June 2014*

[Adopted without a vote.]

26/29

Contribution of parliaments to the work of the Human Rights Council and its universal periodic review

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and all relevant human rights instruments,

Recalling successive resolutions adopted by the General Assembly since 2010, in particular its resolutions 65/123 of 13 December 2010 and 66/261 of 29 May 2012, in which the Assembly recognized the importance of the provision of continued parliamentary support for the work of the Human Rights Council, in particular its universal periodic review,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Recalling further its resolution 22/15 of 21 March 2013 on the contribution of parliaments to the work of the Human Rights Council and its universal periodic review, and taking note with appreciation of the summary report of the United Nations High Commissioner for Human Rights of the panel discussion on the theme, "Contribution of parliaments to the work of the Human Rights Council and its universal periodic review", held on 29 May 2013,¹⁰⁴

Welcoming the efforts of the Inter-Parliamentary Union to contribute to the work of the United Nations, and in particular its contribution to the work of the Human Rights Council and United Nations human rights treaty bodies,

Considering that the Human Rights Council and parliaments stand to gain considerably from exploring possible synergies to ensure that the universal periodic review has the greatest impact at the national level,

Acknowledging the crucial role that parliaments play in, inter alia, translating international commitments into national policies and laws and hence in contributing to the fulfilment by each State Member of the United Nations of its human rights obligations and commitments and to the strengthening of the rule of law,

Acknowledging also the leading role that parliaments could play in ensuring the implementation of recommendations made at the sessions of the universal periodic review and by other human rights mechanisms at the national level,

1. *Encourages* States, in accordance with their national legislation, to promote the involvement of parliaments in all stages of the universal periodic review reporting process, in particular through the inclusion of the national parliament as a relevant stakeholder in the consultation process of the national report and in the implementation of recommendations, and to report on such involvement in their national report and voluntary mid-term reports or during the interactive dialogue session of the universal periodic review;

2. *Welcomes* the growing practice by States under review of including parliamentarians in their national delegations to the universal periodic review, and encourages States, as appropriate, to continue this practice;

3. *Also welcomes* the recent efforts by the Inter-Parliamentary Union and the parliamentary and other authorities of Member States to organize, in collaboration with the Office of the United Nations High Commissioner for Human Rights, regional seminars aimed at raising awareness of the work of the Human Rights Council, in particular its universal periodic review, and to build capacities of parliaments to contribute to its work;

4. *Further welcomes* in that regard the recent regional seminar held in Romania for parliaments of Central and Eastern Europe, and invites States, with the support of the Inter-Parliamentary Union and the Office of the High Commissioner, to continue to contribute to such activities;

¹⁰⁴ Available from www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Pages/ListReports.aspx.

5. *Invites* the High Commissioner to provide the Human Rights Council with regular updates on the activities of the Inter-Parliamentary Union on parliamentary capacity-building, as well as on its activities with regard to the work of the Council and its universal periodic review;

6. *Encourages* all relevant stakeholders to promote and enhance cooperation between their national parliaments and national human rights institutions and civil society in the promotion and protection of all human rights and fundamental freedoms;

7. *Decides* to continue consideration of the issue under the same agenda item.

40th meeting
27 June 2014

[Adopted without a vote.]

26/30

Cooperation and assistance to Ukraine in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international human rights instruments,

Bearing in mind relevant regional instruments, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms,

Recalling General Assembly resolution 68/262 of 27 March 2014 on the territorial integrity of Ukraine,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognized borders,

Recalling that it is the primary responsibility of States to promote and protect all human rights and fundamental freedoms,

Recalling also the Geneva Joint Statement on Ukraine of 17 April 2014 outlining initial concrete steps to de-escalate tensions and restore security for all citizens, and stressing the importance of its full implementation by all parties,

Recalling further the statement made by the Secretary-General on 14 June 2014, in which he expressed concern at the violence in Eastern Ukraine and called for a solution through negotiation and dialogue,

Acknowledging the commitment of the Government of Ukraine to promote and protect human rights, and recognizing the efforts made by the Government to strengthen democracy and the rule of law and protection of human rights, including by promoting an inclusive political dialogue that reflects the diversity of society and includes representation from all parts of Ukraine,

