



**United Nations**

# **Report of the Human Rights Council**

**Seventh organizational meeting  
(14 and 29 January 2013)**

**Twenty-second session  
(25 February–22 March 2013)**

**Twenty-third session  
(27 May–14 June 2013)**

**General Assembly**  
**Official Records**  
**Sixty-eighth session**  
**Supplement No. 53 (A/68/53)**



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*Note*

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## Contents

<i>Chapter</i>	<i>Page</i>
Checklist of resolutions, decisions and President's statements .....	iv
I. Introduction .....	1
II. Resolutions and decision brought to the attention of the General Assembly for its consideration and possible action.....	2
III. Seventh organizational meeting .....	11
IV. Twenty-second session .....	12
A. Resolutions .....	12
B. Decisions .....	111
C. President's statements .....	119
V. Twenty-third session .....	122
A. Resolutions .....	122
B. Decisions .....	192
C. President's statement .....	200
Index of topics considered by the Human Rights Council in its resolutions, decisions and the President's statements .....	202

## Checklist of resolutions, decisions and President's statements

### A. Resolutions

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
22/1	Promoting reconciliation and accountability in Sri Lanka	21 March 2013	12
22/2	Composition of staff of the Office of the United Nations High Commissioner for Human Rights	21 March 2013	2
22/3	The work and employment of persons with disabilities	21 March 2013	14
22/4	Rights of persons belonging to national or ethnic, religious and linguistic minorities	21 March 2013	18
22/5	Question of the realization in all countries of economic, social and cultural rights	21 March 2013	22
22/6	Protecting human rights defenders	21 March 2013	24
22/7	Birth registration and the right of everyone to recognition everywhere as a person before the law	21 March 2013	29
22/8	Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism	21 March 2013	31
22/9	The right to food	21 March 2013	32
22/10	The promotion and protection of human rights in the context of peaceful protests	21 March 2013	39
22/11	Panel on the human rights of children of parents sentenced to the death penalty or executed	21 March 2013	42
22/12	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	21 March 2013	43
22/13	Situation of human rights in the Democratic People's Republic of Korea	21 March 2013	49
22/14	Situation of human rights in Myanmar	21 March 2013	51
22/15	Contribution of parliaments to the work of the Human Rights Council and its universal periodic review	21 March 2013	55
22/16	Promotion and protection of human rights in post-disaster and post-conflict situations	21 March 2013	55
22/17	Human rights in the occupied Syrian Golan	21 March 2013	57
22/18	Assistance to the Republic of Mali in the field of human rights	21 March 2013	59

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
22/19	Technical assistance for Libya in the field of human rights	21 March 2013	61
22/20	Freedom of religion or belief	22 March 2013	64
22/21	Torture and other cruel, inhuman or degrading treatment or punishment: rehabilitation of torture victims	22 March 2013	67
22/22	Prevention of genocide	22 March 2013	71
22/23	Situation of human rights in the Islamic Republic of Iran	22 March 2013	75
22/24	Situation of human rights in the Syrian Arab Republic	22 March 2013	76
22/25	Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict	22 March 2013	4
22/26	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	22 March 2013	81
22/27	Right of the Palestinian people to self-determination	22 March 2013	84
22/28	Human rights situation in the Occupied Palestinian Territory, including East Jerusalem	22 March 2013	86
22/29	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	22 March 2013	90
22/30	Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action	22 March 2013	91
22/31	Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief	22 March 2013	92
22/32	Rights of the child: the right of the child to the enjoyment of the highest attainable standard of health	22 March 2013	96
22/33	Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies	22 March 2013	107
22/34	Education as a tool to prevent racism, racial discrimination, xenophobia and related intolerance	22 March 2013	108
23/1	The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in Al Qusayr	29 May 2013	122
23/2	The role of freedom of opinion and expression in women's empowerment	13 June 2013	123

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
23/3	Enhancement of international cooperation in the field of human rights	13 June 2013	126
23/4	The right to education: follow-up to Human Rights Council resolution 8/4	13 June 2013	129
23/5	Trafficking in persons, especially women and children: efforts to combat human trafficking in supply chains of businesses	13 June 2013	131
23/6	Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers	13 June 2013	135
23/7	Elimination of discrimination against women	13 June 2013	138
23/8	Mandate of the Special Rapporteur on the human rights of internally displaced persons	13 June 2013	142
23/9	The negative impact of corruption on the enjoyment of human rights	13 June 2013	147
23/10	Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity	13 June 2013	149
23/11	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	13 June 2013	151
23/12	Human rights and international solidarity	13 June 2013	156
23/13	Attacks and discrimination against persons with albinism	13 June 2013	159
23/14	Access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	13 June 2013	161
23/15	Situation of human rights in Belarus	13 June 2013	164
23/16	Promotion of the right to peace	13 June 2013	166
23/17	National institutions for the promotion and protection of human rights	13 June 2013	6
23/18	Technical assistance to the Central African Republic in the field of human rights	13 June 2013	168
23/19	National policies and human rights	13 June 2013	170
23/20	Human rights of migrants	14 June 2013	171
23/21	Situation of human rights in Eritrea	14 June 2013	174
23/22	Technical assistance to Côte d'Ivoire in the field of human rights	14 June 2013	178
23/23	Strengthening of technical cooperation and consultative services in Guinea	14 June 2013	180

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<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
23/24	Technical assistance and capacity-building for South Sudan in the field of human rights	14 June 2013	182
23/25	Accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence	14 June 2013	184
23/26	The deterioration of the situation of human rights in the Syrian Arab Republic, and the need to grant immediate access to the commission of inquiry	14 June 2013	189

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**B. Decisions**

<i>Decision</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
OM/7/101	Non-cooperation of a State under review with the universal periodic review mechanism	29 January 2013	11
22/101	Outcome of the universal periodic review: Czech Republic	13 March 2013	111
22/102	Outcome of the universal periodic review: Argentina	13 March 2013	111
22/103	Outcome of the universal periodic review: Gabon	13 March 2013	112
22/104	Outcome of the universal periodic review: Ghana	14 March 2013	112
22/105	Outcome of the universal periodic review: Ukraine	14 March 2013	113
22/106	Outcome of the universal periodic review: Guatemala	14 March 2013	113
22/107	Outcome of the universal periodic review: Benin	14 March 2013	114
22/108	Outcome of the universal periodic review: Republic of Korea	14 March 2013	114
22/109	Outcome of the universal periodic review: Switzerland	14 March 2013	115
22/110	Outcome of the universal periodic review: Pakistan	14 March 2013	115
22/111	Outcome of the universal periodic review: Zambia	14 March 2013	115
22/112	Outcome of the universal periodic review: Japan	14 March 2013	116
22/113	Outcome of the universal periodic review: Peru	15 March 2013	116
22/114	Outcome of the universal periodic review: Sri Lanka	15 March 2013	117
22/115	Human Rights Council webcast	21 March 2013	5
22/116	Enhancement of international cooperation in the field of human rights	21 March 2013	117
22/117	High-level panel discussion on the question of the death penalty	21 March 2013	118
23/101	Outcome of the universal periodic review: France	6 June 2013	192
23/102	Outcome of the universal periodic review: Tonga	6 June 2013	193
23/103	Outcome of the universal periodic review: Romania	6 June 2013	193
23/104	Outcome of the universal periodic review: Mali	6 June 2013	193
23/105	Outcome of the universal periodic review: Botswana	6 June 2013	194
23/106	Outcome of the universal periodic review: Bahamas	6 June 2013	194
23/107	Outcome of the universal periodic review: Burundi	6 June 2013	195
23/108	Outcome of the universal periodic review: Luxembourg	6 June 2013	195
23/109	Outcome of the universal periodic review: Barbados	6 June 2013	196

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<i>Decision</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
23/110	Outcome of the universal periodic review: Montenegro	7 June 2013	196
23/111	Outcome of the universal periodic review: United Arab Emirates	7 June 2013	197
23/112	Outcome of the universal periodic review: Liechtenstein	7 June 2013	197
23/113	Outcome of the universal periodic review: Serbia	7 June 2013	198
23/114	Assistance to Somalia in the field of human rights	14 June 2013	198

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**C. President's statements**

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<i>President's statement</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Page</i>
PRST 22/1	Mainstreaming human rights throughout the United Nations system	22 March 2013	119
PRST 22/2	Technical assistance and capacity-building in human rights in Haiti	22 March 2013	120
PRST 23/1	Situation of human rights in Myanmar as regards Rohingya Muslims in Rakhine State and other Muslims	14 June 2013	200

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## **Resolutions, decisions and President's statements adopted by the Human Rights Council at its seventh organizational meeting and at its twenty-second and twenty-third sessions**

### **I. Introduction**

1. The Human Rights Council held its seventh organizational meeting on 14 and 29 January 2013. It held its twenty-second session from 25 February to 22 March 2013 and its twenty-third session from 27 May to 14 June 2013.

2. The reports of the Human Rights Council on the above-mentioned meeting and sessions have been issued in documents A/HRC/OM/7/1, A/HRC/22/2<sup>1</sup> and A/HRC/23/2.1.<sup>1</sup>

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<sup>1</sup> To be finalized.

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

22/2

### Composition of staff of the Office of the United Nations High Commissioner for Human Rights

*The Human Rights Council,*

*Recalling* paragraph 5 (g) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the Assembly in its resolution 48/141 of 20 December 1993,

*Taking note* of all relevant resolutions on this issue adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

*Taking note also* of the report of the High Commissioner on the composition of the staff of the Office of the High Commissioner,<sup>2</sup>

*Recalling* the reports of the Joint Inspection Unit on the follow-up to the management review of the Office of the High Commissioner<sup>3</sup> and on the funding and staffing of the Office,<sup>4</sup>

*Bearing in mind* that an imbalance in the composition of the staff could diminish the effectiveness of the work of the Office of the High Commissioner if it is perceived to be culturally biased and unrepresentative of the United Nations as a whole,

*Reiterating its concern* that, in spite of stated efforts by the Office of the High Commissioner, the situation whereby one region accounts for 47.3 per cent remains,

*Reaffirming* the importance of continuing ongoing efforts to address the imbalance regarding the regional representation of the staff of the Office of the High Commissioner, most notably in senior management positions,

*Underlining* that the paramount consideration for employing staff at every level is the need for the highest standards of efficiency, competence and integrity, and taking into account Article 101, paragraph 3, of the Charter of the United Nations, expressing its conviction that this objective is compatible with the principle of equitable geographical distribution,

*Recognizing* that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

1. *Expresses serious concern* at the fact that, despite the measures reported by the Office of the United Nations High Commissioner for Human Rights, the imbalance in the geographical representation of its composition continues to be prominent, and that a single region occupies almost half of the posts in the Office of the High Commissioner;

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<sup>2</sup> A/HRC/22/69.

<sup>3</sup> A/59/65-E/2004/48 and Add.1.

<sup>4</sup> JIU/REP/2007/8.

2. *Notes with concern* the fact that, in 2012, only two out of four regions increased their representation in the percentage of staff, and that no change was recorded in the overrepresentation status of one region;

3. *Welcomes* the statement made by the High Commissioner in her report<sup>2</sup> that enhancing the geographical diversity of the staff of her Office remains one of her priorities, and requests her to redouble her efforts with a view to redressing the current imbalance in geographical distribution of the staff of the Office, despite the budgetary contingency;

4. *Requests* the High Commissioner, in this regard, to establish specific and public targets and deadlines to be achieved;

5. *Also requests* the High Commissioner to work on the broadest geographical diversity of her staff by strengthening the measures aimed at achieving a better representation of countries and regions that are unrepresented or underrepresented, particularly from the developing world, while considering applying a cap on the representation of countries and regions already overrepresented in the Office of the High Commissioner;

6. *Takes note* of the commitment of the High Commissioner to remain attentive to the need to maintain the emphasis on the broadest possible geographic diversity of her Office, as stated in the conclusion of her report;

7. *Welcomes* the efforts made towards the achievement of a gender balance in the composition of the staff and the decision to continue to pay special attention to this issue;

8. *Requests* future High Commissioners to continue to enhance the ongoing efforts made in the fulfilment of the goal of a geographical balance in the composition of the staff of the Office;

9. *Underlines* the importance of continuing to promote geographical diversity in recruitment and promotion at the Professional level and, in particular, in senior management positions, as a principle of the staffing policies of the Office of the High Commissioner;

10. *Reaffirms* the vital importance of geographical balance in the composition of the staff of the Office of the High Commissioner, taking into account the significance of national and regional specificities and various historic, cultural and religious backgrounds, as well as of different political, economic and legal systems, to the promotion and protection of the universality of human rights;

11. *Recalls* the provisions contained in section X, paragraph 3, of General Assembly resolution 55/258 of 14 June 2001, on human resources management, in which the Assembly reiterated its request to the Secretary-General to increase further his efforts to improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in each and every department, and also recalls the request that he submit to the Assembly proposals for a comprehensive review of the system of desirable ranges with a view to establishing a more effective tool to ensure equitable geographical distribution in relation to the total number of staff of the Secretariat;

12. *Encourages* the General Assembly to consider further measures to promote desirable ranges of geographical balance in the staff of the Office of the High Commissioner, as requested in the present resolution;

13. *Recognizes* the importance of the follow-up to and implementation of General Assembly resolution 61/159 of 19 December 2006, and underlines the priority importance that the Assembly continue to provide support and guidance to the High

Commissioner in the ongoing process of improvement of the geographical balance in the composition of the staff of the Office of the High Commissioner;

14. *Requests* the Joint Inspection Unit to undertake a comprehensive follow-up review of the management and administration of the Office of the High Commissioner, in particular with regard to its impact on the recruitment policies and the composition of the staff, and to submit a report thereon and containing concrete proposals for the implementation of the present resolution to the Human Rights Council at its twenty-seventh session;

15. *Requests* the High Commissioner to submit a comprehensive and updated report to the Human Rights Council at its twenty-seventh session following the structure and scope of her report and with a special focus on further measures taken to correct the imbalance in the geographical composition of the staff of the Office of the High Commissioner.

*47th meeting  
21 March 2013*

[Adopted by a recorded vote of 31 to 15, with 1 abstention. The voting was as follows:

*In favour:*

Angola, Argentina, Benin, Botswana, Brazil, Burkina Faso, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Ethiopia, Gabon, Guatemala, India, Indonesia, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Pakistan, Peru, Philippines, Qatar, Sierra Leone, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Austria, Czech Republic, Estonia, Germany, Ireland, Italy, Japan, Montenegro, Poland, Republic of Korea, Republic of Moldova, Romania, Spain, Switzerland, United States of America

*Abstaining:*

Chile]

## **22/25**

### **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 of 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,<sup>5</sup>

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

<sup>5</sup> A/HRC/12/48.

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.

*49th meeting*  
*22 March 2013*

[Adopted by a recorded vote of 43 to 1, with 3 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Estonia, Gabon, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

United States of America

*Abstaining:*

Czech Republic, Ethiopia, Kenya]

## **22/115**

### **Human Rights Council webcast**

At its 47th meeting, on 21 March 2013, the Human Rights Council decided to adopt the text below:

*“The Human Rights Council,*

*Recalling* Human Rights Council resolution 16/21 of 25 March 2011 on the review of the work and functioning of the Human Rights Council, in particular paragraph 61 of the annex thereto, in which the Council decided to establish a task force to study the issues of secretariat services, accessibility for persons with disabilities and use of information technology, as envisaged in paragraphs 57, 58, 59 and 60 of the annex,

*Recalling also* Human Rights Council decision 19/119 of 22 March 2012, in which the Council endorsed the report of the task force, annexed to decision 19/119, including its recommendations with the modalities made in the report,

*Recalling further* General Assembly resolution 66/246 of 24 December 2011, in which the Assembly stressed the importance of an open, transparent and all-inclusive United Nations, and decided to approve the live webcasting and subsequent storage of all the formal meetings of its six Main Committees,

*Taking note* of the current arrangement between the Department of Public Information, the Office of the United Nations High Commissioner for Human Rights and the Information Service, which relies mainly on extrabudgetary resources to fund webcast coverage of the meetings of the Human Rights Council,

*Recalling* the added value of the live webcasting and subsequent storage of the formal meetings held in the framework of the sessions of the Human Rights Council and the Working Group on the Universal Periodic Review, which constitute archive records of Council meetings, in particular in view of the lack of summary records, as well as being an important tool for public outreach,

*Recommends* that the General Assembly consider ways to ensure sustainable live webcasting and subsequent storage of the meetings of the Human Rights Council held in the framework of the sessions of the Council and of the Working Group on the Universal Periodic Review.”

## **23/17**

### **National institutions for the promotion and protection of human rights**

*The Human Rights Council,*

*Recalling* Human Rights Council resolution 20/14 of 5 July 2012 and relevant resolutions of the General Assembly and the Commission on Human Rights concerning national institutions for the promotion and protection of human rights, and taking note of Council resolution 22/6 of 21 March 2013,

*Reaffirming* the importance of establishing and strengthening independent, pluralistic national institutions for the promotion and protection of human rights in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),<sup>6</sup>

*Reaffirming also* the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms, in strengthening participation and the rule of law, and in developing and enhancing public awareness of those rights and fundamental freedoms,

*Reaffirming further,* on the twentieth anniversary of its adoption, the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in preventing and remedying human rights violations in disseminating information on human rights and in education in human rights,

*Acknowledging* the important role that national institutions can play in promoting and protecting the rights of women and girls,

*Recognizing* the important role of the Office of the United Nations High Commissioner for Human Rights in assisting the development of independent and effective national human rights institutions, in accordance with the Paris Principles, and recognizing also in this regard the potential for strengthened and complementary cooperation among the Office of the High Commissioner, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, regional coordinating committees of national institutions and those national institutions in the promotion and protection of human rights,

*Noting with interest* the twenty-sixth annual meeting of the International Coordinating Committee, held from 6 to 8 May 2013,

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<sup>6</sup> General Assembly resolution 48/134, annex.