Noting with serious concern the ongoing activities by illegal armed groups in the Donetsk and Luhansk regions with external support, which remain a major factor causing the worsening situation in the protection of human rights in these regions,

Expressing deep concern at the lack of access of impartial and independent human rights monitors to the Autonomous Republic of Crimea and the city of Sevastopol,

Welcoming the continued efforts by the Secretary-General, the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe,

the Council of Europe and other international and regional organizations to assist Ukraine in promoting and protecting human rights,

1. *Welcomes* the reports of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine, based on the findings of the United Nations human rights monitoring mission in Ukraine;

2. *Commends* the Office of the High Commissioner for the rapid deployment of the monitoring mission, for providing regular, accurate and public reports on the human rights situation, as well as on emerging concerns and risks, and for documenting the facts and circumstances of alleged human rights violations and abuses;

3. *Welcomes* the cooperation of the Government of Ukraine with the monitoring mission and the renewal of its mandate in Ukraine until 15 September 2014, and fully supports the continued assistance of the Office of the High Commissioner to the Government of Ukraine;

4. *Calls upon* all concerned to cooperate fully with, provide access to and allow deployment of independent and impartial human rights monitors, including by the monitoring mission, and to comply strictly with all applicable international law;

5. *Also calls upon* all concerned to implement the recommendations contained in the reports of the Office of the High Commissioner, and welcomes the efforts of the Government of Ukraine already made in this regard aimed at, inter alia, the implementation of the Geneva Joint Statement on Ukraine of 17 April 2014;

6. *Calls upon* the Government of Ukraine to continue its reform efforts aimed at strengthening the human rights protection of all citizens, the rule of law and democracy, in particular in areas identified by the monitoring mission;

7. *Welcomes* the holding of presidential elections in Ukraine on 25 May 2014;

8. *Expresses concern* that, despite the efforts of the election administration to ensure voting throughout the country, individuals were not able to take part in voting in parts of the Luhansk and Donetsk regions owing to systematic disruption by illegal armed groups and in the Autonomous Republic of Crimea and the city of Sevastopol;

9. *Calls upon* the Government of Ukraine to continue to investigate all alleged human rights violations and abuses in a prompt, impartial, transparent and comprehensive manner, and to ensure accountability, including in relation to the Maidan protests and the violence in Odessa on 2 May 2014;

10. *Welcomes* the cooperation of the Government of Ukraine with the special procedures of the Human Rights Council, in line with its standing invitation, and encourages continued cooperation in this regard;

11. *Also welcomes* the statement by the Special Rapporteur on minority issues on her country visit to Ukraine containing the initial findings, and urges all concerned to strictly respect the rights of persons belonging to ethnic, national, linguistic and religious minorities;

12. *Calls for* an immediate end to all acts of discrimination and harassment, in particular towards persons belonging to minorities and indigenous peoples and other residents of the Autonomous Republic of Crimea and the city of Sevastopol, including ethnic Ukrainians and Crimean Tatars;

13. *Also calls for* the protection of all human rights in all of Ukraine, in particular in the Autonomous Republic of Crimea and the city of Sevastopol in issues related to, inter alia, citizenship, right of residence, labour rights, property and land rights, access to health

and education, peaceful assembly, and the freedoms of expression, association, religion and belief;

14. *Calls upon* all concerned to promote a safe and enabling environment for journalists to perform their work independently and without undue interference;

15. *Strongly condemns* the violence and abuses committed by illegal armed groups, including abductions, unlawful detentions, killings, torture and ill-treatment, disappearances and harassment of journalists, international observers and other people, and urges all members of illegal armed groups to immediately disarm and stop their unlawful acts, including to immediately release all those unlawfully detained, and to vacate occupied public and administrative buildings, in accordance with the provisions of the Geneva Joint Statement;

16. *Urges* the Government of Ukraine to conduct security and law enforcement operations in accordance with applicable international law;

17. *Invites* the High Commissioner to report on the implementation of the present resolution to the Human Rights Council at its twenty-seventh session, followed by an interactive dialogue.