*Welcoming* the strengthening in all regions of regional and cross-regional cooperation among national human rights institutions, and between national human rights institutions and other regional human rights forums,

1. *Welcomes* the most recent reports of the Secretary-General submitted to the Human Rights Council on national institutions for the promotion and protection of human rights<sup>7</sup> and on the activities of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights in accrediting national institutions in compliance with the Paris Principles;<sup>8</sup>

2. *Takes note with appreciation* of the most recent report of the Special Rapporteur on the situation of human rights defenders to the Human Rights Council;<sup>9</sup>

3. *Recognizes* the role of independent national institutions for the promotion and protection of human rights in working together with their Governments to ensure full respect for human rights at the national level, including by contributing to follow-up actions, as appropriate, to the recommendations resulting from the international human rights mechanisms;

4. *Welcomes* the increasingly important role of national institutions for the promotion and protection of human rights in supporting cooperation between their Governments and the United Nations in the promotion and protection of human rights;

5. *Encourages* Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of all human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action, and to do so in accordance with the Paris Principles;

6. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action, it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

7. *Welcomes* the growing number of Member States establishing or considering the establishment of national institutions for the promotion and protection of human rights in accordance with the Paris Principles, and welcomes in particular the high number of States that have accepted recommendations to establish national human rights institutions through the universal periodic review and, where relevant, by treaty bodies and special procedures;

8. *Also welcomes* the continuing number of national institutions seeking accreditation status through the International Coordinating Committee, and encourages national institutions, including ombudsman institutions, to seek accreditation status;

9. *Further welcomes* the important role of the International Coordinating Committee, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assessing conformity with the Paris Principles and in assisting Governments and national institutions, when requested, to strengthen national human rights institutions in accordance with the Paris Principles;

10. *Encourages* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions in accordance with the Paris Principles;

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<sup>7</sup> A/HRC/23/27.

<sup>8</sup> A/HRC/23/28.

<sup>9</sup> A/HRC/22/47.

11. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

12. *Recognizes* the important role played by national institutions for the promotion and protection of human rights in the Human Rights Council, including its universal periodic review mechanism, in both preparation and follow-up, and the special procedures, as well as in the human rights treaty bodies, in accordance with General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011, Council resolutions 5/1 and 5/2 of 18 June 2007 and decision 19/119 of 22 March 2012, and Commission on Human Rights resolution 2005/74 of 20 April 2005, and encourages national human rights institutions to continue to participate in and contribute to these mechanisms, including by continuing to engage with the treaty bodies by, inter alia, providing parallel reports and other information;

13. *Welcomes* the increased engagement between the special procedures and national human rights institutions, including during country and follow-up visits and on thematic reports, and encourages the deepening of such engagement, including through the participation of national human rights institutions following the presentation of country mission reports to the Human Rights Council;

14. *Also welcomes* the contribution of national human rights institutions to the ongoing treaty body strengthening process, and encourages national human rights institutions to continue to contribute to the process;

15. *Further welcomes* the efforts of the Secretary-General to encourage national human rights institutions to continue to interact with and advocate for independent participation in all relevant United Nations mechanisms, in accordance with their respective mandates;

16. *Welcomes* the endorsement by the General Assembly of the strengthening of opportunities for national human rights institutions compliant with the Paris Principles to contribute to the work of the Human Rights Council in its resolutions 65/281 and 66/169, and recommends that the Assembly explore the feasibility of enabling national human rights institutions compliant with the Paris Principles to participate in the Assembly based on practices and arrangements agreed upon in Assembly resolution 60/251, Human Rights Council resolutions 5/1 and 5/2, and 16/21 of 25 March 2011, and Commission on Human Rights resolution 2005/74, while ensuring their most effective contribution;

17. *Stresses* the importance of financial and administrative independence and the stability of national human rights institutions for the promotion and protection of the human rights, and notes with satisfaction the efforts of those Member States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

18. *Commends* the work of the Office of the High Commissioner with national institutions, including through technical cooperation, and encourages the High Commissioner, in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, including supporting the work of the International Coordinating Committee and its regional coordinating committees, and invites Governments to contribute additional voluntary funds to that end;

19. *Welcomes* the efforts made by the High Commissioner to strengthen United Nations system-wide coordination on national human rights institutions, and encourages all United Nations human rights mechanisms, as well as its agencies, funds and programmes, to work within their respective mandates with national human rights institutions;

20. *Also welcomes* the strengthening of international cooperation among national institutions, including through the International Coordinating Committee, and encourages the Secretary-General to continue to provide the assistance necessary for holding international, regional and cross-regional meetings and conferences of national institutions, including meetings of the International Coordinating Committee, in cooperation with the Office of the High Commissioner;

21. *Stresses* the role that national institutions can play in creating a coherent institutional architecture for women's human rights and gender equality, as stipulated in the recommendations of the Working Group on the issue of discrimination against women in law and in practice in its report;<sup>10</sup>

22. *Takes note with interest* of the Amman Declaration and Programme of Action resulting from the eleventh International Conference of National Human Rights Institutions from 5 to 7 November 2012, particularly the commitment of national human rights institutions therein to give priority to women's rights;

23. *Commends* the decision of the International Coordinating Committee to dedicate a session at future annual general meetings to the role of national human rights institutions in promoting and protecting the rights of women and girls;

24. *Stresses* the important contribution of national human rights institutions to the elimination of discrimination and violence against women and girls, as stipulated in the agreed conclusions of the Commission on the Status of Women at its fifty-seventh session,<sup>11</sup> as well as the need to endow those institutions with the necessary human and sufficient financial resources to enable them to function effectively;

25. *Welcomes* the strengthening in all regions of regional cooperation among national human rights institutions, and notes with appreciation the continuing work of the Network of African National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the European Group of National Human Rights Institutions;

26. *Encourages* all States and national human rights institutions to continue to take appropriate steps to promote cooperation, the exchange of information, the sharing of experience and the dissemination of best practices concerning the establishment and effective operation of national institutions;

27. *Invites* national institutions to include in their cooperation the exchange of best practices on strengthening their liaison role between civil society and their Governments;

28. *Requests* the Secretary-General to report to the Human Rights Council at its twenty-seventh session on the implementation of the present resolution;

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<sup>10</sup> A/HRC/23/50.

<sup>11</sup> *Official Records of the Economic and Social Council, 2013, Supplement No. 7 (E/2013/27)*.

29. *Also requests* the Secretary-General to report to the Human Rights Council at its twenty-seventh session on the activities of the International Coordinating Committee in accrediting national institutions in compliance with the Paris Principles.

*38th meeting  
13 June 2013*

[Adopted without a vote.]

### III. Seventh organizational meeting

#### OM/7/101

#### Non-cooperation of a State under review with the universal periodic review mechanism

At its organizational meeting, held on 29 January 2013, the Human Rights Council decided to adopt the text below:

*“The Human Rights Council,*

*Recalling* General Assembly resolution 60/251 of 15 March 2006, particularly paragraph 5 (e) thereof, in which the Assembly provided for the establishment of the universal periodic review,

*Recalling also* Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and Council decision 6/102 of 27 September 2007, particularly the paragraphs thereof pertaining to the universal periodic review,

*Regretting* the decision of Israel, the State under review, not to participate in the universal periodic review on the scheduled date during the fifteenth session of the Working Group on the Universal Periodic Review,

1. *Calls upon* the State under review to resume its cooperation with the universal periodic review mechanism, consistent with General Assembly resolution 60/251 and Human Rights Council resolution 5/1 and the annexes thereto;

2. *Requests* the President of the Human Rights Council to take all appropriate steps and measures, in accordance with his mandate, to urge the State under review to resume its cooperation with the universal periodic review mechanism;

3. *Also requests* the President to report on the results of his efforts to the Human Rights Council at its twenty-second session and, if need be, at its twenty-third session;

4. *Decides* to consider at the session at which the final report of the President of the Human Rights Council is considered, but at the latest at its twenty-third session, any steps that may be deemed appropriate in the light of the provisions of General Assembly resolution 60/251 and Human Rights Council resolution 5/1;

5. *Also decides* to reschedule the universal periodic review of Israel, with a view to conducting it in 2013, for the seventeenth session of the Working Group on the Universal Periodic Review at the latest;

6. *Further decides* to consider the above approach a precedent to be applied to all similar circumstances of non-cooperation in the future.”

[Adopted without a vote.]

## IV. Twenty-second session

### A. Resolutions

#### 22/1

#### Promoting reconciliation and accountability 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 resolution 19/2 of 22 March 2012 on promoting reconciliation and accountability in Sri Lanka,

*Reaffirming* 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 also* 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,

*Welcoming* the announcement made by the Government of Sri Lanka that elections to the Provincial Council in the Northern Province will be held in September 2013,

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

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

*Taking note also* 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,

*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 and enact rule of law reforms,

*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,

*Expressing concern* at the continuing reports of violations of human rights in Sri Lanka, including enforced disappearances, extrajudicial killings, torture and violations of the rights to freedom of expression, association and peaceful assembly, as well as intimidation of and reprisals against human rights defenders, members of civil society and journalists, threats to judicial independence and the rule of law, and discrimination on the basis of religion or belief,

*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,

*Expressing appreciation* for the efforts of the Government of Sri Lanka in facilitating the visit of a technical mission from the Office of the United Nations High Commissioner for Human Rights, and encouraging the Government to increase its dialogue and cooperation with the Office of the High Commissioner,

*Noting* the call made by the High Commissioner for an independent and credible international investigation into alleged violations of international human rights law and international humanitarian law,

1. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights on advice and technical assistance for the Government of Sri Lanka on promoting reconciliation and accountability in Sri Lanka<sup>12</sup> and the recommendations and conclusions contained therein, in particular on the establishment of a truth-seeking mechanism as an integral part of a more comprehensive and inclusive approach to transitional justice;

2. *Encourages* the Government of Sri Lanka to implement the recommendations made in the report of the Office of the High Commissioner, and also calls upon the Government to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law, as applicable;

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. *Encourages* the Government of Sri Lanka to cooperate with special procedures mandate holders and to respond formally to their outstanding requests, including by extending invitations and providing access;

5. *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;

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<sup>12</sup> A/HRC/22/38.

6. *Requests* the Office of the High Commissioner, with input from relevant special procedures mandate holders, as appropriate, to present an oral update to the Human Rights Council at its twenty-fourth session, and a comprehensive report followed by a discussion on the implementation of the present resolution at its twenty-fifth session.

*47th meeting  
21 March 2013*

[Adopted by a recorded vote of 25 to 13, with 8 abstentions. The voting was as follows:

*In favour:*

Argentina, Austria, Benin, Brazil, Chile, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, Germany, Guatemala, India, Ireland, Italy, Libya, Montenegro, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, United States of America

*Against:*

Congo, Ecuador, Indonesia, Kuwait, Maldives, Mauritania, Pakistan, Philippines, Qatar, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Abstaining:*

Angola, Botswana, Burkina Faso, Ethiopia, Japan, Kazakhstan, Kenya, Malaysia]

## **22/2**

### **Composition of staff of the Office of the United Nations High Commissioner for Human Rights**

See chapter II.

## **22/3**

### **The work and employment of persons with disabilities**

*The Human Rights Council,*

*Recalling* the Convention on the Rights of Persons with Disabilities,

*Reaffirming* 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 also* all previous resolutions of the Human Rights Council on the rights of persons with disabilities, the most recent of which was resolution 19/11 of 22 March 2012, and welcoming the efforts of all stakeholders to implement those resolutions,

*Reaffirming further* the right to work, as set out in article 23 of the Universal Declaration of Human Rights, which states that everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment, as well as, inter alia, States parties' obligations under articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights, article 11 of the Convention on the Elimination of All Forms of Discrimination against Women and, most recently and with regard to persons with disabilities, in article 27 of the Convention on the Rights of Persons with Disabilities,

*Recalling* that the above-mentioned article 27 of the Convention reaffirms the right of persons with disabilities to work, including their right to the opportunity to gain a living

by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible, and that States parties to the Convention are required to take appropriate steps, including through legislation, to ensure that persons with disabilities enjoy this right on an equal basis with others,

*Recalling also* relevant conventions, declarations, recommendations and codes of practice of the International Labour Organization,

*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 work on an equal basis with others,

*Emphasizing* that the right to work is a key factor in ensuring the full and effective participation and inclusion, as well as equality of opportunity, of persons with disabilities in society,

*Recognizing* the need to build awareness among persons with disabilities, their families, communities and all those working in education systems of the right of persons with disabilities to work and to enjoy equal employment opportunities,

*Recognizing also* that women and girls with disabilities are subject to multiple, aggravated or intersecting forms of discrimination, including in the context of realizing their right to work on an equal basis with others,

*Recognizing further* the important role of the public and private sectors in employing persons with disabilities and the need to raise awareness of all employers of the valuable contribution that persons with disabilities can make in a diverse workplace,

*Welcoming* the decision of the General Assembly to hold a high-level meeting, on 23 September 2013, with the overarching theme “The way forward: a disability inclusive development agenda towards 2015 and beyond”, in order to strengthen efforts to ensure accessibility for and inclusion of persons with disabilities in all aspects of development, and looking forward to the contribution that the outcome document thereon could make in mainstreaming the rights of persons with disabilities in the post-2015 development agenda,

1. *Welcomes* the fact that, to date, one hundred and fifty five States have signed and one hundred and twenty eight States and one regional integration organization have ratified or acceded to the Convention on the Rights of Persons with Disabilities, and that ninety one States have signed and seventy six 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 work and employment of persons with disabilities prepared by the Office of the United Nations High Commissioner for Human Rights,<sup>13</sup> and calls upon all stakeholders to consider the findings and recommendations of the study;

4. *Calls upon* States parties to ensure that persons with disabilities can effectively and fully enjoy the right to work on an equal basis with others, including the right to the opportunity to gain a living by work freely chosen or accepted in a labour

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<sup>13</sup> A/HRC/22/25.

market and work environment that is open, inclusive and accessible to persons with disabilities;

5. *Also calls upon* States parties to adopt and implement appropriate measures, including legislative measures, to ensure that persons with disabilities enjoy the right to work on an equal basis with others, including by, inter alia:

(a) Prohibiting by law discrimination on the basis of disability in the area of work and at all phases of employment, including the denial of reasonable accommodation;

(b) Promoting equal access for persons with disabilities to the open labour market, in particular by promoting alternative approaches to sheltered employment schemes where such schemes are inconsistent with the Convention;

(c) Adopting positive measures, as appropriate, to increase employment of persons with disabilities in the public and private sectors, in particular for women and youth with disabilities, persons with intellectual or psychosocial disabilities, and ensuring that such positive measures are designed and promoted in a way that recognizes the value of diversity in the workplace and of equal career development for all;

(d) Employing persons with disabilities in the public sector and considering setting targets for such employment;

(e) Promoting inclusive and non-discriminatory opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business, including through microfinance schemes;

(f) Establishing accessibility requirements for all employers to eliminate barriers that hinder job seekers and employees with disabilities from access to the workplace on an equal basis with others;

(g) Ensuring reasonable accommodation is provided in both public and private sector employment;

(h) Ensuring also that persons with disabilities have equal access to education and vocational training that is non-discriminatory, accessible to and inclusive of persons with disabilities, including by providing reasonable accommodation, and by promoting continuous learning;

(i) Ensuring further that habilitation and rehabilitation programmes are non-discriminatory and adequately take into account the needs of persons with disabilities;

(j) Establishing and maintaining access to social protection programmes, including those created pursuant to recommendation No. 202 of the International Labour Organization concerning national floors for social protection, that support persons with disabilities in seeking, transitioning to and maintaining work, and that recognize the additional costs that persons with disabilities face in their access to the open labour market;

(k) Promoting public awareness campaigns to address negative attitudes, stigma and stereotypes of persons with disabilities, including women with disabilities, that hinder their opportunity to participate in work and employment on an equal basis with others;

6. *Reaffirms* the obligation of States parties to ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour;

7. *Calls upon* States parties, and urges private sector employers and workers' organizations to ensure that measures to assist persons with disabilities in their access to and maintaining employment are consistent with the Convention, including the general

principles of inclusion in society, individual autonomy, including the freedom to make one's own choices, and independence of persons;

8. *Calls upon* States, in realizing the right to work for persons with disabilities, to engage the private sector and, in this regard, urges the private sector to employ persons with disabilities, to create a welcoming working environment and to identify and eliminate barriers that hinder their access to the workplace on an equal basis with others;

9. *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 the employment of persons with disabilities;

10. *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 policies to improve the employment situation of persons with disabilities;

11. *Encourages* States to create or strengthen relevant monitoring or complaint mechanisms that, inter alia, promote, protect and monitor the implementation of the right to work for persons with disabilities;

12. *Encourages* all relevant actors in the design of products, environments, programmes and services relating to work and employment to pay due attention to universal design, which requires the consideration of the needs of all members of society in order to avoid the need for any subsequent adaptation or specialized design;

13. *Acknowledges* the importance of international cooperation at all levels and, in this regard, encourages all relevant actors in taking measures of international cooperation to consider appropriate and effective measures in support of national efforts to promote employment opportunities for persons with disabilities on an equal basis with others;

14. *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;

15. *Also decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its twenty-fifth session, and that it will focus on the right of persons with disabilities to education;

16. *Requests* the Office of the High Commissioner to prepare a study on the right of persons with disabilities to education, in consultation with States and other relevant stakeholders, including the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, regional organizations, the Special Rapporteur on Disabilities of the Commission for Social Development, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, and requests that the study be made available on the website of the Office of the High Commissioner, in an accessible format, prior to the twenty-fifth session of the Human Rights Council;

17. *Encourages* organizations of persons with disabilities, national monitoring bodies and human rights institutions to participate actively in the debate referred to in paragraph 15 above, as well as in regular and special sessions of the Human Rights Council and its working groups;

18. *Requests* the Secretary-General to continue to ensure that the mandate of the Office of the High Commissioner on 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;

19. *Requests* the Secretary-General and the High Commissioner 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.

*47th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/4**

### **Rights of persons belonging to national or ethnic, religious and linguistic minorities**

*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 by its resolution 47/135 of 18 December 1992,

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

*Recalling* all 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,

*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 dialogue among all relevant stakeholders 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 a mutual understanding of minority issues, managing diversity by recognizing plural identities, and promoting inclusive and stable societies, as well as social cohesion therein,

*Emphasizing further* the importance of national processes aimed at promoting and strengthening dialogue between all relevant stakeholders on issues relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities with a view to ensuring the realization of their rights without discrimination and to help build stable societies,

*Acknowledging* that the United Nations has an important role to play with regard to the protection of the rights of persons belonging to national or ethnic, religious and

linguistic minorities by, inter alia, taking due account of, and giving effect to, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

*Noting* that 2012 marked the twentieth anniversary of the adoption of the Declaration,

*Affirming* that the above-mentioned anniversary offered an important opportunity to reflect on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as on achievements, best practices and challenges with regard to the implementation of the Declaration, and reaffirming the principles and commitments therein,

*Recognizing*, in this context, the important role played by the Independent Expert on minority issues in promoting the implementation of the Declaration,

1. *Takes note* of the report of the Independent Expert on minority issues on persons belonging to linguistic minorities,<sup>14</sup> and of the report on the recommendations of the Forum on Minority Issues at its fifth session,<sup>15</sup> as well as of the report of the Special Rapporteur on freedom of religion or belief on persons belonging to religious minorities;<sup>16</sup>

2. *Also takes note* 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<sup>17</sup> and of the summary of the panel discussion to commemorate the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;<sup>18</sup>

3. *Urges* States to undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities are aware of and able to exercise their rights as set out in the Declaration and in other international human rights obligations and commitments;

4. *Also urges* States to develop appropriate mechanisms for effective participation of and consultation with persons belonging to minorities in order to take into account their views in decision-making processes affecting them, with a view to promoting greater participation in the political processes of the country and providing inclusive, informed and sustainable policymaking and implementation;

5. *Recommends* that States ensure that all measures taken with a view to implementing the Declaration are, to the fullest extent possible, developed, designed, implemented and reviewed with the full, effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities;

6. *Urges* States to strive to ensure the protection of persons belonging to national or ethnic, religious and linguistic minorities who may be at a greater risk of violence and to develop, where appropriate, protection programmes;

7. *Takes note* of the successful completion, in November 2012, of the fifth session of the Forum on Minority Issues, which addressed the implementation of the Declaration and which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on this topic and, as part of its outcome,

<sup>14</sup> A/HRC/22/49.

<sup>15</sup> A/HRC/22/60.

<sup>16</sup> A/HRC/22/51.

<sup>17</sup> A/HRC/22/27.

<sup>18</sup> A/HRC/20/6.

identified in its recommendations achievements, best practices and challenges for the further implementation of the Declaration, and encourages States to take into consideration relevant recommendations of the Forum;

8. *Commends* the Independent Expert on minority issues 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, 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 minorities;

9. *Welcomes* the panel discussion held by the Human Rights Council at its nineteenth session to commemorate the twentieth anniversary of the adoption of the Declaration, and takes note with appreciation of other multilateral, regional and subregional initiatives aimed at celebrating the anniversary;

10. *Calls upon* States, while bearing in mind the themes of the first five sessions of the Forum on Minority Issues, and with a view to enhance the implementation of the Declaration and to ensure the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, to take appropriate measures by, inter alia:

(a) Developing and implementing inclusive education policies that ensure equal access to education for persons belonging to national or ethnic, religious and linguistic minorities;

(b) Improving the representation and effective participation of persons belonging to national or ethnic, religious and linguistic minorities in all levels of political and public life;

(c) Ensuring the full and effective participation of persons belonging to national or ethnic, religious and linguistic minorities in economic life, including by promoting equal access to new information and communications technologies;

(d) Recognizing the importance of adopting measures, policies and programmes to address discrimination against and the exclusion of women and girls belonging to national or ethnic, religious and linguistic minorities;

11. *Encourages* States to ensure that due regard is given to the situation of persons belonging to national or ethnic, religious and linguistic minorities in times of national economic difficulties or other grave challenges, and to avoid adopting measures, including austerity measures, that disproportionately negatively affect them;

12. *Welcomes* the inter-agency cooperation of United Nations agencies, funds and programmes on minority issues, led by the Office of the High Commissioner, and urges them to increase further their cooperation by, inter alia, developing policies on the promotion and protection of rights of persons belonging to minorities, drawing also on relevant outcomes of the meetings of the Forum;

13. *Takes note in particular* in this regard of the establishment of the United Nations network on racial discrimination and the protection of minorities, coordinated by the Office of the High Commissioner and aimed at enhancing dialogue and cooperation between relevant United Nations agencies, funds and programmes, and invites the network to cooperate with the Independent Expert on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and to consult and engage with persons belonging to national or ethnic, religious and linguistic minorities and civil society actors;

14. *Invites* 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 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;

15. *Reaffirms* that the universal periodic review, as well as 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 further encourages States parties to give serious consideration to the follow-up to treaty body recommendations on the matter;

16. *Encourages* regional intergovernmental bodies to promote greater attention to the rights of persons belonging to national or ethnic, religious and linguistic minorities within their respective regions, including by actively raising awareness of and promoting the Declaration in their work, as well as by encouraging its implementation at the national level;

17. *Encourages* national human rights institutions to pay due attention to the rights of persons belonging to national or ethnic, religious and linguistic minorities by, inter alia, considering establishing, for instance, a department, section or focal point within their secretariats to address those rights;

18. *Encourages* civil society organizations, including non-governmental organizations, to promote awareness of the Declaration and to review the extent to which they integrate the rights of persons belonging to national or ethnic, religious and linguistic minorities and the Declaration into their work, as well as to inform persons belonging to national or ethnic, religious and linguistic minorities about their rights;

19. *Requests* the High Commissioner to present an annual report to the Human Rights Council containing information on relevant developments of United Nations human rights bodies and mechanisms, as well as on the activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of and respect for the provisions of the Declaration;

20. *Requests* the Secretary-General and the High Commissioner to continue to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the Independent Expert and for the activities of the Office of the High Commissioner in the area of rights of persons belonging to national or ethnic, religious and linguistic minorities;

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

*47th meeting  
21 March 2013*

[Adopted without a vote.]

22/5

**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* 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,

*Recognizing* that the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 5 May 2013 will be a step forward in strengthening the promotion and protection of economic, social and cultural rights worldwide, and noting with interest the fact that forty two States have signed the Optional Protocol and ten have ratified it since it was opened for signature on 24 September 2009,

1. *Calls upon* all States to take all measures to implement Human Rights Council resolution 19/5 of 22 March 2012 with a view to improving the realization of economic, social and cultural rights;

2. *Also 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 upcoming entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 5 May 2013 following its ratification by ten States, and encourages all States that have not yet signed and ratified the Optional Protocol to consider doing so and to consider making declarations under articles 10 and 11;

4. *Acknowledges* the adoption of the provisional rules of procedure under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by the Committee on Economic, Social and Cultural Rights at its forty-ninth session;

5. *Emphasizes* the importance of access to justice for all in the context of the realization of economic, social and cultural rights and, in this regard, encourages the strengthening and improvement of the administration of justice and public awareness of economic, social and cultural rights;

6. *Underlines* that realizing women's economic, social and cultural rights calls for an integrated approach that draws on the various human rights instruments addressing the issue;

7. *Also underlines* that States parties should pay particular attention to the mutual reinforcement of the rights and obligations contained in the International Covenant

on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women;

8. *Encourages* States parties to make maximum use of the framework of the International Covenant on Economic, Social and Cultural Rights to pursue further substantive gender equality by using the provisions of article 3, which requires States parties to undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights, in conjunction with the substantive rights enshrined in part III of the Covenant, and also encourages them to take measures in this regard to implement the principle of non-discrimination;

9. *Underlines* 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 emphasizes that the rights enunciated in the International Covenant on Economic, Social and Cultural Rights are to be realized in a non-discriminatory manner;

10. *Reiterates* that respect for and the promotion and protection of human rights are an integral part of effective work towards achieving the 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;

11. *Recalls* Human Rights Council resolution 21/11 of 27 September 2012, in which the Council adopted the guiding principles on extreme poverty and human rights contained in the report of the Special Rapporteur on extreme poverty and human rights as a useful tool for States in the formulation and implementation of poverty reduction and eradication policies;

12. *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;

13. *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;

14. *Encourages* enhanced cooperation and, as appropriate, increased coordination between the Committee on Economic, Social and Cultural Rights and United Nations bodies, specialized agencies or 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;

15. *Recognizes and encourages* the important contributions of national human rights institutions and non-governmental organizations to the question of the realization and enjoyment of economic, social and cultural rights;

16. *Expresses its appreciation* for 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 and its publications and studies on related issues;

17. *Takes note with interest* of the report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights<sup>19</sup> and the recommendations therein, submitted pursuant to Human Rights Council resolution 19/5;

18. *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 access to justice relating to violations of economic, social and cultural rights;

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

*47th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/6**

### **Protecting human rights defenders**

*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 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 13/13 of 25 March 2010 and 16/5 of 24 March 2011, and General Assembly resolution 66/164 of 19 December 2011,

*Recalling* the Vienna Declaration and Programme of Action,

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

*Acknowledging* that human rights defenders play an important role at the local, national, regional and international levels in the promotion and protection of human rights,

*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,

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<sup>19</sup> A/HRC/22/24.

*Reiterating* the grave concerns expressed by the General Assembly in its resolution 66/164 with regard to the serious nature of risks faced by human rights defenders due to threats, attacks and acts of intimidation against them,

*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* in this regard that new forms of communication, including the dissemination of information online and offline, can serve as important tools for human rights defenders to promote and strive for the protection of human rights,

*Recognizing also* 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,

*Welcoming* the steps taken by some States towards adopting policies or legislation for the protection of individuals, groups and organs of society engaged in promoting and defending human rights, including the decriminalization of defamation, that serve to protect human rights defenders from being prosecuted for peaceful activities, and against threats, harassment, intimidation, duress, arbitrary detention or arrest, violence and attacks by State and non-State actors,

1. *Takes note with appreciation* of the work of the Special Rapporteur on the situation of human rights defenders, including her two latest reports submitted pursuant to General Assembly resolution 66/164 and Human Rights Council resolution 16/5, on the use of legislation affecting the activities of human rights defenders,<sup>20</sup> and national human rights institutions,<sup>21</sup> respectively;

2. *Urges* States to create a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity, in the whole country and in all sectors of society, including by extending support to local human rights defenders;

3. *Stresses* that legislation affecting the activities of human rights defenders and its application must be consistent with international human rights law, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and guided by 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, and, in this regard, condemns the imposition of any limitations on the work and activities of human rights defenders enforced in contravention of international human rights law;

4. *Calls upon* States to ensure that legislation designed to guarantee public safety and public order contains clearly defined provisions consistent with international human rights law, including the principle of non-discrimination, and that such legislation is not used to impede or restrict the exercise of any human right, including freedom of

<sup>20</sup> A/67/292.

<sup>21</sup> A/HRC/22/47.

expression, association and peaceful assembly, which are essential for the promotion and protection of other rights;

5. *Urges* States to acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law as an essential component of ensuring their protection, including by respecting the independence of their organizations and by avoiding the stigmatization of their work;

6. *Calls upon* States to ensure that human rights defenders can perform their important role in the context of peaceful protests, in accordance with national legislation consistent with the Charter of the United Nations and international human rights law and, in this regard, to ensure that no one is subject to excessive or indiscriminate use of force, arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, enforced disappearance, abuse of criminal and civil proceedings or threats of such acts;

7. *Underlines* that the access to and use of information technologies and the media of one's choice, including radio, television and the Internet, should be promoted and facilitated at the national level, between States and at the international level as an integral part of the enjoyment of the fundamental rights to freedom of opinion and expression, and also encourages international cooperation aimed at the development of media and information and communications technologies in all countries;

8. *Calls upon* States to respect, protect and ensure the right to freedom of association of human rights defenders and, in this regard, to ensure, where procedures governing the registration of civil society organizations exist, that these are transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the possibility to appeal and avoid requiring re-registration, in accordance with national legislation, and are in conformity with international human rights law;

9. *Also calls upon* States:

(a) To ensure that reporting requirements placed on individuals, groups and organs of society do not inhibit functional autonomy;

(b) To ensure that they do not discriminatorily impose restrictions on potential sources of funding aimed at supporting the work of human rights defenders in accordance with the Declaration referred to in paragraph 3 above, other than those ordinarily laid down for any other activity unrelated to human rights within the country to ensure transparency and accountability, and that no law should criminalize or delegitimize activities in defence of human rights on account of the origin of funding thereto;

10. *Further calls upon* States to ensure that measures to combat terrorism and preserve national security:

(a) Are in compliance with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights;

(b) Clearly identify which offences qualify as terrorist acts by defining transparent and foreseeable criteria, including, inter alia, considering without prejudice those formulated by the Special Rapporteur on the promotion and protection of human rights while countering terrorism;

(c) Prohibit and do not provide for, or have the effect of, subjecting persons to arbitrary detention, such as detention without due process guarantees, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, or the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, nor the unlawful deprivation of the right to life or the trial of suspects without fundamental judicial guarantees;

(d) Allow appropriate access for relevant international bodies, non-governmental organizations and national human rights institutions, where such exist, to persons detained under anti-terrorism and other legislation relating to national security, and to ensure that human rights defenders are not harassed or prosecuted for providing legal assistance to persons detained and charged under legislation relating to national security;

11. *Calls upon* States to ensure that all legal provisions and their application affecting human rights defenders are clearly defined, determinable and non-retroactive in order to avoid potential abuse to the detriment of fundamental freedoms and human rights, and specifically to ensure that:

(a) The promotion and the protection of human rights are not criminalized, and that human rights defenders are not prevented from enjoying universal human rights owing to their work, whether they operate individually or in association with others, while emphasizing that everyone shall respect the human rights of others;

(b) The judiciary is independent, impartial and competent to review effectively legislation and its application affecting the work and activities of human rights defenders;

(c) Procedural safeguards, including in criminal cases against human rights defenders, are in place in accordance with international human rights law in order to avoid the use of unreliable evidence, unwarranted investigations and procedural delays, thereby effectively contributing to the expeditious closing of all unsubstantiated cases, with individuals being afforded the opportunity to lodge complaints directly with the appropriate authority;

(d) Any provision or decision that may interfere with the enjoyment of human rights respects the fundamental principles enshrined in international law so that they are lawful, proportionate, non-discriminatory and necessary in a democratic society;

(e) Information held by public authorities is proactively disclosed, including on grave violations of human rights, and that transparent and clear laws and policies provide for a general right to request and receive such information, for which public access should be granted, except for narrow and clearly defined limitations;

(f) That provisions do not prevent public officials from being held accountable, and that penalties for defamation are limited in order to ensure proportionality and reparation commensurate to the harm done;

(g) Legislation aimed at preserving public morals is compatible with international human rights law;

(h) Legislation does not target activities of individuals and associations defending the rights of persons belonging to minorities or espousing minority beliefs;

(i) Dissenting views may be expressed peacefully;

12. *Expresses particular concern* about systemic and structural discrimination and violence faced by women human rights defenders, and calls upon States to integrate a gender perspective in their efforts to create a safe and enabling environment for the defence of human rights;

13. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms;

14. *Strongly calls upon* all States:

(a) To refrain from, and ensure adequate protection from, any act of intimidation or reprisals against those who cooperate, have cooperated or seek to cooperate with international institutions, including their family members and associates;

(b) To fulfil the duty to end impunity for any such acts of intimidation or reprisals by bringing the perpetrators to justice and by providing an effective remedy for their victims;

(c) To avoid legislation that has the effect of undermining the right reaffirmed in paragraph 13 above;

15. *Reaffirms* the necessity for inclusive and open dialogue between civil society actors, particularly human rights defenders, and the United Nations in the field of human rights and, in this context, underlines that participation by civil society should be facilitated in a transparent, impartial and non-discriminatory manner;

16. *Underlines* the value of national human rights institutions, established and operating in accordance with the Paris Principles, in the continued monitoring of existing legislation and consistently informing the State about its impact on the activities of human rights defenders, including by making relevant and concrete recommendations;

17. *Stressing in particular* the valuable contribution of national human rights institutions, civil society and other stakeholders in providing input to States on the potential implications of draft legislation when such legislation is being developed or reviewed to ensure that it is in compliance with international human rights law;

18. *Invites* leaders in all sectors of society and respective communities, including political, social and religious leaders, and leaders in business and media, to express public support for the important role of human rights defenders and the legitimacy of their work;

19. *Encourages* States to include in their reports for the universal periodic review and to treaty bodies information on the steps taken to create a safe and enabling environment for human rights defenders, including by bringing legislation and its application affecting the activities of human rights defenders into line with international human rights law;

20. *Encourages* national human rights institutions, civil society and other stakeholders to provide information, including to States, in the context of the universal periodic review and the work of treaty bodies, on the enabling environment for human rights defenders, including legislation and its application affecting the activities of human rights defenders;

21. *Encourages* the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights defenders, relevant regional mechanisms and national human rights institutions to offer their assistance for the consideration of States in bringing their legislation and its application into line with international human rights law;

22. *Invites* States to seek assistance, including that which may be provided by the above-mentioned actors, in the process of reviewing, amending or developing legislation that affects or would affect, directly or indirectly, the work of human rights defenders;

23. *Invites* the Special Rapporteur on the situation of human rights defenders to continue to execute the activities under the mandate stipulated in resolution 16/5 of the Human Rights Council, including in follow-up to the present resolution, by reporting on progress;

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

47th meeting  
21 March 2013

[Adopted without a vote.]

## 22/7

### **Birth registration and the right of everyone to recognition everywhere as a person before the law**

*The Human Rights Council,*

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

*Recalling* General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council,

*Reaffirming* the human right of everyone to be recognized everywhere as a person before the law, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and other relevant international instruments,

*Recalling* the obligation of States to register all children immediately after birth, as provided for in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Rights of All Migrant Workers and Members of Their Families and other relevant international instruments to which they are party,

*Recognizing* the importance of a human rights-based approach to birth registration, based on international human rights obligations and commitments operationally directed to promoting and protecting human rights,

*Welcoming* the continuing efforts of the Committee on the Rights of the Child towards universal birth registration, such as through recommendations widely addressed to States in this regard,

*Recalling* the resolutions adopted by the General Assembly and the Human Rights Council calling upon States to ensure the registration of all children immediately after birth, the most recent being Assembly resolution 66/141 of 19 December 2011 and Council resolution 19/9 of 22 March 2012,

*Recognizing* the importance of birth registration, including late birth registration and provision of documents of proof of birth, as a means for providing an official record of the existence of a person and the recognition of that individual as a person before the law; expressing concern that unregistered individuals have limited or no access to services and enjoyment of all the rights to which they are entitled; taking into consideration that persons without birth registration are vulnerable to lack of protection; and aware that registering a person's birth is a vital step towards the promotion and protection of all his or her human rights, and protection from violence, exploitation and abuse,

*Recognizing also* the importance of birth registration, including late birth registration, for the development of vital statistics and the effective implementation of programmes and policies intended to achieve internationally agreed development goals, including the Millennium Development Goals,

*Recognizing further* the efforts made at the regional level to achieve universal birth registration, including the Conference of African Ministers responsible for Civil Registration, the Universal Civil Identity Program in the Americas, and the High-level Meeting on the Improvement of Civil Registration and Vital Statistics in Asia and the Pacific,

1. *Expresses concern* at the high number of persons throughout the world whose birth is not registered;

2. *Reminds* States of their obligation to register births without discrimination of any kind and irrespective of the status of his or her parents;

3. *Calls upon* States to establish or strengthen existing institutions at all levels responsible for birth registration and the preservation and security of such records, to ensure adequate training for registration officers, to allocate sufficient and adequate human, technical and financial resources to fulfil their mandate, and to increase, as needed, the number of birth registration facilities, paying attention to the local community level;

4. *Also calls upon* States to take all appropriate measures to permanently store and protect civil registration records and to prevent the loss or destruction of records due to emergency situations;

5. *Further calls upon* States to ensure free birth registration, including free or low-fee late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures, without discrimination of any kind;

6. *Calls upon* States to continuously raise awareness at the national, regional and local levels of birth registration, including by engagement in collaboration with all relevant actors in public campaigns that raise awareness of the importance of birth registration for effective access to services and the enjoyment of human rights;

7. *Urges* States to identify and remove physical, administrative, procedural and any other barriers that impede access to birth registration, including late registration, paying due attention to, among others, those barriers relating to poverty, disability, gender, nationality, displacement, illiteracy and detention contexts, and to persons in vulnerable situations;

8. *Encourages* States to request technical assistance, if required, from relevant United Nations bodies, agencies, funds and programmes, including the United Nations Children's Fund, the United Nations Population Fund, the Department of Economic and Social Affairs, the Office of the United Nations High Commissioner for Refugees, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, and other relevant stakeholders in order to fulfil their obligation to undertake birth registration as a means to respect the right of everyone to be recognized everywhere as a person before the law;

9. *Invites* the above-mentioned United Nations bodies, agencies, funds and programmes and other relevant stakeholders to cooperate with States in providing technical assistance, upon request, and calls upon them to ensure that persons with no birth registration are not discriminated against in any of their programmes;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report, in consultation with States, United Nations agencies, funds and programmes, non-governmental organizations and other relevant stakeholders, on legal, administrative, economic, physical and any other barriers to access to universal birth registration and possession of documentary proof of birth, as well as on good practices adopted by States in fulfilling their obligation to ensure birth registration, and to submit it to the Human Rights Council at its twenty-seventh session;

11. *Decides* to consider this issue in accordance with its annual programme of work.