*40th meeting
27 June 2014*

[Adopted by a recorded vote of 23 to 4, with 19 abstentions. The voting was as follows:

In favour:

Austria, Benin, Botswana, Chile, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, France, Germany, Ireland, Italy, Japan, Maldives, Mexico, Montenegro, Philippines, Republic of Korea, Romania, Sierra Leone, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

China, Cuba, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Algeria, Argentina, Brazil, Burkina Faso, Congo, Ethiopia, Gabon, India, Indonesia, Kazakhstan, Kenya, Kuwait, Namibia, Pakistan, Peru, Saudi Arabia, South Africa, United Arab Emirates, Viet Nam]

26/31

Technical and capacity-building assistance for South Sudan in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,

Emphasizing that States have the primary responsibility for the promotion and protection of human rights,

Recalling General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011,

Recalling also Human Rights Council resolution 5/1 of 18 June 2007, as well as Council resolutions 18/17 of 29 September 2011, 21/28 of 28 September 2012 and 23/24 of

14 June 2013 on technical assistance and capacity-building for South Sudan in the field of human rights, and President's statement PRST 25/2 of 28 March 2014,

Recalling further Security Council resolution 2155 (2014) of 27 May 2014,

Deeply concerned at the human rights situation in South Sudan and at reports of atrocities committed since the outbreak of violence on 15 December 2013, including the targeted killing of civilians and mass displacements, and allegations of unlawful recruitment and use of child soldiers, widespread incidents of arbitrary arrest and detention, and sexual violence,

Commending the leading role played by the Intergovernmental Authority on Development, and expressing support for its monitoring and verification mechanism,

Welcoming the establishment and work of the African Union Commission of Inquiry for South Sudan, and stressing the importance of thorough and genuine investigations into all human rights violations and abuses, and violations of international humanitarian law, to ensure that all perpetrators are brought to justice,

Welcoming also the engagement of the Secretary-General, the United Nations High Commissioner for Human Rights and the Special Adviser on the Prevention of Genocide, and taking note of the statements made by the High Commissioner on 30 April and 9 May 2014 and the report of the United Nations Mission in South Sudan of 8 May 2014,

Welcoming further the commitment made by the parties to the conflict to end the conflict and to fully engage in the ongoing peace process led by the Intergovernmental Authority on Development and the agreements of 9 May and 10 June 2014, which included, inter alia, the decision to deploy a protection and deterrent force in South Sudan and to form an inclusive transitional National Unity Government,

1. *Expresses grave concern* at the situation in South Sudan;
2. *Strongly condemns* the abuses and violations of human rights, and violations of international humanitarian law, including the targeted killing of civilians and mass displacements, and allegations of unlawful recruitment and use of child soldiers, widespread incidents of arbitrary arrest and detention, sexual violence and mass killings of people that have occurred in the aftermath of the violence that broke out on 15 December 2013;
3. *Demands* a halt to all human rights violations, abuses and acts of violence by all parties;
4. *Stresses* that the perpetrators of violations and abuses and those ordering them should be held accountable and brought to justice;
5. *Emphasizes* that international human rights mechanisms should make efforts to support the work of the Intergovernmental Authority on Development, the African Union and its Commission of Inquiry for South Sudan upon their request;
6. *Calls upon* all parties to respect and implement the signed agreements of the Intergovernmental Authority on Development and to commit to inclusive dialogue, reconciliation and peacebuilding;
7. *Calls upon* the international community to assist neighbouring countries hosting refugees, especially women, children and persons with disabilities;
8. *Requests* the United Nations High Commissioner for Human Rights, as a matter of urgency, to monitor the situation of human rights in South Sudan and to report thereon to the Human Rights Council at its twenty-eighth session, with recommendations on technical assistance and capacity-building measures, including on human rights

education to overcome challenges in the areas of security and on the importance of accountability and transitional justice in South Sudan;

9. *Decides* to convene, at its twenty-seventh session, a panel discussion on the human rights situation in South Sudan, and in this regard;

(a) Requests the High Commissioner to submit an interim report on the human rights situation in South Sudan for discussion by the panel;

(b) Also requests the High Commissioner to invite the Government of South Sudan, the Chairperson of the African Union Commission of Inquiry for South Sudan, the Chief Mediator of the Intergovernmental Authority on Development, the Special Representative of the Secretary-General for South Sudan and the Chairperson of the South Sudan Human Rights Commission;

(c) Further requests the High Commissioner to prepare a report on the panel discussion in the form of a summary and to submit it to the Human Rights Council at its twenty-eighth session;

10. *Requests* that the High Commissioner be provided with all necessary and appropriate resources to fulfil this mandate.