*47th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/8**

### **Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

*The Human Rights Council,*

*Bearing in mind* paragraph 6 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 or her duties in accordance with these resolutions and the annexes thereto,

*Recalling also* Commission on Human Rights resolutions 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, General Assembly resolutions 59/191 of 20 December 2004, 60/158 of 16 December 2005 and 61/171 of 19 December 2006, and Human Rights Council resolutions 6/28 of 14 December 2007 and 15/15 of 24 September 2010, entitled “Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism”,

1. *Decides* to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism for a period of three years in the same terms as provided for by the Human Rights Council in its resolution 15/15;

2. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by responding promptly to the Special Rapporteur’s urgent appeals and providing the information requested;

3. *Calls upon* all Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries;

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

5. *Decides* to continue consideration of this question in conformity with its annual programme of work.

*47th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/9**

### **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* 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 all mandate holders shall discharge their duties in accordance with these resolutions and the annexes thereto,

*Recalling further* 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* 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,

*Recalling also* 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 commitment made in the ministerial declaration of the 2009 high-level segment of the Economic and Social Council to eliminating hunger and to securing food for all,

*Reaffirming also* 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,

*Recalling* 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* 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 also* 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 should 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 and food insecurity 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 as a combination of several major factors, such as the global financial and economic crisis, also affected negatively by environmental degradation, desertification and global climate change, natural disasters and the lack of development in many countries and transfer of relevant technology to address this issue, particularly in developing countries and least developed countries, 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,

*Recognizing* the importance and positive role of smallholder farmers, including women, 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 since 1980, both in real terms and as a share of total official development assistance, while noting the recent partial inversion of this trend,

*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 an increase in productivity but also a holistic approach that includes a focus on smallholder and traditional farmers, in particular women farmers, 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,

*Welcoming* the adoption of the Voluntary Guidelines on 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 special session and the Council of the Food and Agriculture Organization of the United Nations at its one hundred and forty-fourth session, in 2012,

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 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, according to an estimation by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 years do so from hunger-related illness, and that, according to an estimation by the Food and Agriculture Organization of the United Nations, the number of people who are undernourished is approximately eight hundred and seventy million worldwide, 98 per cent of them living in developing countries, and that there is an additional one billion people suffering from serious malnutrition, including as a result of the global food crisis, even though, according to the latter organization, the planet could produce enough food to feed twelve billion people;

4. *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 countries, especially on least developed countries;

5. *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;

6. *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;

7. *Recognizes* the importance of smallholder 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;

8. *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;

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

10. *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;

11. *Underlines* the significance of national government policies and strategies on food production and poverty alleviation;

12. *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;

13. *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, 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;

14. *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;

15. *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;

16. *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;

17. *Recognizes* that 80 per cent of people suffering from hunger live in rural areas, and 50 per cent are small-scale and traditional farmers, in particular women farmers, and that these people are especially vulnerable to food insecurity, given the increasing cost of various 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 to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises is a key element to food security and the provision of the right to food;

18. *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 countries experiencing serious drought and/or desertification, particularly in Africa;

19. *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;

20. *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;

21. *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;

22. *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;

23. *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;

24. *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;

25. *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;

26. *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;

27. *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;

28. *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 for realizing 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;

29. *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;

30. *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;
31. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;
32. *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;
33. *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;
34. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa, in particular in the Horn of Africa and in the Sahel, and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including southern Africa;
35. *Encourages* developing countries to establish regional arrangements, where they do not exist, with the support of the international community and development partners to ensure adequate food production and thereby contribute to ensuring food security, in particular in developing countries that have scarce fertile land;
36. *Acknowledges* the adoption by the Food and Agriculture Organization of the United Nations of a regional approach towards ensuring food security, and expresses its appreciation for the current collaboration with all Rome-based institutions working comprehensively towards 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. *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;

42. *Takes note with appreciation* of the report of the Special Rapporteur on women's rights and the right to food and the recommendations contained therein,<sup>22</sup> including the addendum thereto which explores how the right to food is integrated into the activities of the Food and Agriculture Organization of the United Nations;<sup>23</sup>

43. *Decides* to extend the mandate of the Special Rapporteur on the right to food for a period of three years, to enable the mandate holder to continue to work in accordance with the mandate established by the Human Rights Council in its resolution 6/2 of 27 September 2007;

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

45. *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;

46. *Acknowledges* the work being carried out by the Human Rights Council Advisory Committee on the right to food and, in that regard, takes note of the final study on the promotion of human rights of the urban poor: strategies and best practices,<sup>24</sup> and the final study on rural women and the right to food,<sup>25</sup> both prepared by the Advisory Committee, and encourages States to take into account and consider implementing, as appropriate, the findings and recommendations contained in both studies;

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

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<sup>22</sup> A/HRC/22/50.

<sup>23</sup> A/HRC/22/50/Add.3.

<sup>24</sup> A/HRC/22/61.

<sup>25</sup> A/HRC/22/72.

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

49. *Recalls* the requests made by the General Assembly in its resolution 67/174 of 20 December 2012 that the Special Rapporteur submit to the Assembly an interim report at its sixty-eighth 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 his 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 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-fifth session;

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

*47th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/10**

### **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,

*Reaffirming also* 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,

*Reaffirming further* 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 and 21/16 of 27 September 2012, on the rights to freedom of peaceful assembly and of association, 19/35 of 23 March 2012, on the promotion and protection of human rights in the context of peaceful protests, and 21/12 of 27 September 2012, on the safety of journalists,

*Recalling also* 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,

*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, and of association, freedom of expression and of participation in the conduct of public affairs,

*Acknowledging further* 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 acts that can amount to extrajudicial, summary or arbitrary executions committed against persons exercising their rights to freedom of peaceful assembly, of expression and of association in all regions of the world,

*Expressing its concern* at the number of attacks targeting journalists in the context of 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,

*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, as adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

1. *Takes note with appreciation* of the thematic report of the United Nations High Commissioner for Human Rights on effective measures and best practices to ensure

the promotion and protection of human rights in the context of peaceful protests,<sup>26</sup> submitted in accordance with Human Rights Council resolution 19/35;

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, in particular 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 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;

4. *Urges* States to facilitate peaceful protests by providing protestors with access to public space and protecting them, where necessary, against any forms of threats, and underlines the role of local authorities in this regard;

5. *Underlines* the role that communication between protestors, local authorities and police can play in the proper management of assemblies, such as peaceful protests;

6. *Urges* States to pay particular attention to the safety and protection of women and women human rights defenders from gender-based violence, including sexual assault in the context of peaceful protests;

7. *Calls upon* 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;

8. *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 by law enforcement officials, 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 to protect against an imminent threat to life and that it may not be used merely to disperse a gathering;

9. *Also calls upon* States to investigate any death or injury committed during protests, including those resulting from the discharge of firearms or the use of non-lethal weapons by law enforcement officials;

10. *Further calls upon* States and, where applicable, the relevant governmental authorities to ensure adequate training of law enforcement officials and military personnel and 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;

11. *Encourages* States to make protective equipment and non-lethal weapons available to their law enforcement officials and to refrain from using lethal force during peaceful protests, while pursuing efforts to regulate and establish protocols for the use of non-lethal weapons;

12. *Underlines* the necessity to address the management of assemblies, such as peaceful protests, so as to contribute to their peaceful conduct, and to prevent loss of life of,

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<sup>26</sup> A/HRC/22/28.

and injuries to, protestors, bystanders, those monitoring such protests, and law enforcement officials, as well as any human rights violations or abuses;

13. *Recognizes* the important role played by national human rights institutions, civil society, including non-governmental organizations, journalists and other media workers, Internet users and human rights defenders, and other relevant stakeholders, in documenting human rights violations or abuses committed in the context of peaceful protests;

14. *Urges* States to ensure that national mechanisms, based on law in conformity with their international human rights obligations and commitments, can ensure accountability for human rights violations and abuses, including in the context of peaceful protests;

15. *Also urges* States to ensure that victims of human rights violations and abuses have, through existing national mechanisms, access to a remedy and that they obtain redress, including in the context of peaceful protests;

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 with their international human rights obligations and commitments;

17. *Requests* the Office of the High Commissioner:

(a) To organize, before the twenty-fifth session of the Human Rights Council, from within existing resources, a seminar on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests, with the participation of States, relevant Council special procedures, members of the treaty bodies and other stakeholders, including academic experts and civil society representatives, with the aim of building upon the above-mentioned report of the High Commissioner and other related work of the Council;

(b) To prepare a report on the deliberations held during the seminar and to submit it to the Human Rights Council at its twenty-fifth session;

18. *Decides* to continue its consideration of this topic at its twenty-fifth session under agenda item 3.

*48th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/11**

### **Panel on the human rights of children of parents sentenced to the death penalty or executed**

*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,

*Reaffirming* the purposes and principles of the Convention on the Rights of the Child, in particular its articles 2, 3, 9 and 20, and the obligations of State parties thereto,

*Mindful* of all forms through which a child can be separated from his or her parents against their will, in particular when the separation results from any action initiated by a State,

*Welcoming* the day of general discussion on children of incarcerated parents, held by the Committee on the Rights of the Child on 30 September 2011, and taking note with interest of the outcomes thereof,

*Recalling* Human Rights Council resolution 19/37 of 23 March 2012 on the rights of the child,

*Deeply concerned* at the negative impact of the imposition and carrying out of the death penalty on the human rights of children of parents sentenced to the death penalty or executed,

1. *Acknowledges* the negative impact of a parent's death sentence and his or her execution on his or her children, and urges States to provide those children with the protection and assistance they may require;

2. *Calls upon* States to provide those children or, where appropriate, giving due consideration to the best interests of the child, another member of the family, with access to their parents and to all relevant information about the situation of their parents;

3. *Decides* to convene, at its twenty-fourth session, a panel discussion on the human rights of children of parents sentenced to the death penalty or executed, with a particular focus on the ways and means to ensure the full enjoyment of their rights;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the panel discussion and to liaise with States, relevant United Nations bodies, agencies, 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;

5. *Also requests* the Office of the High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary, and to present it to the Human Rights Council at its twenty-fifth session;

6. *Decides* that the yearly supplement to the quinquennial report of the Secretary-General on the question of the death penalty, mandated by Human Rights Council decision 18/117 of 28 September 2011, will continue to inform on this matter.

*48th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/12**

### **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 and 67/192 of 20 December 2012,

*Recalling further* Human Rights Council resolutions 17/23 of 17 June 2011 and 19/38 of 23 March 2012,

*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 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, which 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 session,

*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,

*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 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, and in line with 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,<sup>27</sup> despite the scarcity of available public data, most illicit financial outflows are from developing countries and that, despite increased efforts by the 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 they estimate that developing countries lost between seven hundred and eighty three billion United States dollars and one thousand, one hundred and thirty eight 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

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<sup>27</sup> A/HRC/22/42.

rights, in particular economic, social and cultural rights,<sup>28</sup> only around 2 per cent of the estimated funds of illicit origin annually leaving the developing world are repatriated to their countries of origin,

*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 United Nations High Commissioner for Human Rights<sup>28</sup> and 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;<sup>27</sup>

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

4. *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;

5. *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;

6. *Welcomes* the decision made at the fourth session of the Conference of the States Parties to the United Nations Convention against Corruption to convene open-ended intergovernmental expert meetings on international cooperation to advise and assist States

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<sup>28</sup> A/HRC/19/42 and Corr.1.

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;

7. *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;

8. *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;

9. *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;

10. *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;

11. *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;

12. *Calls upon* all States requested to repatriate funds of illicit origin to fully uphold 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;

13. *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;

14. *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;

15. *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;<sup>29</sup>

16. *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 efficient mutual legal assistance regime to States requesting repatriation of those funds, and encourages the promotion of human and institutional capacity-building in that regard;

17. *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 his efforts in preparing an in-depth study on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the application by States of the maximum available resources to the full realization of all human rights, in particular economic, social and cultural rights, with special attention paid to developing countries and countries with economies in transition burdened by foreign debt, as mandated by the Human Rights Council in its resolution 19/38, and to present his study to the Council at its twenty-fifth session;

18. *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 he independently planned, including by holding a consultation and data research, as indicated in his report, 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 him in this regard;

19. *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;

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

*48th meeting  
21 March 2013*

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<sup>29</sup> A/HRC/17/31, annex.

[Adopted by a recorded vote of 32 to 2, with 13 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Ethiopia, Gabon, Guatemala, India, Indonesia, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Pakistan, Peru, Philippines, Qatar, Sierra Leone, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Japan, United States of America

*Abstaining:*

Austria, Czech Republic, Estonia, Germany, Ireland, Italy, Montenegro, Poland, Republic of Korea, Republic of Moldova, Romania, Spain, Switzerland]

## 22/13

### 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 19/13 of 22 March 2012 and Assembly resolution 67/181 of 20 December 2012, 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,

*Recalling also* the statement made by the United Nations High Commissioner for Human Rights on 14 January 2013 calling for a full-fledged international inquiry into serious crimes in the Democratic People's Republic of Korea,

*Welcoming* the reports submitted by the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, and taking note of the nine patterns of human rights violations identified in his recent report,<sup>30</sup>

*Recalling* the view by the Special Rapporteur, expressed in his report, that there is a need for the establishment of an inquiry mechanism with adequate resources to investigate and more fully document the grave, systematic and widespread violations of human rights in the Democratic People's Republic of Korea, and stressing the urgent need for the implementation of the recommendations contained in the report,

<sup>30</sup> A/HRC/22/57.

*Recalling also* the fact that, on 28 February 2013, a group of special procedures mandate holders jointly expressed their support for an international inquiry into human rights abuses in the Democratic People's Republic of Korea,

*Deeply concerned* at the persisting deterioration in the human rights situation in the Democratic People's Republic of Korea, at the continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea, and at the unresolved questions of international concern relating to abductions of nationals of other States, and urging the Government of the Democratic People's Republic of Korea to respect all human rights and fundamental freedoms fully,

*Deploring* the grave, widespread and systematic human rights abuses in the Democratic People's Republic of Korea, in particular the use of torture and labour camps against political prisoners and repatriated citizens of the Democratic People's Republic of Korea, and urging the Democratic People's Republic of Korea to immediately end those practices and to release all political prisoners unconditionally and without delay,

*Deeply regretting* the refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur or to extend full cooperation to him and allow him access to the country,

*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<sup>31</sup> 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,

*Alarmed* by the precarious humanitarian situation in the country, exacerbated by its national policy priorities,

*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 access to adequate food,

*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 universal periodic review process and with other mechanisms of the Human Rights Council for the improvement of their situation of human rights,

1. *Strongly condemns* the ongoing grave, widespread and systematic human rights violations in the Democratic People's Republic of Korea;

2. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of the mandate, despite the limited access to information;

3. *Decides* to extend the mandate of the Special Rapporteur, in accordance with Human Rights Council resolution 19/13, for a period of one year;

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<sup>31</sup> A/HRC/13/13.

4. *Also 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;

5. *Further decides* that the commission of inquiry will investigate the systematic, widespread and grave violations of human rights in the Democratic People's Republic of Korea as outlined in paragraph 31 of the report of the Special Rapporteur,<sup>30</sup> including the violation of the right to food, the violations associated with prison camps, torture and inhuman treatment, arbitrary detention, discrimination, violations of freedom of expression, violations of the right to life, violations of freedom of movement, and enforced disappearances, including in the form of abductions of nationals of other States, with a view to ensuring full accountability, in particular where these violations may amount to crimes against humanity;

6. *Urges* the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and the commission of inquiry, and to permit them and their staff unrestricted access to visit the country and to provide them with all information necessary to enable them to fulfil their mandates;

7. *Also urges* the Government of the Democratic People's Republic of Korea to ensure full, rapid and unimpeded access of humanitarian assistance that is delivered on the basis of need, in accordance with humanitarian principles, coupled with adequate monitoring;

8. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate holders, interested institutions and independent experts and non-governmental organizations, to develop regular dialogue and cooperation with the Special Rapporteur and the commission of inquiry in the fulfilment of their mandates;

9. *Requests* the Secretary-General to provide the Special Rapporteur and the commission of inquiry with all assistance and adequate staffing necessary to carry out their mandates effectively and to ensure that these mechanisms work with the support of the Office of the United Nations High Commissioner for Human Rights;

10. *Invites* the Special Rapporteur to submit regular reports on the implementation of his mandate to the Human Rights Council and to the General Assembly;

11. *Requests* the commission of inquiry to present an oral update to the Human Rights Council at its twenty-fourth session and to the General Assembly at its sixty-eighth session, and a written report to the Council at its twenty-fifth session;

12. *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.