*40th meeting
27 June 2014*

[Adopted without a vote.]

26/32

Capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and relevant human rights treaties,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1, on institution-building of the United Nations Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both 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,

Recalling further Council resolutions S-14/1 of 23 December 2010 and 16/25 of 25 March 2011, on the situation of human rights in Côte d'Ivoire, and its resolutions 17/21 of 17 June 2011, establishing the mandate of the Independent Expert on the situation of human rights in Côte d'Ivoire, and 20/19 of 6 July 2012 and 23/22 of 14 June 2013 renewing the mandate of the Independent Expert,

Reaffirming that all States have a responsibility to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the international covenants on human rights and other relevant human rights instruments,

Welcoming the establishment of the National Programme for Social Cohesion, the action taken under that programme and the renewal of the mandates of the Dialogue, Truth and Reconciliation Commission and the Special Investigation Unit,

Noting that the situation of human rights in Côte d'Ivoire has improved significantly, as evidenced by the progress reported at the press conference given by the Special Representative of the Secretary-General for Côte d'Ivoire on 4 June 2014, and that the situation nevertheless remains fragile, given the numerous challenges, notably the restoration of peace, national reconciliation and combating impunity, as well as reform of the security sector,

Concerned at the continuing sporadic armed attacks on the Forces républicaines de Côte d'Ivoire in the exercise of their mandate to protect civilians,

1. *Condemns* the attacks by unidentified armed groups in Côte d'Ivoire, which are liable to thwart the joint efforts of the Ivorian people and the international community to bring security and peace to the country and definitively overcome the effects of the post-election crisis;

2. *Welcomes* the substantial improvement in security matters in Côte d'Ivoire, as well as the work of the Special Investigation Unit and the National Security Council, particularly with regard to their roles in early warnings and the prevention of human rights violations;

3. *Also welcomes* the exemplary and continuing cooperation of the Government of Côte d'Ivoire with the United Nations human rights machinery and its commitment to promoting and protecting human rights, and encourages the continuation of efforts to end all human rights violations, prosecute the perpetrators of such acts and help victims;

4. *Applauds*, in this regard, the continuing work in the political framework for ongoing dialogue aimed at facilitating inclusive political pluralism, the continuing cooperation with the International Criminal Court and the adoption of new legislation, notably in the area of family law providing for equal rights between men and women in marriage, which constitute important progress in strengthening the legislative framework and thus in promoting and protecting human rights and ending impunity;

5. *Welcomes* the resumption of criminal trials throughout the national territory after a 16-year hiatus;

6. *Notes* the continuing trial of some members of the Forces républicaines de Côte d'Ivoire and the holding in Abidjan, from 12 to 14 February 2014, of an international conference on the situation of victims of the Ivorian crisis, organized by the Independent Expert on the situation of human rights in Côte d'Ivoire;

7. *Applauds* the reform of the Independent Electoral Commission, established after broad consultations with all stakeholders, the provisional release of many of those who were detained after the post-electoral crisis, the unfreezing of their assets and the gradual restitution of their property;

8. *Takes note* of the reports and recommendations of the Independent Expert on the situation of human rights in Côte d'Ivoire¹⁰⁵ and his oral statement at the 35th meeting of the twenty-sixth session of the Council, to the effect that this would be his last report, and thanks him for his commitment to the mandate since his appointment;

9. *Applauds* the commitments made by the Government of Côte d'Ivoire at the Council's sessions to endorse the Independent Expert's recommendations, particularly those relating to rebuilding democracy, combating impunity through the justice system and strengthening inclusive political pluralism and cultural and religious pluralism;

¹⁰⁵ A/HRC/25/73 and A/HRC/26/52.

10. *Also applauds* the fruitful cooperation between the Government of Côte d'Ivoire and the Independent Expert in the discharge of his mandate;

11. *Acknowledges with appreciation* the relevance of the conclusions and recommendations of the National Commission of Inquiry in Côte d'Ivoire responsible for investigating the facts and circumstances surrounding the allegations of serious abuses and human rights violations in Côte d'Ivoire following the presidential election of 28 November 2010;

12. *Takes note* of the endorsement of the Commission's recommendations by the Government of Côte d'Ivoire and encourages the significant action taken to put them into effect;

13. *Applauds* the efforts of the Government of Côte d'Ivoire to ratify international and regional human rights instruments, and encourages it to continue to take action and pursue its efforts to put those instruments into effect, to comply with the related reporting requirements and to promote and reinforce human rights education;

14. *Urges* the Government of Côte d'Ivoire and all the actors concerned to support the effective implementation of the mandate of the Dialogue, Truth and Reconciliation Commission, and invites the Commission to do all that it can to meet the expectations of the Ivorian people and the international community in terms of redress and non-repetition;

15. *Notes with concern* the continuing instability of the humanitarian situation on the ground, and calls on United Nations agencies and other relevant actors to continue, at the request of the Government of Côte d'Ivoire, to provide assistance to refugees and internally displaced persons, in conformity with the measures put in place by the Government, so as to encourage their voluntary return to their homes in conditions of safety and dignity;

16. *Also notes with concern* the recurring allegations of violence against women and children, and requests the Government of Côte d'Ivoire to do all it can to investigate such allegations;

17. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide the technical assistance requested by the Government of Côte d'Ivoire, including support for the Dialogue, Truth and Reconciliation Commission, and to work with it to identify other areas of assistance that will help Côte d'Ivoire to meet its human rights obligations;

18. *Requests* the international community to continue to support the reconstruction and reconciliation process under way in Côte d'Ivoire, and to provide the assistance requested in the specific areas in which such assistance is necessary, including in strengthening the capacity of the mechanisms for combating violence against women and children;

19. *Calls upon* the international community to support the national efforts made by Côte d'Ivoire and its institutions to improve the human rights situation in the country, and to respond to its requests for technical assistance in the humanitarian, educational, health, economic and social spheres;

20. *Also calls upon* the international community to support the new National Human Rights Commission through technical assistance and capacity-building programmes, with a view to enabling it to contribute effectively to the promotion and protection of the fundamental rights of the Ivorian people, in accordance with the Paris Principles;

21. *Decides* therefore to establish a new mandate on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights, to follow on from the previous mandate, for a period of one year, renewable, from the twenty-sixth to the twenty-ninth sessions of the Human Rights Council;

22. *Requests* the Independent Expert to submit a report to the Human Rights Council at its twenty-eighth session and his or her final recommendations at its twenty-ninth session;

23. *Decides* to remain seized of this matter.

40th meeting
27 June 2014

[Adopted without a vote.]

B. Decisions

26/101

Outcome of the universal periodic review: New Zealand

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of New Zealand on 27 January 2014 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of New Zealand, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/26/3), the views of New Zealand concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/26/3/Add.1 and A/HRC/26/2, chap. VI).

22nd meeting
19 June 2014

[Adopted without a vote.]

26/102

Outcome of the universal periodic review: Afghanistan

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Afghanistan on 27 January 2014 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Afghanistan, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/26/4), the views of Afghanistan concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/26/4/Add.1 and A/HRC/26/2, chap. VI).

22nd meeting
19 June 2014

[Adopted without a vote.]

26/103

Outcome of the universal periodic review: Chile

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Chile on 28 January 2014 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Chile, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/26/5), the views of Chile concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/26/5/Add.1 and A/HRC/26/2, chap. VI).

22nd meeting
19 June 2014

[Adopted without a vote.]

26/104

Outcome of the universal periodic review: Uruguay

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Uruguay on 29 January 2014 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Uruguay, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/26/7), the views of Uruguay concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the

interactive dialogue held in the Working Group (A/HRC/26/7/Add.1 and A/HRC/26/2, chap. VI).

24th meeting
19 June 2014

[Adopted without a vote.]

26/105

Outcome of the universal periodic review: Yemen

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Yemen on 29 January 2014 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Yemen, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/26/8), the views of Yemen concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/26/2, chap. VI).

24th meeting
19 June 2014

[Adopted without a vote.]

26/106

Outcome of the universal periodic review: Vanuatu

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Vanuatu on 30 January 2014 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Vanuatu, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/26/9), the views of Vanuatu concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/26/9/Add.1 and A/HRC/26/2, chap. VI).