*48th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/14 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 19/21 of 23 March 2012 and General Assembly resolution 67/233 of 24 December 2012,

*Welcoming* the work and reports of the Special Rapporteur on the situation of human rights in Myanmar,<sup>32</sup> as well as the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of his visits to the country from 30 July to 4 August 2012 and from 11 to 16 February 2013,

*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 continued positive developments in Myanmar and the stated commitment of the Government of Myanmar to continue on the path of political reform, democratization and national reconciliation and the promotion and protection of human rights;

2. *Also welcomes* the continued engagement of the Government of Myanmar with political actors within Parliament, civil society and opposition parties, and urges the Government to continue electoral reform and to pursue an inclusive and sustained dialogue with the democratic opposition and political, ethnic and civil society groups and actors, leading to national reconciliation and lasting peace in Myanmar;

3. *Further welcomes* the increasing space for political activity, assembly, speech and the press, including the establishment of an interim press council to help resolve media disputes and to draft a new media law, and encourages the Government to fulfil its commitment to carry out comprehensive media reform to allow for free and independent media, including the broadcast media, and to ensure the safety, security and freedom of human rights defenders to pursue their activities;

4. *Expresses concern* about remaining human rights violations, including arbitrary detention, forced displacement, land confiscations, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment, as well as violations of international humanitarian law, and urges the Government of Myanmar to step up its efforts to put an end to such violations and to take necessary measures to ensure accountability and end impunity, including by undertaking a full, transparent and independent investigation into all reports of violations of international human rights and international humanitarian law, while also calling for proper investigations into detention and prison conditions and allegations of the use of torture in prisons;

5. *Calls upon* the Government of Myanmar to continue to implement the recommendations of the Special Rapporteur and those accepted during the universal periodic review, as well as the calls contained in the above-mentioned Human Rights Council and General Assembly resolutions, and encourages the Government to fulfil its obligations as a party to international treaties and other legally binding instruments, and to become a party to the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

6. *Welcomes* the continued release of prisoners of conscience in the past year, urges the Government to continue the process of releasing them without delay and without conditions and to ensure the full restoration of their rights and freedoms in accordance with the recommendations of the Special Rapporteur on the situation of human rights in

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<sup>32</sup> A/67/383 and A/HRC/22/58.

Myanmar, and welcomes the establishment of the Political Prisoners Scrutiny Committee and the convening of its first meeting on 23 February 2013 to review the remaining cases of political prisoners, expecting that this mechanism will operate in a comprehensive, thorough and inclusive manner;

7. *Also welcomes* the progress made in the development of cooperation between the Government of Myanmar and the International Committee of the Red Cross, in particular allowing the institution to resume its visits to places of detention and to carry out activities in Rakhine State;

8. *Urges* the Government to accelerate its efforts to address discrimination, human rights violations, violence, displacement and economic deprivation affecting persons belonging to national or ethnic, religious and linguistic minorities, and, expressing particular concern at the situation of the Rohingya minority in Rakhine State, urges the Government to take action to bring about an improvement in their situation and to protect all their human rights, to repeal and/or amend laws that deny the Rohingya, inter alia, the right to birth registration, the ability to marry and freedom of movement, including equal access to citizenship, through a full review of the Citizenship Law of 1982 to ensure that it conforms to international obligations defined in treaties to which the Government of Myanmar is a party, including their right to a nationality;

9. *Expresses its serious concern* about persisting inter-communal tensions following the violence in Rakhine State, calls upon the Government to ensure that those responsible for the violence are held to account, and urges it to grant safe, timely, full and unhindered humanitarian access across Rakhine State to all persons in need and to facilitate the voluntary return of individuals to their original communities, while also calling upon it to continue to implement the various cooperation agreements between Myanmar authorities and the international community for the distribution of humanitarian aid in Rakhine State, and to ensure effective coordination of humanitarian assistance there, and to move speedily to respond to the recommendations of the Rakhine Investigative Commission report once it is published;

10. *Expresses deep concern* about the continuing armed conflict in Kachin State and the associated human rights violations and allegations of international humanitarian law violations, desecration of places of worship, sexual violence and torture, and, welcoming the recent resumption of peace talks between the Government of Myanmar and the Kachin Independence Organization, strongly encourages the intensification of formal political dialogue as part of an inclusive process towards ensuring long-term peace and national reconciliation, and also urges the Government to protect the rights and to address the needs of those affected by the conflict and of internally displaced persons, and to grant safe, timely, full and unhindered humanitarian access across Kachin State to all persons in need;

11. *Welcomes* the joint action plan on child soldiers, signed by the Government of Myanmar with the United Nations in 2012, and other commitments made by the Government to prevent the recruitment and use of children by the armed forces of Myanmar, including the Border Guard Forces, and calls upon the Government to collaborate fully with all parties to the United Nations country task force, and to grant the United Nations and other independent observers unhindered access to all areas where children may be recruited, and to facilitate access for dialogue on action plans with other parties listed in the annual report of the Secretary-General on children in armed conflict for the purpose of halting this practice, and providing demobilization, rehabilitation and reintegration services to survivors;

12. *Calls upon* the Government to undertake judicial reform to ensure the independence, impartiality and accountability of the judiciary, lawyers and prosecutors, and notes with interest the steps taken by the Supreme Court to engage with and seek technical

assistance from the international community, and the work of the Rule of Law and Tranquillity Committee in Parliament led by Daw Aung San Suu Kyi, and encourages the continuation and further acceleration of efforts in this regard, in line with the Government's own stated intention to strengthen the rule of law in Myanmar;

13. *Acknowledges with interest* the activities undertaken by the National Human Rights Commission, including its review of complaints and its conduct of investigative missions, and encourages the Government to expedite new legislation to reconstitute the Commission so that it is able to develop further its protection work and engagement with civil society, while recalling the need to ensure the Commission's independent, free, credible and effective functioning in accordance with the Paris Principles;

14. *Notes* the adoption of comprehensive action plans supporting the agreement between the Government of Myanmar and the International Labour Organization for the elimination of all forms of forced labour by 2015, and encourages the Government to continue its strong commitment to their implementation;

15. *Encourages* the international community to continue to support effectively the Government of Myanmar, including through technical assistance and capacity-building, in the fulfilment of its international human rights obligations and commitments, the implementation of the democratic transitional process and in its economic and social development, and encourages private companies to ensure that their investment and related activities in Myanmar respect human rights and take account of broader social and environmental objectives, in accordance with the Guiding Principles on Business and Human Rights;

16. *Recalls* the commitment of the Government of Myanmar to extend an invitation to the Office of the United Nations High Commissioner for Human Rights to establish a country office, and invites the Government to specify a timetable and process for the opening of the office in accordance with the mandate of the High Commissioner;

17. *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 and 19/21 of 23 March 2012 and, in addition, invites the Special Rapporteur to include in his next report, inter alia, further recommendations on the needs of Myanmar, including with regard to technical assistance and capacity-building;

18. *Calls upon* the Government of Myanmar to continue its cooperation with the Special Rapporteur in the exercise of his mandate, including by facilitating further visits, and calls upon the Office of the High Commissioner to provide the Special Rapporteur with all the assistance and resources necessary to enable him to discharge his mandate fully;

19. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its sixty-eighth session and to the Human Rights Council in accordance with its annual programme of work;

20. *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.

*48th meeting  
21 March 2013*

[Adopted without a vote.]

**22/15****Contribution of parliaments to the work of the Human Rights Council and its universal periodic review**

*The Human Rights Council,*

*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,

*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,

*Taking note* of the 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 continued parliamentary support for the work of the Human Rights Council and encouraged the Inter-Parliamentary Union, as the world organization of national parliaments, to strengthen its contribution to the Human Rights Council, particularly with regard to the universal periodic review,

1. *Decides* to convene, at its twenty-third session, a panel discussion on the contribution of parliaments to the work of the Human Rights Council and its universal periodic review;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the panel discussion from within existing resources, and to liaise with the Inter-Parliamentary Union, States Members of the United Nations and relevant United Nations bodies and agencies, as well as with civil society, including non-governmental organizations, and national human rights institutions, with a view to ensuring their participation;

3. *Also requests* the Office of the High Commissioner to prepare a conference room paper on the outcome of the panel discussion in the form of a summary.

*48th meeting  
21 March 2013*

[Adopted without a vote.]

**22/16****Promotion and protection of human rights in post-disaster and post-conflict situations**

*The Human Rights Council,*

*Recalling* Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and Human Rights Council decision 6/102 of 27 September 2007,

*Recalling also* the mandate of the Human Rights Council, as set forth in General Assembly resolution 60/251 of 15 March 2006, to promote and protect human rights and fundamental freedoms, as well as to promote the effective coordination and the mainstreaming of human rights within the United Nations system,

*Taking note* of Advisory Committee decision 9/1 of 10 August 2012 on research proposals, presented to the Human Rights Council for its consideration and approval in

accordance with its functions as described in paragraphs 75 to 78 of the annex to Council resolution 5/1,

*Acknowledging* that the human rights and fundamental freedoms of millions of people around the world are affected in different ways by humanitarian crises, including armed conflict, natural disasters and man-made disasters, as well as during the stages of recovery, relief and rehabilitation,

*Taking into account* the discussions held within each mandate on the link between humanitarian crises and the enjoyment of human rights at the sessions of the Human Rights Council and during the humanitarian segment of the sessions of the Economic and Social Council, as well as the work being done by the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights and the Office for the Coordination of Humanitarian Affairs, as well as at other relevant international organizations, such as the International Organization for Migration,

*Noting* that different thematic special procedures mandate holders, including the Special Rapporteur on the human rights of internally displaced persons, the Special Rapporteur on the sale of children, child prostitution and child pornography and 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, have made specific references in their reports to the need for a human rights-based approach to the delivery of humanitarian assistance,

*Recognizing* the efforts of Member States as well as the work done, both on the ground and at the level of headquarters, by different United Nations agencies, funds and programmes, inter alia, the Office of the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs, the World Food Programme and the United Nations Children's Fund, by other agencies and organizations that work in post-disaster and post-conflict situations, in accordance with General Assembly resolution 46/182 of 19 December 1991 and other relevant resolutions of the Assembly and the Economic and Social Council, and acknowledging the efforts made in terms of effective coordination with the aim of avoiding any duplication,

1. *Requests* the Advisory Committee to prepare, from within existing resources, 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, with a focus on human rights mainstreaming in relief, recovery and reconstruction efforts, while respecting the humanitarian principles of humanity, impartiality, neutrality and independence and the needs-based approach of humanitarian assistance, in particular to foster the capacity of States in such efforts, and to present the report to the Human Rights Council at its twenty-eighth session;

2. *Also requests* the Advisory Committee to seek the views and inputs of Member States, relevant international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs, relevant United Nations agencies, funds and programmes, such as the Inter-Agency Secretariat of the International Strategy for Disaster Reduction, the United Nations Children's Fund, the United Nations Development Programme and the United Nations Population Fund, relevant human rights special procedures, as well as agencies and organizations that work in post-disaster and post-conflict situations, and civil society representatives, in order to prepare the above-mentioned research-based report;

3. *Encourages* the Advisory Committee, when elaborating the above-mentioned report, to take into account, as appropriate, the work done on the issue by competent United Nations bodies and mechanisms within their respective mandates;

4. *Requests* the Advisory Committee to present a progress report of the requested research-based report to the Human Rights Council at its twenty-sixth session for its consideration.

*48th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/17**

### **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 67/122 of 18 December 2012, 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 Territories<sup>33</sup> 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,

<sup>33</sup> A/67/550.

*Reaffirming also* the previous relevant resolutions of the Commission on Human Rights and of the Human Rights Council, the most recent being Council resolution 19/14 of 22 March 2012,

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 Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;<sup>33</sup>

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 26 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-fifth session;

10. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its twenty-fifth session.

*48th meeting  
21 March 2013*

[Adopted by a recorded vote of 29 to 1, with 17 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Ecuador, Ethiopia, Guatemala, India, Indonesia, Kazakhstan, Kuwait, Libya, Malaysia, Maldives, Mauritania, Pakistan, Peru, Philippines, Qatar, Sierra Leone, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

United States of America

*Abstaining:*

Austria, Côte d'Ivoire, Czech Republic, Estonia, Gabon, Germany, Ireland, Italy, Japan, Kenya, Montenegro, Poland, Republic of Korea, Republic of Moldova, Romania, Spain, Switzerland]

## **22/18**

### **Assistance to the Republic of Mali 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,

*Recalling* General Assembly resolution 60/251 of 15 March 2006 and Council resolutions 5/1 and 5/2 of 18 June 2007, 20/17 of 6 July 2012 and 21/25 of 28 September 2012,

*Recalling also* Security Council resolution 2085 (2012) of 20 December 2012,

*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, and the international human rights covenants and other relevant human rights instruments to which they are party,

*Reaffirming also* its commitment to the sovereignty, independence, unity and territorial integrity of the Republic of Mali,

*Welcoming* the solemn declarations on the situation in Mali of the Assembly of Heads of State and Government of the African Union of 16 July 2012 (Assembly/AU/Decl.1(XIX)) and of 28 January 2013 (Assembly/AU/Decl.3(XX)),

*Taking note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Mali,<sup>34</sup>

*Welcoming* the deployment to Mali of a mission of observers of the United Nations High Commissioner for Human Rights,

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<sup>34</sup> A/HRC/22/33 and Corr.1.

*Noting with concern* the human rights situation in the Republic of Mali, particularly in the north of the country, and the serious humanitarian crisis and its consequences for the countries of the Sahel,

1. *Condemns* the excesses and abuses committed in the Republic of Mali, particularly in the north of the country, by, among others, the rebels, terrorist groups and other organized transnational crime networks, which include violence against women and children, summary and extrajudicial executions, hostage-taking, pillaging, destruction of cultural and religious sites and recruitment of child soldiers, as well as all other human rights violations;

2. *Repeats its call* for an immediate halt to all human rights violations and acts of violence and for strict respect of all human rights and fundamental freedoms;

3. *Commends* the Government of Mali on the steps it has taken to bring all perpetrators of such acts before impartial courts, takes note of the signature of an agreement on judicial cooperation between the Republic of Mali and the International Criminal Court on 13 February 2013, and welcomes the establishment of a commission for dialogue and reconciliation in Mali;

4. *Welcomes* the current deployment of the African-led International Support Mission to Mali and the crucial support provided to Mali by the countries of the Economic Community of West African States and other member countries of the African Union in the region, including Chad, as well as all its other partners, for the restoration of peace and security throughout its territory;

5. *Calls upon* all forces and all armed groups present within the territory to ensure that international human rights law and international humanitarian law are strictly respected;

6. *Continues* to support current efforts by the African Union, the Economic Community of West African States and all other partners to resolve the crisis in the Republic of Mali and bring about a return to constitutional order;

7. *Calls upon* the Government of Mali to guarantee freedom of expression and invites it to organize free, transparent elections as soon as possible with a view to creating conditions conducive to a return to constitutional order, to a lasting and inclusive reconciliation of the different components of the Malian population and to the consolidation of peace, while ensuring that women participate fully in the election and reconciliation processes;

8. *Reiterates* its appreciation for the humanitarian assistance already provided to the populations affected by the crisis and urges the international community to continue to deliver, in consultation with the Government of Mali and the bordering countries concerned, adequate and secure humanitarian assistance to refugees and displaced persons;

9. *Decides* to establish a one-year mandate for an independent expert on the situation of human rights in Mali with a view to assisting the Government of Mali in its efforts to promote and protect human rights;

10. *Requests* the Independent Expert, within the bounds of his or her mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, all other international organizations concerned and with Malian civil society and to report to the Human Rights Council at its twenty-fifth session;

11. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Independent Expert with all the assistance needed to enable the expert to fully discharge his or her mandate;

12. *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 through the institution of possible transitional justice mechanisms;

13. *Requests* the High Commissioner to provide it with an updated report on the human rights situation in Mali for its consideration at its twenty-third session;

14. *Decides* to remain seized of this matter.

48th meeting  
21 March 2013

[Adopted without a vote.]

## 22/19

### 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 in building the basis for democracy, the rule of law and human rights,

*Recalling* General Assembly resolution 60/251 of 15 March 2006, and Assembly resolution 66/11 of 18 November 2011 on the restoration of the rights of membership of Libya in the Human Rights Council,

*Referring* to 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* Human Rights Council resolution 5/1 of 18 June 2007, on building the institutions of the Council,

*Recalling also* Human Rights Council resolutions S-15/1 of 25 February 2011, 17/7 of 17 June 2011 and 18/9 of 29 September 2011,

*Recalling further* Human Rights Council resolution 19/39 of 23 March 2012, on assistance for Libya in the field of human rights,

1. *Takes note* of the statement of the United Nations High Commissioner for Human Rights on the assistance 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;

2. *Welcomes* the renewal of the mandate of the United Nations Support Mission in Libya, and acknowledges the commitment of Libya to the process of transitional democracy and to affirming the rule of law and protection of human rights;

3. *Also welcomes*:

(a) The statement delivered by the Prime Minister of Libya on 25 February 2013 to the Human Rights Council during the high-level segment of its twenty-second session;

(b) The wish expressed by the Government of Libya to continue its cooperation with the Office of the High Commissioner and to renew the invitation to the High Commissioner to visit Libya;

(c) The election of the members of the General National Congress on 7 July 2012 in a democratic and transparent atmosphere, which was an essential step towards preparing the Constitution, and the formation, on 31 October 2012, of an interim Government that focused its priorities on respect for human rights and maintaining peace;

(d) The commitment of Libya to the rule of law and the establishment of legislative, executive and judicial branches of government in accordance with its international obligations, including the establishment of a committee on human rights within the General National Congress;

(e) The launch of the process for drawing up a national action plan on enhancing the protection of human rights in partnership with the High Commissioner with a view to building a State governed by the rule of law;

(f) The formation of a standing ministerial committee chaired by the Minister for Justice to receive complaints regarding human rights violations and to take the necessary action;

(g) The establishment of the National Council for Fundamental Freedoms and Human Rights on 28 December 2011 as an independent national human rights institution in conformity with the Paris Principles;

(h) Efforts to strengthen the role of and support for civil society and non-governmental organizations in enhancing, affirming and raising awareness of human rights;

(i) The ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, as well as the progress towards ratifying 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;

(j) The strengthened role of the judiciary and the reactivation of the constitutional jurisdiction of the Supreme Court, as a result of which Law No. 37, which had been passed by the National Transitional Council in May 2012, was declared unconstitutional;

(k) The issuance of new rules and regulations to guarantee freedom of speech, peaceful protest and assembly, as well as the formation of political parties;

4. *Urges* the Government of Libya to continue to investigate all violations of human rights and to guarantee fair trials for the accused;

5. *Welcomes* the continued cooperation of the Government of Libya with the International Criminal Court;

6. *Invites* the legislative authorities of Libya to promulgate the amended law on the implementation of national reconciliation and transitional justice to consolidate social peace and harmony;

7. *Calls on* 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, and to provide a framework for the engagement of the Office of the United Nations High Commissioner for Refugees in Libya, and encourages the Government to consider signing and ratifying the Convention relating to the Status of Refugees;

8. *Welcomes* the efforts made by the Government of Libya to stabilize the security situation, and urges it to maintain this process through arms control and the reintegration into the community of the armed groups currently operating outside government control, and to continue its efforts to prevent cases of arbitrary arrest and the ill-treatment of detainees;

9. *Also welcomes* the commitment of the Government of Libya to bring all detainees and detention camps under government authority, as reflected in Ministerial Decree No. 219 of 18 February 2013, and calls upon the Government to continue these efforts to establish full control of such facilities in order to ensure that detainees, including foreign detainees, are treated in accordance with its international obligations, including those relating to due process, humane conditions of detention and fair trials;

10. *Urges* the Government of Libya to take further steps to protect freedom of religion and belief according to its international obligations, to prevent attacks against persons belonging to religious or ethnic minorities, and to prosecute the perpetrators of such attacks;

11. *Urges* the Libyan authorities to expedite the return of all persons displaced by the conflict since 2011, in accordance with the law on national reconciliation and transitional justice;

12. *Welcomes* the efforts made by the Government of Libya to empower women and girls, particularly in relation to the Constitution, the electoral system, the police and the judiciary;

13. *Takes note* of the final report of the international commission of inquiry on Libya,<sup>35</sup> and encourages the Government of Libya to implement fully the recommendations contained therein;

14. *Welcomes* the technical support provided by the Office of the High Commissioner, the relevant international organizations and the Friends of Libya to promote the process of building a State governed by the rule of law;

15. *Also welcomes* the outcome of the International Ministerial Conference held in Paris on 12 February 2013 to support Libya in its efforts to improve human rights and security, and requests international partners to provide their full support for the process;

16. *Requests* the Office of the High Commissioner to prepare a written report, for submission to the Human Rights Council at its twenty-fifth session, reflecting human rights regarding the technical support and capacity-building needs of Libya, with a view to

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<sup>35</sup> A/HRC/19/68.

strengthening the promotion and protection of, and respect for, human rights and fundamental freedoms and exploring ways of cooperation to overcome the challenges in the areas of security, respect for the rule of law, transitional justice and human rights.