25th meeting
20 June 2014

[Adopted without a vote.]

26/107**Outcome of the universal periodic review: the former Yugoslav Republic of Macedonia**

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the former Yugoslav Republic of Macedonia on 30 January 2014 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of the former Yugoslav Republic of Macedonia, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/26/10), the views of the former Yugoslav Republic of Macedonia concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/26/10/Add.1 and A/HRC/26/2, chap. VI).

*25th meeting
20 June 2014*

[Adopted without a vote.]

26/108**Outcome of the universal periodic review: Comoros**

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Comoros on 31 January 2014 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Comoros, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/26/11), the views of Comoros concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/26/11/Add.1 and A/HRC/26/2, chap. VI).

*25th meeting
20 June 2014*

[Adopted without a vote.]

26/109**Outcome of the universal periodic review: Slovakia**

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Slovakia on 3 February 2014 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Slovakia, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/26/12), the views of Slovakia concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/26/12/Add.1 and A/HRC/26/2, chap. VI).

*26th meeting
20 June 2014*

[Adopted without a vote.]

26/110**Outcome of the universal periodic review: Eritrea**

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Eritrea on 3 February 2014 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Eritrea, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/26/13), the views of Eritrea concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/26/13/Add.1 and A/HRC/26/2, chap. VI).

*26th meeting
20 June 2014*

[Adopted without a vote.]

26/111**Outcome of the universal periodic review: Cyprus**

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Cyprus on 4 February 2014 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Cyprus, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/26/14), the views of Cyprus concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/26/14/Add.1 and A/HRC/26/2, chap. VI).

26th meeting
20 June 2014

[Adopted without a vote.]

26/112

Outcome of the universal periodic review: Dominican Republic

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Dominican Republic on 5 February 2014 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of the Dominican Republic, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/26/15 and Corr.1), the views of the Dominican Republic concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/26/15/Add.1 and A/HRC/26/2, chap. VI).

27th meeting
20 June 2014

[Adopted without a vote.]

26/113

Outcome of the universal periodic review: Viet Nam

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Viet Nam on 5 February 2014 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Viet Nam, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/26/16), the views of Viet Nam concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/26/16/Add.1 and A/HRC/26/2, chap. VI).

*27th meeting
20 June 2014*

[Adopted without a vote.]

26/114

Outcome of the universal periodic review: Cambodia

The Human Rights Council,

Acting in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Cambodia on 28 January 2014 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the universal periodic review of Cambodia, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/26/16), the views of Cambodia concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/26/16/Add.1 and A/HRC/26/2, chap. VI).

*37th meeting
26 June 2014*

[Adopted without a vote.]

26/115

The negative impact of corruption on the enjoyment of human rights

At its 37th meeting, on 26 June 2014, the Human Rights Council, recalling its resolution 23/9 of 13 June 2013, in which it requested its Advisory Committee to submit a research-based report on the issue of the negative impact of corruption on the enjoyment of human rights to the Council at its twenty-sixth session, took note of the relevant progress report submitted by the Committee,¹⁰⁶ and noting the request made by the Committee to extend the time schedule envisaged for the research-based report to allow for better informed work, inter alia, by analysing the numerous recently received responses to the

¹⁰⁶ A/HRC/26/42.

questionnaire,¹⁰⁷ decided to request the Committee to submit the final research-based report to the Council at its twenty-eighth session.

[Adopted without a vote.]

26/116

Promotion and protection of human rights in post-disaster and post-conflict situations

At its 39th meeting, on 27 June 2014, the Human Rights Council decided to adopt the text below:

“The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling its resolution 22/16 of 21 March 2013, in which the Council requested the Advisory Committee to prepare a research-based report on best practices and main challenges in the promotion and protection of human rights in post-disaster and post-conflict situations and to present a progress report thereon to the Council at its twenty-sixth session and the final report to the Council at its twenty-eighth session,

1. *Takes note of the request of the Advisory Committee at its twelfth session that the Human Rights Council extend the time schedule envisaged to allow for better informed work by re-circulating the questionnaires to seek the views and inputs of the various stakeholders;¹⁰⁸*

2. *Decides to grant the Advisory Committee additional time in order to allow it to submit to the Council the progress report at its twenty-seventh session, and the final report at its twenty-eighth session.”*

[Adopted without a vote.]