*48th meeting  
21 March 2013*

[Adopted without a vote.]

## **22/20**

### **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 19/8 of 22 March 2012, 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,

*Recalling* Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

*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, 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<sup>36</sup> on the need to respect and protect freedom of religion or belief of persons belonging to religious minorities, and noting 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. *Decides* to extend the mandate of the Special Rapporteur for a further period of three years, and invites the Special Rapporteur to discharge his mandate in accordance with paragraph 18 of Human Rights Council resolution 6/37;

15. *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;

16. *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;

17. *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.

*49th meeting  
22 March 2013*

[Adopted without a vote.]

## **22/21**

### **Torture and other cruel, inhuman or degrading treatment or punishment: rehabilitation of torture victims**

*The Human Rights Council,*

*Recalling* all resolutions on torture and other cruel, inhuman or degrading treatment or punishment adopted by the General Assembly, the Commission on Human Rights and the Council,

<sup>36</sup> A/HRC/22/51.

*Reaffirming* that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment, and recalling in this regard the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and relevant provisions in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

*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 or 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 relevant international instruments, and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

*Noting* that torture and inhuman treatment are grave breaches of the Geneva Conventions of 1949 and that, under the Statute of the International Criminal Tribunal for the Former Yugoslavia, the Statute of the International Criminal Tribunal for Rwanda and the Rome Statute for the International Criminal Court, acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

*Recalling* article 14 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment providing a right to redress for victims of torture, and General Assembly resolution 60/147 of 16 December 2005, in which the Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

*Taking note* of the general comment of the Committee against Torture regarding the implementation of article 14 of the Convention,<sup>37</sup>

*Reaffirming and recalling* resolutions of the Human Rights Council and the General Assembly, including Assembly resolution 36/151 of 16 December 1981, in which the Assembly established the United Nations Voluntary Fund for Victims of Torture, in which States are urged to ensure that victims of torture and other cruel, inhuman or degrading treatment or punishment obtain redress and are awarded fair and adequate compensation and receive appropriate social, psychological, medical and other relevant specialized rehabilitation,

*Noting* that, for the purposes of the present resolution, the term “victim” means a victim of torture or other cruel, inhuman or degrading treatment or punishment, and that a person should be considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted or convicted and regardless of any familial or other relationship between the perpetrator and the victim,

*Recognizing* that redress depends upon and is obtained through prompt, effective and impartial investigations of torture or other cruel, inhuman or degrading treatment or punishment and acknowledgement of the violations, and that the provision of redress has an inherent preventive and deterrent effect in relation to future violations,

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<sup>37</sup> CAT/C/GC/3.

*Recognizing also* that the main purpose of rehabilitation is to enable victims to regain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under domestic criminal law punishable by appropriate penalties that take into account their grave nature, and calls upon States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

3. *Urges* all States that have not yet become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to do so, and to give early consideration to signing and ratifying the Optional Protocol thereto as a matter of priority;

4. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially investigate all allegations of torture or other cruel, inhuman or degrading treatment or punishment, as well as wherever there is reasonable ground to believe that such an act has been committed and that those who encourage, instigate, order, tolerate, acquiesce in, consent to or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including the officials in charge of any place of detention or other place where persons are deprived of their liberty where the prohibited act is found to have been committed;

5. *Recalls* in this respect the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) as a valuable tool in efforts to prevent and combat torture, and the updated set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity;

6. *Stresses* that national legal systems must ensure that victims obtain redress without suffering any reprisals for bringing complaints or giving evidence;

7. *Recognizes* the interdependence and equal importance of providing an effective remedy and reparation, including restitution, fair and adequate compensation, rehabilitation, satisfaction and guarantees of non-repetition, to redress torture and other cruel, inhuman or degrading treatment or punishment;

8. *Calls upon* States to provide redress for victims of torture and other cruel, inhuman or degrading treatment or punishment encompassing effective remedy and adequate, effective and prompt reparation, which should include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, taking into full account the specific needs of the victim;

9. *Encourages* States to adopt a victim-oriented approach and to put victims and their individual needs at the centre of redress procedures, including by implementing procedures for the effective participation of victims in the redress process, consulting victims and organizations representing them in determining appropriate individual reparation, and taking measures to avoid retraumatization of the victim caused by or during the redress process;

10. *Urges* States to pay special attention to the provision of redress for gender-based violence that constitutes torture or other cruel, inhuman or degrading treatment or punishment, and to adopt a gender-sensitive approach to redress;

11. *Recognizes* that sexual violence and gender-based violence that constitute torture or other cruel, inhuman or degrading treatment or punishment affect victims, their families, communities and societies, and stresses that effective remedies in those situations should include access to health care, psychosocial support, legal assistance and socioeconomic reintegration services for victims of such violence;

12. *Urges* States to ensure that appropriate rehabilitation is promptly available to all victims without discrimination of any kind, provided either directly by the public health system or through the funding of private rehabilitation facilities, including those administered by civil society organizations, and to consider making rehabilitation available to the immediate family or dependents of the victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization;

13. *Recognizes* the importance of full, holistic and specialized rehabilitation services, which include any necessary coordinated combination of medical and psychological care, as well as legal, social, community- and family-based, vocational, educational services and interim economic support and that are performed by specialists with a view to establish the restoration of functions or the acquisition of new skills required by the changed circumstances of a victim in the aftermath of torture or other cruel, inhuman or degrading treatment or punishment;

14. *Urges* States to establish, maintain, facilitate or support rehabilitation centres or facilities where victims can receive such treatment and where effective measures for ensuring the safety of their staff and patients are taken;

15. *Encourages* States to make rehabilitation services available at the earliest possible stage and without limitation in time until as full rehabilitation as possible is achieved;

16. *Calls upon* States to ensure that victims are duly informed about the availability of rehabilitation services and that procedures for obtaining rehabilitation are transparent;

17. *Encourages* States to ensure early assessment and evaluation of individuals' rehabilitation needs, and recalls in this regard the Istanbul Principles as a valuable tool, and also to ensure continuous evaluation of the quality of the rehabilitation services;

18. *Urges* States to respect the professional and moral independence, duties and responsibilities of rehabilitation personnel, as well as the confidentiality of the rehabilitation process, and to ensure that they or the victims are not subjected to reprisals or intimidation;

19. *Encourages* States to ensure that persons providing rehabilitation services, as well as other relevant professionals, receive initial and continuing, adequate and regular training relevant to implement the prohibition against torture and to provide rehabilitation;

20. *Encourages* bilateral and international cooperation on effective remedy and reparation, including rehabilitation for victims, encourages States and other donors to contribute generously to the United Nations Voluntary Fund for Victims of Torture, established to provide humanitarian, legal and financial aid to victims of torture and their relatives, and requests the Office of the United Nations High Commissioner for Human Rights to provide advisory services in cooperation with other relevant United Nations agencies to States on the provision of redress to torture victims;

21. *Invites* the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other relevant special procedures and treaty bodies to continue to address effective remedy and reparation, including rehabilitation of victims;

22. *Takes note* of the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.<sup>38</sup>

49th meeting  
22 March 2013

[Adopted without a vote.]

## 22/22

### Prevention of genocide

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, as well as other relevant international instruments,

*Recalling* Human Rights Council resolution 7/25 on the prevention of genocide, adopted on 28 March 2008,

*Considering* that the sixty-fifth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted on 9 December 1948 and succeeded by the adoption of the Universal Declaration of Human Rights on the next day, provides an important opportunity for the international community to draw the attention of all States to the significance of the Convention and to invite them to redouble their efforts in the prevention and punishment of the crime of genocide,

*Emphasizing* that the crime of genocide is recognized in the Convention as an odious scourge that has inflicted great losses on humanity, and that further international cooperation is required to facilitate the timely prevention and punishment of the crime of genocide,

*Deeply concerned* about the occurrence in recent history of genocide, recognized as such by the international community, on the basis of and as defined in the Convention, and bearing in mind that massive, serious and systematic violations of human rights and international humanitarian law might result in genocide,

*Taking into consideration* that States parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968 have agreed that no statutory limitation shall apply to such crimes, including the crime of genocide, irrespective of the date of their commission,

*Affirming* that impunity for such crimes encourages their occurrence and is a fundamental obstacle to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such crimes is an important factor in their prevention,

*Acknowledging* the significant progress made by the international community in the past sixty five years, including within the United Nations system, in developing relevant

<sup>38</sup> A/HRC/22/53.

mechanisms and practices to prevent and punish the crime of genocide, thereby contributing to the effective implementation of the Convention on the Prevention and Punishment of the Crime of Genocide,

*Recalling* General Assembly resolution 96 (I) of 11 December 1946, in which the Assembly declared genocide a crime under international law, and all subsequent resolutions within the United Nations system that have contributed to the establishment and development of the process of prevention and punishment of the crime of genocide, including Assembly resolution 60/1 of 16 September 2005,

*Acknowledging with appreciation* that genocide is defined among the most serious crimes of concern to the international community as a whole in the Rome Statute of the International Criminal Court, and also acknowledging the role of the Court and other relevant international criminal tribunals in helping to increase accountability for the crime of genocide,

*Stressing* the importance of the promotion of truth, justice, reparation and guarantees of non-recurrence to the prevention of genocide, and also stressing that perpetrators of this crime should be held criminally accountable on the national or international level,

*Acknowledging* the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth,<sup>39</sup> and encouraging States to cooperate with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

*Encouraging* States to promote the ascertainment of the truth by appropriate means as an important element in combating impunity, promoting accountability as part of the prevention of genocide and comprehensive reconciliation,

*Recognizing* that an important factor for the prevention of genocide is the identification of the root causes of genocide, as well as early warning signs,

*Recalling* that the Human Rights Council was mandated by the General Assembly to address situations of violations of human rights, including gross and systematic violations, and to make recommendations thereon, and that it should also promote the effective coordination and mainstreaming of human rights in the United Nations system,

*Recognizing* the important contribution of the United Nations human rights system to efforts to prevent situations in which the crime of genocide could be committed,

*Reaffirming* its full support for the mandate of the Special Adviser of the Secretary-General on the Prevention of Genocide, who acts as, inter alia, an early warning mechanism to prevent potential situations that could result in genocide,

*Taking note* of the analysis framework developed by the Office of the Special Adviser on the Prevention of Genocide as one of the tools to assess the risk of genocide in any situation, and encouraging Member States and regional and subregional organizations to use relevant frameworks, as appropriate, for guidance in their prevention work,

*Taking note with appreciation* of the presentation of the reports of the Secretary-General submitted to the Human Rights Council on the implementation of the Five-Point Action Plan<sup>40</sup> and on the activities of the Special Adviser,<sup>41</sup> as well as of the convening of three interactive dialogues with the Special Adviser at the third, seventh and tenth sessions of the Council,

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<sup>39</sup> E/CN.4/2006/91, A/HRC/5/7, A/HRC/12/19 and A/HRC/15/33.

<sup>40</sup> E/CN.4/2006/84.

<sup>41</sup> A/HRC/7/37 and A/HRC/10/30.

*Recalling* the 2005 World Summit Outcome,<sup>42</sup>

*Welcoming* the seminar organized in January 2009, pursuant to Human Rights Council resolution 7/25, commemorating the sixtieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide and bringing together States, relevant United Nations entities and other international and regional organizations, civil society and academic and research bodies to discuss existing preventive strategies, initiatives and mechanisms within the United Nations human rights system, and the role of Member States, regional bodies and other entities in the prevention of genocide,

*Acknowledging* the important role played by regional and subregional arrangements in the prevention of genocide and response to situations that may lead to genocide, and taking note in this respect of the establishment of the Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination by the International Conference on the Great Lakes Region, and of the establishment of respective national committees by the member States of the Conference, the Latin American Network for Genocide and Mass Atrocity Prevention, the Genocide Network of the European Union and other national, regional and international initiatives,

*Acknowledging also* the successful outcomes of the Regional Forums on the Prevention of Genocide, the fourth of which was held in Phnom Penh, from 28 February to 1 March 2013,

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the prevention and punishment of the crime of genocide;

2. *Reiterates* the responsibility of each individual State to protect its population from genocide, which entails the prevention of such a crime, including incitement to it, through appropriate and necessary means;

3. *Encourages* Member States to build their capacity to prevent genocide through the development of individual expertise and the creation of appropriate offices within Governments to strengthen the work on prevention;

4. *Encourages* States to consider the appointment of focal points on the prevention of genocide, who could cooperate and exchange information and best practices among themselves and with the Special Adviser on the Prevention of Genocide, relevant United Nations bodies and with regional and subregional mechanisms;

5. *Expresses its appreciation* to all States that have ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, and in particular to the States that have done so since the adoption by the Human Rights Council of its resolution 7/25 on 28 March 2008;

6. *Calls upon* States that have not yet ratified or acceded to the Convention to consider doing so as a matter of high priority and, where necessary, to enact national legislation in conformity with the provisions of the Convention;

7. *Stresses* the importance of enhanced international cooperation, including through the United Nations system and through regional organizations, aimed at fostering the principles enshrined in the Convention;

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<sup>42</sup> General Assembly resolution 60/1.

8. *Calls upon* all States, in order to deter future occurrences of genocide, to cooperate, including through the United Nations system, in strengthening appropriate collaboration among existing mechanisms that contribute to the early detection and prevention of massive, serious and systematic violations of human rights that, if not halted, could lead to genocide;

9. *Recognizes* the important role of the Secretary-General in contributing to prompt consideration of cases of early warning or prevention, as mandated by the Security Council in its resolution 1366 (2001) of 30 August 2001, and the functions of the Special Adviser on the Prevention of Genocide who, in accordance with his mandate, collects existing information, in particular from within the United Nations system, liaises with the United Nations system on activities for the prevention of genocide and works to enhance the capacity of the United Nations to analyse and manage information relating to genocide or related crimes;

10. *Requests* all Governments to cooperate fully with the Special Adviser on the Prevention of Genocide in the performance of his work, to furnish all relevant information requested and to react promptly to his urgent appeals;

11. *Underlines* the important role of the United Nations human rights system, including that of the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures and treaty bodies in addressing the challenge of collating information on massive, serious and systematic violations of human rights, thereby contributing to a better understanding and early warning of complex situations that might lead to genocide;

12. *Reiterates* the importance of the universal periodic review mechanism of the Human Rights Council, which is an important instrument for advancing human rights, and invites States to include, where appropriate, the information on the prevention of genocide, war crimes and crimes against humanity in their national reports;

13. *Encourages* the Special Adviser on the Prevention of Genocide and the High Commissioner to further enhance the systematic exchange of information between their offices and between the Special Adviser and all relevant special procedures, including those concerned with the promotion and protection of human rights of persons belonging to national, ethnic, racial or religious groups, as outlined in article II of the Convention on the Prevention and Punishment of the Crime of Genocide, as well as to continue collaboration with relevant international, regional and subregional organizations, national human rights institutions and civil society;

14. *Reiterates* the importance, when addressing complex situations that might lead to genocide as defined in the Convention, of a prompt and comprehensive examination of a set of multiple factors, including legal factors and possible warning signs as identified in, inter alia, the report of the Secretary-General on the implementation of the Five-Point Action Plan<sup>40</sup> and the analysis framework of the Special Adviser on the Prevention of Genocide, such as the existence of groups at risk, the massive, serious and systematic violation of human rights, the resurgence of systematic discrimination and the prevalence of expressions of hate speech targeting persons belonging to national, ethnic, racial or religious groups, especially if they are uttered in the context of an actual or potential outbreak of violence;

15. *Encourages* States to make use of appropriate international and regional forums to address the issue of prevention of genocide, including, inter alia, the annual meetings of regional and thematic organizations and their related human rights machinery dedicated to the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide;

16. *Invites* Member States and regional and subregional organizations to look at the examples of best practices of prevention of genocide developed in other regions, as appropriate, taking into account their specific regional and national circumstances, with the aim of exchanging experiences and good practices in order to strengthen prevention measures, including early warning mechanisms and forms of cooperation;

17. *Encourages* Governments, in cooperation with international and regional organizations and civil society, while promoting human rights education activities, to continue to disseminate knowledge of the principles of the Convention, paying particular attention to the principles of prevention;

18. *Emphasizes* the important role that education, including human rights education, can play in genocide prevention, and further encourages Governments to promote, as appropriate, educational programmes and projects that contribute to the prevention of genocide;

19. *Takes note* of the provision of training and technical assistance to Member States by the United Nations to strengthen early warning mechanisms for the prevention of genocide, as well as other prevention capacities, and encourages Member States to consider requesting such assistance, if required;

20. *Invites* States as a preventive measure to provide appropriate ways, which may include the establishment of national days of remembrance of victims of genocide, war crimes and crimes against humanity, which will ensure that such horrendous crimes are never forgotten and provide an opportunity for everyone to learn lessons from the past and create a safer future;

21. *Requests* the High Commissioner to organize, from within existing resources, a high-level panel discussion dedicated to the sixty-fifth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide during its twenty-fifth session, with the participation of Member States, relevant United Nations bodies, agencies and other relevant stakeholders, and also requests the Office of High Commissioner to prepare and submit a summary report on the panel discussion;

22. *Invites* the Special Adviser to the Secretary-General on the Prevention of Genocide to an interactive dialogue dedicated to the tenth anniversary of the creation of the mandate of the Special Adviser at its twenty-fifth session;

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

*49th meeting  
22 March 2013*

[Adopted without a vote.]