¹⁰⁷ See A/HRC/AC/12/2.

¹⁰⁸ See A/HRC/AC/12/2.

VI. Twenty-first special session

S-21/1

Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

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

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Reaffirming the right to self-determination of the Palestinian people and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter,

Affirming the applicability of international human rights law and international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹⁰⁹ to the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming that all High Contracting Parties to the Fourth Geneva Convention¹¹¹ are under the obligation to respect and ensure respect for the obligations arising from the said Convention in relation to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming their obligations under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties,

Gravely concerned at the lack of implementation of the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza Conflict of 2009,¹¹⁰ and convinced that lack of accountability for violations of international law reinforces a culture of impunity, leading to a recurrence of violations and seriously endangering the maintenance of international peace,

Noting that 9 July 2014 marked the tenth anniversary of the adoption of the advisory opinion by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory and that no progress has been made on its implementation, and affirming the urgent need to respect and ensure respect for international humanitarian law and international human rights law in this regard,

Firmly convinced that justice and respect for the rule of law are the indispensable bases for peace, and stressing that prevailing long-standing and systemic impunity for international law violations has created a justice crisis in the Occupied Palestinian Territory that warrants action, including accountability for international crimes,

Noting the systematic failure by Israel to carry out genuine investigations in an impartial, independent, prompt and effective way, as required by international law, on violence and offences carried out against Palestinians by the occupying forces and settlers and to establish judicial accountability over its military actions in the Occupied Palestinian Territory, including East Jerusalem,

¹⁰⁹ United Nations, *Treaty Series*, vol. 75, No. 973.

¹¹⁰ A/HRC/12/48.

Emphasizing the obligations of Israel as the occupying Power to ensure the welfare and safety of the Palestinian civilian population under its occupation in the West Bank, including East Jerusalem, and in the Gaza Strip, and noting Israel's wilful abdication and rejection of its obligations in this regard,

Noting that the deliberate targeting of civilians and other protected persons and the perpetration of systematic, flagrant and widespread violations of applicable international humanitarian law and international human rights law in situations of armed conflict constitute grave breaches and a threat to international peace and security,

Deploring the massive Israeli military operations in the Occupied Palestinian Territory, including East Jerusalem, since 13 June 2014, which have involved disproportionate and indiscriminate attacks and resulted in grave violations of the human rights of the Palestinian civilian population, including through the most recent Israeli military assault on the occupied Gaza Strip, the latest in a series of military aggressions by Israel, and actions of mass closure, mass arrest and the killing of civilians in the occupied West Bank,

Expressing grave concern at the critical humanitarian situation in the Gaza Strip, including in particular the forced displacement of tens of thousands of Palestinian civilians, the crisis in access to adequate water and sanitation services affecting nearly 1 million people, and the extensive damage to electricity infrastructure resulting in 80 per cent of the population receiving electricity only four hours a day, and underlining the importance of providing emergency humanitarian assistance to them and other victims,

Welcoming the establishment of the Palestinian national consensus Government on 2 July 2014 as an important step towards Palestinian reconciliation, which is crucial for achieving a two-State solution based on the pre-1967 borders and lasting peace, and emphasizing that the situation of the occupied Gaza Strip is unsustainable as long as it remains geographically, politically and economically separated from the West Bank,

1. *Strongly condemns* the failure of Israel, the occupying Power, to end its prolonged occupation of the Occupied Palestinian Territory, including East Jerusalem, in accordance with international law and relevant United Nations resolutions;

2. *Condemns* in the strongest terms the widespread, systematic and gross violations of international human rights and fundamental freedoms arising from the Israeli military operations carried out in the Occupied Palestinian Territory since 13 June 2014, particularly the latest Israeli military assault on the occupied Gaza Strip, by air, land and sea, which has involved disproportionate and indiscriminate attacks, including aerial bombardment of civilian areas, the targeting of civilians and civilian properties in collective punishment contrary to international law, and other actions, including the targeting of medical and humanitarian personnel, that may amount to international crimes, directly resulting in the killing of more than 650 Palestinians, most of them civilians and more than 170 of whom are children, the injury of more than 4,000 people and the wanton destruction of homes, vital infrastructure and public properties;