## **22/23**

### **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 and 19/12 of 22 March 2012, General Assembly resolution 67/182 of 20 December 2012 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,<sup>43</sup> 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,

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-fifth session and to the General Assembly at its sixty-eighth 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 to provide 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.

*49th meeting  
22 March 2013*

[Adopted by a recorded vote of 26 to 2, with 17 abstentions. The voting was as follows:

*In favour:*

Argentina, Austria, Botswana, Brazil, Chile, Costa Rica, Czech Republic, Estonia, Gabon, Germany, Guatemala, Ireland, Italy, Japan, Libya, Maldives, Montenegro, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, United States of America

*Against:*

Pakistan, Venezuela (Bolivarian Republic of)

*Abstaining:*

Angola, Benin, Burkina Faso, Congo, Côte d'Ivoire, Ecuador, Ethiopia, India, Indonesia, Kenya, Kuwait, Malaysia, Mauritania, Philippines, Thailand, Uganda, United Arab Emirates]

## **22/24**

### **Situation of human rights in the Syrian Arab Republic**

*The Human Rights Council,*

*Guided by* the Charter of the United Nations,

*Recalling* General Assembly resolutions 66/176 of 19 December 2011, 66/253A of 16 February 2012, 66/253B of 3 August 2012 and 67/183 of 20 December 2012, Human

<sup>43</sup> A/HRC/22/56.

Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 23 August 2011, S-18/1 of 2 December 2011, 19/1 of 1 March 2012, 19/22 of 23 March 2012, S-19/1 of 1 June 2012, 20/22 of 6 July 2012 and 21/26 of 28 September 2012, and Security Council resolutions 2042 (2012) of 14 April 2012 and 2043 (2012) of 21 April 2012,

*Recalling also* Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

*Recalling further* all resolutions of the League of Arab States relating to the situation in the Syrian Arab Republic, in particular its resolution 7595 of 6 March 2013, in which the League reviewed the very serious situation in the Syrian Arab Republic due to the escalating violence and killings in most of the Syrian territory, and the continuation of grave violations of human rights by the Syrian regime using heavy weapons, warplanes and Scud missiles to bomb neighbourhoods and populated areas, which has seriously increased the number of victims, caused human displacement inside the Syrian Arab Republic and an influx of thousands of Syrians to the neighbouring countries fleeing violence, which targets even children and women who have been subjected to frightful massacres, threatening thus to lead to the collapse of the Syrian State and endangers the security, peace and stability of the region,

*Recalling* the outcome on the Syrian Arab Republic of the twelfth session of the Islamic Summit Conference, held in Cairo from 2 to 7 February 2013, where the Organization of Islamic Cooperation strongly condemned the ongoing bloodshed in the Syrian Arab Republic, underlined the primary responsibility of the Government of the Syrian Arab Republic for the continued violence and destruction of property, and expressed grave concern over the deteriorating situation, the increasing frequency of killings, which claim the lives of thousands of unarmed civilians, and the perpetration of massacres in towns and villages by the Syrian authorities,

*Recalling also* all meetings of the Group of Friends of the Syrian People, in particular the fourth Ministerial Meeting, held in Marrakech on 12 December 2012, where the participants acknowledged the National Coalition for Syrian Revolutionary and Opposition Forces as the legitimate representative of the Syrian people,

*Reaffirming* its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter,

*Expressing grave concern* at the continuing escalation of violence in the Syrian Arab Republic, in particular, the continued, widespread and systematic gross violations of human rights and the continued use of heavy weapons and aerial bombardments by the Syrian authorities against the Syrian population, and the failure of the Government of the Syrian Arab Republic to protect its population,

*Recalling* that the commission of inquiry stated that the issue of accountability for those responsible for international crimes deserves to be raised in a more robust manner to counter the pervasive sense of impunity in the country,

*Emphasizing* the need to hold accountable all those responsible for the violations and abuses committed,

*Expressing deep concern* at the growing number of refugees and internally displaced persons fleeing the violence, and welcoming the efforts by neighbouring countries to host Syrian refugees while acknowledging the socioeconomic consequences of the presence of large-scale refugee populations in these countries, and also welcoming the valuable contribution of other countries in facing this humanitarian challenge,

*Deploring* the further deterioration of the humanitarian situation and the failure to ensure the safe and timely provision of humanitarian assistance to all areas affected by the fighting,

*Strongly condemning* the shelling as well as the shooting by the Syrian armed forces into neighbouring countries, which led to casualties and injuries of the civilians of those countries as well as of Syrian refugees, and underlining that such incidents violated international law and highlighted the grave impact of the crisis in the Syrian Arab Republic on the security of its neighbours and on regional peace and stability,

*Recalling* the statements made by the United Nations High Commissioner for Human Rights before the Human Rights Council and the Security Council, and by the special procedures of the Human Rights Council that crimes against humanity 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 independent international commission of inquiry on the Syrian Arab Republic submitted pursuant to Human Rights Council resolution 21/26;<sup>44</sup>

2. *Deeply regrets* the lack of cooperation of the Government of the Syrian Arab Republic with the commission of inquiry, in particular the persistent denial of access to members of the commission to the Syrian Arab Republic;

3. *Condemns* all violence, especially against civilians, irrespective of where it comes from, including terrorist acts and acts of violence that may foment sectarian tensions;

4. *Strongly condemns* the continued widespread and systematic gross violations of human rights and fundamental freedoms by the Syrian authorities and the government-affiliated militia, such as those involving the shelling of populated areas with ballistic missiles, the use of heavy weapons and force against civilians, unlawful killings, extrajudicial executions, arbitrary arrest and detentions, massacres, enforced disappearances, widespread and systematic attacks against the civilian population, the use of torture and other forms of ill-treatment, sexual violence against women, men and children, indiscriminate shelling and aerial bombardment on civilian gatherings, and mass killings, as well as any human rights abuses by armed opposition groups, while noting that the commission of inquiry stated in its report that abuses committed by anti-Government armed groups did not reach the intensity and scale of the violations committed by government forces and its affiliated militia;

5. *Condemns in the strongest terms* all massacres taking place in the Syrian Arab Republic, and stresses the need to hold those responsible to account;

6. *Strongly condemns* the intentional and repeated attacks against medical facilities, personnel and vehicles, as well as the use of medical civilian facilities, including hospitals, for armed purposes;

7. *Calls for* all medical facilities to be free of weapons, including heavy weapons, consistent with applicable international law;

8. *Urges* all parties to protect medical personnel, facilities and transport, as well as to allow the provision of medical care on a non-discriminatory basis;

9. *Strongly condemns* all threats and acts of violence against humanitarian personnel and United Nations and associated personnel;

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<sup>44</sup> A/HRC/22/59.

10. *Notes with grave concern* that violations of the rights of the child are being committed in the Syrian Arab Republic, in violation of the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, to which the Syrian Arab Republic is a party, and urgently calls for refraining from recruiting and involving children in the conduct of hostilities;

11. *Condemns* the widespread sexual violence committed against women, men and especially children, which constitutes an attack against human dignity, and underlines that perpetrators must be held accountable;

12. *Expresses deep concern* at the ongoing destruction of the diverse cultural heritage of the Syrian Arab Republic;

13. *Calls upon* the Syrian authorities to immediately put an end to all human rights violations and attacks against civilians, to protect the population and to comply fully with their obligations under applicable international law, and calls upon all parties to put an end to all forms of violence;

14. *Calls upon* all parties to respect fully international law applicable to the rights and protection of women and girls, and to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and also calls for the involvement of women at decision-making levels in conflict resolution and peace processes;

15. *Urges* the Syrian authorities to release immediately all persons arbitrarily detained, including the members of the Syrian Centre for Media and Freedom of Expression, to publish a list of all detention facilities, to ensure that conditions of detention comply with applicable international law, and to allow immediately access of independent monitors to all detention facilities;

16. *Reiterates its call* upon the Syrian authorities to meet its responsibility to protect the Syrian population;

17. *Reaffirms* its support for the mission of the Joint Special Representative of the United Nations and the League of Arab States, Lakhdar Brahimi, and expresses its full support for his efforts towards a political solution to the Syrian crisis leading to the peaceful transition to a pluralistic, democratic civil State with equality in citizenship and freedoms and full respect for human rights;

18. *Stresses* the imperative need to follow up on the report of the commission of inquiry and to conduct an international, transparent, independent and prompt investigation into all abuses and all violations of international law, committed by all parties, with a view to hold to account those responsible for violations and abuses, including those that may amount to crimes against humanity and war crimes;

19. *Encourages* members of the international community to ensure that there is no impunity for such violations or abuses, stressing that the Syrian authorities have failed to prosecute alleged perpetrators of serious violations or abuses, which may amount to war crimes or crimes against humanity;

20. *Reaffirms* that the Syrian people, on the basis of broad, inclusive and credible consultations, should determine, within the framework provided by international law, the process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations, as well as reparations and effective remedies for victims, while underlining the relevance of referrals to the appropriate international criminal justice mechanism under appropriate circumstances;

21. *Stresses* its strong support for the aspirations of the Syrian people for a peaceful, democratic and pluralistic society, in which there is no room for sectarianism or

discrimination on ethnic, religious, linguistic or any other grounds, based on the promotion of universal respect for and observance of human rights and fundamental freedoms;

22. *Underlines* the responsibility of all States Members of the Human Rights Council and the international community as a whole to be mindful of the dire situation in the Syrian Arab Republic;

23. *Welcomes* the unprecedented outcome of the International Humanitarian Pledging Conference for Syria, held in Kuwait on 30 January 2013, and urges donor States and organizations to rapidly provide the pledged funds to meet the dire needs of the Syrian people;

24. *Urges* the international community to provide urgent financial support to the host countries to enable them to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

25. *Urges* all relevant United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees, and other international organizations and donor States to provide urgent and more support to Syrian refugees and their host countries;

26. *Urges* all donors to provide expeditiously financial support to the Office for the Coordination of Humanitarian Affairs and international humanitarian organizations, as requested in the humanitarian appeal on the Syrian Arab Republic, so that they can implement more actively the humanitarian response plan inside the country;

27. *Reiterates its call* upon the Syrian authorities to allow and facilitate immediate, unimpeded and full access of humanitarian organizations to all areas of the Syrian Arab Republic in order to allow them to provide relief and humanitarian assistance, and calls on all sides to respect the safety of humanitarian workers and United Nations personnel;

28. *Decides* to extend the mandate of the independent international commission of inquiry on the Syrian Arab Republic established by the Human Rights Council in its resolution S-17/1 to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, including massacres, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable, and requests the commission to continue its work and to present a written report on the situation of human rights in the Syrian Arab Republic during an interactive dialogue at the twenty-third, twenty-fourth and twenty-fifth sessions of the Council;

29. *Requests* the commission of inquiry to continue to update its mapping exercise of gross violations of human rights in the Syrian Arab Republic since March 2011, including the assessment of casualty figures, and to publish it periodically;

30. *Requests* the Secretary-General to provide the necessary resources, including staffing, to the commission of inquiry in order to allow it to fulfil completely its mandate in the light of the increasingly deteriorating situation of human rights in the Syrian Arab Republic;

31. *Reiterates its repeated call* upon the Syrian authorities to cooperate fully with the commission of inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

32. *Decides* to transmit all reports and oral updates of the commission of inquiry to all relevant bodies of the United Nations and to the Secretary-General for appropriate action;

33. *Also decides* to remain seized of the matter.

49th meeting  
22 March 2013

[Adopted by a recorded vote of 41 to 1, with 5 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, Ethiopia, Gabon, Germany, Guatemala, Indonesia, Ireland, Italy, Japan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Pakistan, Peru, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, United Arab Emirates, United States of America

*Against:*

Venezuela (Bolivarian Republic of)

*Abstaining:*

Ecuador, India, Kazakhstan, Philippines, Uganda]

## 22/25

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

See chapter II.

## 22/26

### **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* 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,

*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 its conclusion that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, were established in breach of international law,

*Recalling also* General Assembly resolution ES-10/15 of 20 July 2004 and other relevant United Nations resolutions,

*Affirming* that the Israeli settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, are illegal under international law and constitute very serious violations of international humanitarian law and of the human rights of the Palestinian people therein, and undermine international efforts, including the Annapolis Peace Conference of 27 November 2007 and the Paris International Donors' Conference for the Palestinian State of 17 December 2007, aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

*Recalling* the statement made by the Quartet on 21 September 2010 and its attachment to the implementation by the parties of their obligations under the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and noting specifically its call for a freeze on all settlement activities,

*Expressing its grave concern* about the continuation by Israel, the occupying Power, of settlement building and expansion in the Occupied Palestinian Territory, including in East Jerusalem, in violation of international humanitarian law and relevant United Nations resolutions, including plans to expand and connect Israeli settlements around Occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State,

*Expressing its concern* that continuing Israeli settlement activity undermines the realization of a two-State solution,

*Expressing grave concern* about 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 about the route of the wall in departure from the Armistice Line of 1949, which could prejudice future negotiations and make the two-State solution impossible to implement and which is causing the Palestinian people further humanitarian hardship,

*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,

*Expressing its concern* at the failure of the Government of Israel 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. *Welcomes* the conclusions of the Council of the European Union on the Middle East peace process of 8 December 2009, in which the European Union Council of Ministers reiterated that settlements, the separation barrier where built on occupied land, and the demolition of homes and evictions are illegal under international law, constitute an obstacle to peace and threaten to make a two-State solution impossible, and particularly its urgent call upon the Government of Israel to immediately end all settlement activities, in East Jerusalem and the rest of the West Bank, and including natural growth, and to dismantle all outposts erected since March 2001;

2. *Welcomes with appreciation* the statements made by the majority of the States Members of the United Nations on the illegality of settlement activities in the

Occupied Palestinian Territory, including East Jerusalem, and reaffirming the urgent calls by the international community upon the Government of Israel to stop immediately all settlement activities, including in East Jerusalem;

3. *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 undermine the peace process, constitute a threat to the two-State solution and the creation of a contiguous, sovereign and independent Palestinian State, and are in violation of international law, and calls upon the Government of Israel to reverse immediately its decisions, which would further undermine and jeopardize the ongoing efforts by the international community to reach a final settlement compliant with international legitimacy, including relevant United Nations resolutions;

4. *Expresses its grave concern* at:

(a) The continuing Israeli settlement and related activities, in violation of international law, 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, of 12 August 1949, and in particular article 49 of that Convention, and recalls that settlements are a major obstacle to the establishment of a just and comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State;

(b) The increasing number of newly built structures, in 2008, 2009, 2010, 2011 and 2012 amounting to several thousands, including a large number of permanent buildings and structures, which undermine the efforts of the international community to advance the Middle East peace process;

(c) 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;

(d) 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;

(e) 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;

5. *Urges* 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 "natural growth" and related activities, including in East Jerusalem;

(b) To prevent any new installation of settlers in the occupied territories, including in East Jerusalem;

(c) To immediately reverse its decision to unfreeze the planning process on the E-1 plan which, if implemented, would seriously undermine the prospects of a negotiated resolution of the conflict by jeopardizing the prospects of a contiguous and viable Palestinian State and of Jerusalem as the future capital of two States, and could also entail the forced transfer of the Palestinian civilian population;

6. *Calls upon* Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

7. *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;

8. *Urges* the parties to give renewed impetus to the peace process in line with the Annapolis Peace Conference and the Paris International Donors' Conference for the Palestinian State, and to implement fully the road map endorsed by the Security Council in resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003 and 1850 (2008) of 16 December 2008, and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords, the Arab Peace initiative and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

9. *Requests* the Secretary-General to report on the implementation of the present resolution at its twenty-fifth session;

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

*50th meeting  
22 March 2013*

[Adopted by a recorded vote of 44 to 1, with 2 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Czech Republic, Ecuador, Estonia, Ethiopia, Gabon, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

United States of America

*Abstaining:*

Côte d'Ivoire, Kenya]

## **22/27**

### **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,<sup>45</sup> and in particular Part I, paragraphs 2 and 3, thereof 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,

*Recalling further* 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* 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, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

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 the preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;
4. *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;

<sup>45</sup> A/CONF.157/23.

5. *Decides* to continue the consideration of this question at its twenty-fifth session.