3. *Condemns* all violence against civilians wherever it occurs, including the killing of two Israeli civilians as a result of rocket fire, and urges all parties concerned to respect their obligations under international humanitarian law and international human rights law;

4. *Calls for* an immediate cessation of Israeli military assaults throughout the Occupied Palestinian Territory, including East Jerusalem, and an end to attacks against all civilians, including Israeli civilians;

5. *Welcomes* the initiative of Egypt, supported by the League of Arab States, and calls for all regional and international actors to support this initiative in view of securing a comprehensive ceasefire;

6. *Demands* that Israel, the occupying Power, immediately and fully end its illegal closure of the occupied Gaza Strip, which in itself amounts to collective punishment of the Palestinian civilian population, including through the immediate, sustained and unconditional opening of the crossings for the flow of humanitarian aid, commercial goods and persons to and from the Gaza Strip, in compliance with its obligations under international humanitarian law;

7. *Calls upon* the international community, including the States Members of the United Nations, international financial institutions and intergovernmental and non-governmental organizations, as well as regional and interregional organizations, to provide urgently needed humanitarian assistance and services to the Palestinian people in the Gaza Strip, including by supporting the emergency appeal launched by the United Nations Relief and Works Agency for Palestine Refugees in the Near East on 17 July 2014;

8. *Expresses grave concern* at the rising number of incidents of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers illegally transferred to the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, and condemns in the strongest terms the resulting perpetration of hate crimes;

9. *Expresses deep concern* at the condition of Palestinian prisoners and detainees in Israeli jails and detention centres, in particular following the arrest by Israel of more than 1,000 Palestinians since 13 June 2014, and calls upon Israel, the occupying Power, to immediately release all Palestinian prisoners whose detention is not in accordance with international law, including all children and all members of the Palestinian Legislative Council;

10. *Underlines* the importance of ensuring the protection of all civilians, emphasizes the continued failure of Israel to protect the Palestinian civilian population under its occupation as demanded by international law, and in this context calls for immediate international protection for the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of the Charter of the United Nations, international humanitarian law and international human rights law;

11. *Recommends* that the Government of Switzerland, in its capacity as depositary of the Fourth Geneva Convention,¹¹¹ promptly reconvene the conference of High Contracting Parties to the Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its respect in accordance with article 1 common to the four Geneva Conventions,¹¹¹ bearing in mind the statement adopted by the Conference of the High Contracting Parties on 15 July 1999, and the Declaration adopted by the Conference on 5 December 2001;

12. *Requests* all relevant special procedures mandate holders to urgently seek and gather information on all human rights violations in the Occupied Palestinian Territory, including East Jerusalem, according to their respective mandates, and to include their observations in their annual reports to the Human Rights Council;

13. *Decides* to urgently dispatch an independent, international commission of inquiry, to be appointed by the President of the Human Rights Council, to investigate all

¹¹¹ United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military operations conducted since 13 June 2014, whether before, during or after, to establish the facts and circumstances of such violations and of the crimes perpetrated and to identify those responsible, to make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring that those responsible are held accountable, and on ways and means to protect civilians against any further assaults, and to report to the Council at its twenty-eighth session;

14. *Requests* the cooperation, as appropriate, of other relevant United Nations bodies with the commission of inquiry to carry out its mission, and requests the assistance of the Secretary-General and the United Nations High Commissioner for Human Rights in this regard, including in the provision of all administrative, technical and logistical assistance required to enable the commission of inquiry and special procedures mandate holders to fulfil their mandates promptly and efficiently;

15. *Requests* the High Commissioner to report on the implementation of the present resolution, including on measures taken with regard to ensuring accountability for the serious violations of international humanitarian law and human rights in the Occupied Palestinian Territory, including East Jerusalem, to the Human Rights Council at its twenty-seventh session;

16. *Decides* to remain seized of the matter.

*2nd meeting
23 July 2014*

[Adopted by a recorded vote of 29 to 1, with 17 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Brazil, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Ethiopia, India, Indonesia, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Morocco, Namibia, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

United States of America

Abstaining:

Austria, Benin, Botswana, Burkina Faso, Czech Republic, Estonia, France, Gabon, Germany, Ireland, Italy, Japan, Montenegro, Republic of Korea, Romania, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland]

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