*50th meeting  
22 March 2013*

[Adopted by a recorded vote of 46 to 1, with no abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Ecuador, Estonia, Ethiopia, Gabon, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

United States of America]

**22/28**

**Human rights situation in the Occupied Palestinian Territory, including East Jerusalem**

*The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights,

*Recalling also* the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

*Recalling further* 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,

*Reaffirming also* 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,

*Reaffirming further* 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,

*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,

*Stressing also* the need to end 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 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 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 closures and severe economic and movement restrictions that in effect amount to a blockade and the military operations between December 2008 and January 2009, 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,

*Expressing deep concern also* 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, and a permit regime, 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 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, which remains that of a humanitarian crisis in the Gaza Strip, while taking note of recent developments with regard to the situation of access there,

*Expressing deep concern further* 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 prisoners 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, cease all practices and actions that violate the human rights of the Palestinian people, including the killing and injury of civilians, the arbitrary detention and imprisonment of civilians and the destruction and confiscation of civilian property, and that it fully respect human rights law and comply with its legal obligations in this regard;

3. *Expresses deep concern* over 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 further expresses its concern about 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;

4. *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;

5. *Also 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;

6. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, which have caused extensive loss of life and vast numbers of injuries, including among children, massive damage and destruction to homes, properties, vital infrastructure and public institutions, including hospitals, schools and United Nations facilities, and agricultural lands, mosques and private media institutions, and internal displacement of civilians;

7. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

8. *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;

9. *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;

10. *Calls upon* Israel, the occupying Power, to cease its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, and, in this regard, to fully implement 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;

11. *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;

12. *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;

13. *Requests* the Secretary-General to report on the implementation of the present resolution to the Human Rights Council at its twenty-fourth session;

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

*50th meeting  
22 March 2013*

[Adopted by a recorded vote of 46 to 1, with no abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Ecuador, Estonia, Ethiopia, Gabon, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea,

Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

United States of America]

**22/29**

**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**

*The Human Rights Council,*

*Recalling* relevant Human Rights Council resolutions, including 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,

*Recalling also* 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 further* the relevant rules and principles of international law, including international humanitarian law and international human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to the Occupied Palestinian Territory, including East Jerusalem, and to which Israel is a party,

*Recalling* the Universal Declaration of Human Rights and the other international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,

*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

*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 its conclusion that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, were established in breach of international law,

*Affirming* that the Israeli settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, are illegal under international law and constitute very serious violations of international humanitarian law and of the human rights of the Palestinian

people therein, and undermine international efforts aimed at invigorating the peace process and realizing the two-State solution,

1. *Welcomes* 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 Territories, including East Jerusalem,<sup>46</sup> and requests that all parties concerned, including United Nations bodies, implement and ensure the implementation of the recommendations contained therein in accordance with their respective mandates;

2. *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 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;

3. *Requests* the Working Group on the issue of human rights and transnational corporations and other business enterprises, including in consultation with relevant special procedures mandate holders, to fulfil its mandate accordingly;

4. *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 international 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 in East Jerusalem, to the Human Rights Council at its twenty-fifth session;

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

*50th meeting  
22 March 2013*

[Adopted by a recorded vote of 45 to 1, with no abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d’Ivoire, Czech Republic, Ecuador, Estonia, Gabon, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

United States of America]

**22/30**

**Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action**

*The Human Rights Council,*

<sup>46</sup> A/HRC/22/63.

*Recalling* General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action,

*Recalling also* all previous resolutions of the General Assembly on this matter, and underlining the need for States to implement their national plans of action to combat racism, racial discrimination, xenophobia and related intolerance,

*Recalling further* all its previous resolutions and those of the Commission on Human Rights, in particular Human Rights Council resolutions 1/5 of 30 June 2006 and 11/12 of 18 June 2009, in which the Council renewed and extended the mandate of the Intergovernmental Working Group,

*Underlining* that the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance remains a solid basis and the only instructive outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance for the combating of racism, racial discrimination, xenophobia and related intolerance,

1. *Takes note* of the efforts made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in its constructive work aimed at the effective implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference;

2. *Decides* to extend the mandate of the Intergovernmental Working Group for a period of three years;

3. *Also decides* to remain seized of this important issue under the relevant agenda item.

*50th meeting  
22 March 2013*

[Adopted by a recorded vote of 34 to 1, with 12 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Ethiopia, Gabon, Guatemala, India, Indonesia, Japan, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Pakistan, Peru, Philippines, Qatar, Republic of Korea, Sierra Leone, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

United States of America

*Abstaining:*

Austria, Czech Republic, Estonia, Germany, Ireland, Italy, Montenegro, Poland, Republic of Moldova, Romania, Spain, Switzerland]

## **22/31**

### **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 and 19/25 of 23 March 2012, and General Assembly resolutions 66/167 of 19 December 2011 and 67/178 of 20 December 2012,

*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,

*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 holding of five regional workshops on related issues by the Office of the United Nations High Commissioner for Human Rights, in Austria, Chile, Kenya, Morocco and Thailand,

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 extremists 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, and 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 in the framework of the Istanbul Process, and notes also in this regard the efforts of the Office of the United Nations High Commissioner for Human Rights and the holding of five regional workshops on separate but related issues, including 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;

5. *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;

6. *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;

7. *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;

8. *Encourages* States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the High Commissioner;

9. *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;

10. *Requests* the High Commissioner to prepare and submit to the Human Rights Council, at its twenty-fifth session, a report based upon information provided by States on the efforts and measures taken by them for the implementation of the action plan outlined in paragraphs 6 and 7 above, as well as their views on potential follow-up measures for further improvement of the implementation of that plan;

11. *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.

*50th meeting  
22 March 2013*

[Adopted without a vote.]

## **22/32**

### **Rights of the child: the right of the child to the enjoyment of the highest attainable standard of health**

*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, and bearing in mind the importance of the Optional Protocols thereto, as well as other human rights instruments,

*Reaffirming* all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly, the most recent being Council resolution 19/37 of 23 March 2012, and Assembly resolutions 67/146 and 67/152 of 20 December 2012,

*Reaffirming also* the right of everyone to a standard of living adequate for their health and well-being, which is enshrined in the Universal Declaration of Human Rights, and the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as enshrined in the International Covenant of Economic, Social and Cultural Rights as well as in the Convention on the Rights of the Child,

*Welcoming* the work of the Committee on the Rights of the Child, and taking note of its general comments Nos. 4 (2003), 7 (2005) and 13 (2011), as well as of general comment No. 14 (2000) of the Committee on Economic, Social and Cultural Rights and general recommendation No. 24 (1999) of the Committee on the Elimination of Discrimination against Women,

*Reaffirming* that States should take all appropriate measures to ensure the right of the child to the enjoyment of the highest attainable standard of physical and mental health without discrimination of any kind and, in doing so, be guided by the best interests of the child, ensuring the meaningful participation of children, consistent with their evolving capacities, in all matters and decisions affecting their lives, and take steps to ensure the allocation of available resources to the maximum extent possible to achieve the full realization of the right of the child to the highest attainable standard of health, including by strengthening international cooperation in this field,

*Reaffirming also* the commitments made by States to make every effort to accelerate the achievement of the internationally agreed development goals, including Millennium Development Goals 4, 5 and 6 by 2015, and taking into account the ongoing consultations on the United Nations development agenda beyond 2015,

*Reaffirming further* that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, while the best interests of the child shall be the guiding principle of those responsible for his or her nurture and protection, and that families' and caregivers' capacities to provide the child with care and a safe environment should be promoted,

*Taking note* of the discussions held during the full-day annual meeting on the rights of the child focused on the enjoyment of the highest attainable standard of health, and taking note of the report of the United Nations High Commissioner for Human Rights on the right of the child to the enjoyment of the highest attainable standard of health,<sup>47</sup>

*Welcoming* the work of special procedures mandate holders of the Human Rights Council relevant to the right of the child to health, as well as of the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict,

*Welcoming also* the Global Strategy for Women's and Children's Health launched in September 2010 by the Secretary-General, as well as the strong political and financial commitments made by States with regard to its implementation and supporting initiatives, including the Commission on Information and Accountability for Women's and Children's Health,

*Welcoming further* the Rio Political Declaration on Social Determinants of Health, adopted in May 2012 at the sixty-fifth World Health Assembly, in which the States Members of the World Health Organization expressed their political will to reduce health inequities through action particular to each society, on the social determinants of health,

*Recognizing* that environmental damage and occupational risks have potentially negative effects on children and their enjoyment of their right to the highest attainable standard of health and to an adequate standard of living,

*Profoundly concerned* that the situation of children in many parts of the world remains critical and has been negatively affected by the world financial and economic crisis,

*Recognizing* that, in early childhood, children are more vulnerable to disease, trauma, all forms of physical and mental violence, neglect, injury, maltreatment and abuse,

*Recalling* Human Rights Council resolutions 11/8 of 17 June 2009, 18/2 of 28 September 2011 and 21/6 of 27 September 2012 on preventable maternal mortality and morbidity, as well as the report of the Office of the United Nations High Commissioner for Human Rights on preventable maternal mortality and morbidity and human rights and the related technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality,<sup>48</sup>

*Deeply concerned* that more than six million nine hundred thousand children under the age of 5 die each year, mostly from preventable and treatable causes, caused by lack of access to health care and services, including access to skilled birth attendants and immediate newborn care, as well as to health determinants, such as safe drinking water and sanitation, safe and adequate nutrition, and that mortality remains highest among children belonging to the poorest and most marginalized communities,

<sup>47</sup> A/HRC/22/31.

<sup>48</sup> A/HRC/21/22 and Corr.1 and 2.

*Noting* that access to clean water and sanitation can reduce the risk of child mortality by 50 per cent, as well as reduce diseases such as anaemia, and vitamin deficiency, which undermine maternal health, and malaria, diarrhoea and malnutrition,

*Recognizing* that addressing inequities in child health and encouraging an equally high standard of health care within countries is crucial to reducing child mortality, achieving improvements in child well-being and in the realization of children's rights,

*Deeply concerned* about the multiple discrimination and stigmatization children face because of factors such as race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, immigration status or other status, which have a negative impact on their development, survival and right to health,

*Underlining* the need to mainstream a gender perspective and to recognize the child as a rights-holder in all policies and programmes relating to children's health,

*Recognizing* that realizing the right of the child to the enjoyment of the highest attainable standard of health is strengthened by a progressive path towards universal health coverage, with specific priority for the needs of the poorest and most vulnerable children, by providing functioning health systems that include universal access to comprehensive quality health care, including public health measures and protection, and that addresses determinants of health through an integrated, multi-sectoral approach,

*Recognizing also* that the realization of the right of the child to the enjoyment of the highest attainable standard of health is strengthened by health financing systems which evolve so as to avoid significant direct payments at the point of delivery, and include a method for pre-payment of financial contributions for health care and services, as well as a mechanism to pool risks among the population,

#### **I. Implementation of the right of the child to the enjoyment of the highest attainable standard of health**

1. *Acknowledges* that the Convention on the Rights of the Child is the most universally ratified human rights treaty, and urges the States that have not yet done so to become parties, as a matter of priority, to the Convention and the first two Optional Protocols thereto, and to consider signing and ratifying the third Optional Protocol thereto, on a communications procedure, and, concerned at the great number of reservations to the Convention, urges States parties to withdraw reservations incompatible with the objective and purpose of the Convention and the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them;

2. *Calls upon* States to take all necessary measures to ensure that the right of the child to the enjoyment of the highest attainable standard of physical and mental health is promoted and protected, without any kind of discrimination, including through the enactment and implementation of laws, strategies and policies, gender- and child-responsive budgeting and resource allocation, and adequate investment in health systems, including comprehensive and integrated primary health care, including in efforts to achieve Millennium Development Goals 4 and 5 and in the health work force;

3. *Reaffirms* the right of the child to express their views freely in all matters and decisions affecting their health, and that those views should be given due weight in accordance with their evolving capacities, and calls upon States to provide disability-, gender- and age-sensitive assistance to enable active and equal participation of all children;

4. *Calls upon* States to ensure the enjoyment by all children of all their civil, cultural, economic, political and social rights without discrimination of any kind, and to take effective and appropriate measures to ensure the right of all children to the enjoyment of the highest attainable standard of health, on an equal basis with others, as well as access

to quality, affordable and equitable health care and social services, without discrimination of any kind, and to ensure that all such children, in particular victims of violence and exploitation, receive special protection and assistance;

5. *Reaffirms* the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, 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 their rights;

6. *Urges* States to enforce law and judicial procedures in a child-friendly way, including guaranteeing that remedies are available to children when rights are violated;

7. *Calls upon* States to ensure that children have access to relevant information, education, counselling and services to be able to make informed choices concerning behaviour that may represent a risk to their health and development;

8. *Urges* all States to ensure birth registration free of cost to all children immediately after birth through universal, accessible, simple, expeditious and effective registration procedures, in accordance with article 7 of the Convention on the Rights of the Child and article 24 of the International Covenant on Civil and Political Rights, to continuously raise awareness of the importance of birth registration at the national, regional and local levels, to ensure free or low-fee late birth registration, to identify and remove physical, administrative, procedural and any other barriers, paying due attention to, among others, those barriers relating to poverty, disability, gender, nationality, displacement, statelessness, illiteracy and detention contexts, and to persons in vulnerable situations that impede access to birth registration, including late birth registration, and to ensure that children who have not been registered enjoy their human rights;

9. *Calls upon* States to strengthen their international commitment, cooperation and mutual assistance with the objective of fully realizing the right of the child to the highest attainable standard of health, including through the sharing of good practices, research, policies, monitoring and capacity-building;

## **II. Health issues relating to children requiring special attention**

### *Maternal and child mortality and morbidity*

10. *Affirms* the importance of applying a human rights-based approach to reducing and eliminating preventable maternal and child mortality and morbidity, and requests all States to renew their political commitment in that respect at all levels, and also calls upon States, in adopting a human rights-based approach, especially to scale up efforts to achieve integrated management of maternal, newborn and child health care and to take action to address the main causes of maternal and child mortality;

### *Malnutrition*

11. *Calls upon* all States and, if appropriate, relevant international organizations, to combat all forms of malnutrition and 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, up to the age of 2 years, and to reaffirm the rights of everyone to have access to safe 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 their physical and mental capacities;

12. *Recognizes* the importance of the implementation of the human right to safe drinking water and sanitation for the full realization of the right of the child to the enjoyment of the highest attainable standard of physical and mental health, and therefore

urges States, and through them services providers, to ensure a regular supply of safe, acceptable, accessible and affordable drinking water and sanitation services of good quality and sufficient quantity, guided also by the principles of equity, equality and non-discrimination, bearing in mind that the human right to safe drinking water and sanitation for their populations is to be progressively realized with full respect for national sovereignty;

13. *Welcomes* the comprehensive implementation plan on maternal, infant and young child nutrition of the World Health Organization, adopted on 26 May 2012 at the sixty-fifth World Health Assembly, with its targets and time frame, and urges States and, where appropriate, international organizations and partners and the private sector to establish adequate mechanisms to safeguard against potential conflicts of interest and to put the comprehensive implementation plan into practice;

#### *Mental health*

14. *Urges* States to develop and strengthen, according to national priorities and within their specific contexts, comprehensive policies and strategies that address the promotion of mental health during all stages of childhood and adolescence, including infancy and early childhood, and paying particular attention to children in high-risk situations, through actions to enhance protective factors and to address risk factors, including violence at the community, family and individual levels, as well as through the prevention of mental disability, and early identification, care, support, treatment, recovery and reintegration of children and adolescents with mental disability;

15. *Calls on* States to provide support to children with mental disability and their families to prevent placement of children in institutions, and to ensure that decisions take fully into account the principle of the best interests of the child, promote living arrangements in family settings within the community and that procedural safeguards and an independent and impartial review body in line with international standards are in place to ensure that children in mental health institutions enjoy their fundamental freedoms and basic rights;

#### *Substance abuse*

16. *Recalls* the need to adopt strategies, to prevent and to address the harmful use of alcohol and illicit substances with a holistic and human rights perspective, and to provide information, education and counselling on the effects of substance abuse, but also the importance of family and school support for its prevention and the treatment, rehabilitation and reintegration of children and adolescents with substance abuse issues;

#### *Sexual and reproductive health*

17. *Urges* States:

(a) To ensure that the right to the highest attainable standard of sexual and reproductive health is fully realized by giving full attention to the sexual and reproductive health needs of children and adolescents, consistent with their evolving capacities, through providing information, education and services, in accordance with the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development,<sup>49</sup> and the outcomes of their review conferences, on an equitable and universal basis, with their full involvement and the support of the international community, with full respect for their privacy and confidentiality, free of discrimination, and to provide them with youth-friendly and evidence-based comprehensive education, consistent with

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<sup>49</sup> A/CONF.171/13/Rev.1.

their evolving capacities, on sexual and reproductive health, human rights and gender equality to enable them to deal in a positive and responsible way with their sexuality;

(b) To increase resources at all levels, particularly in the education and health sectors, so as to enable young people, especially girls, to gain the knowledge, attitudes and life skills that they need to overcome their challenges, particularly through expanded and improved family planning services, including the prevention of HIV infection and early pregnancy, and to enjoy the highest attainable standard of physical and mental health, including sexual and reproductive health; and to provide quality services for the management of complications arising from abortion, and, in circumstances where abortion is not against the law, training and equipping health service providers and other measures to ensure that such abortion is safe and accessible;

(c) To ensure confidentiality and informed consent in the provision of health care and services, in particular with regard to sexual and reproductive health, to children and adolescents according to their evolving capacities;

#### *Freedom from violence*

18. *Welcomes* the renewal by the General Assembly of the mandate of the Special Representative of the Secretary-General on Violence against Children for a further period of three years;<sup>50</sup>

19. *Also welcomes* the joint report on prevention and responses to violence against children within the juvenile justice system of the Special Representative of the Secretary-General on Violence against Children, the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime,<sup>51</sup> and the report of the Special Representative of the Secretary-General on Violence against Children;<sup>52</sup>

20. *Calls upon* States to take, as a matter of urgency, all appropriate measures to identify and prevent and to protect children from all forms of violence in all settings, including physical, mental and sexual violence, to tackle all forms of bullying, child abuse and exploitation, domestic violence and neglect, including early and forced marriage, child trafficking, sale of children, child pornography, child prostitution and violence perpetrated by the security forces, law enforcement authorities, employees and officials in alternative care settings, detention centres or welfare institutions, including orphanages, giving priority to the gender dimension, and to address its underlying causes through a systematic, comprehensive and multi-sectoral approach, and also urges States to equip their health systems and to provide training to health workers as well as to school workers to identify and to report cases of violence, and also to provide child-sensitive and confidential counselling, reporting and complaint mechanisms and recovery, rehabilitation and reintegration services to child victims;

21. *Calls upon* all States to protect children deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment, and to ensure that, if they are arrested, detained or imprisoned, children are provided with adequate legal assistance and that they have the right to maintain contact with their family through correspondence and visits from the moment they are arrested, save in exceptional circumstances, and that no child is sentenced or subject to forced labour or corporal punishment, or deprived of access to and provision of health care and services, hygiene and environmental sanitation,

<sup>50</sup> General Assembly resolution 67/152.

<sup>51</sup> A/HRC/21/25.

<sup>52</sup> A/HRC/22/55.

education, basic instruction and vocational training, and to undertake prompt investigations of all reported acts of violence and ensure that perpetrators are held accountable;

*Harmful practices*

22. *Calls upon* States to take all necessary measures to abolish harmful practices compromising the dignity and integrity of the child, and prejudicial to the health of boys and girls, particularly by preventing and explicitly condemning such practices including but not limited to female infanticide, female genital mutilation, virginity tests, early and forced marriage, forced sterilization, prenatal sex selection, breast ironing and harmful practices against children with disabilities and children with albinism, and to develop age-appropriate, gender-sensitive, safe and confidential programmes and medical, social and psychological support services to protect, treat, counsel and reintegrate child victims;

23. *Urges* States to ensure a clear ban on harmful practices, which should be accompanied by preventive measures that should include education, information-sharing, enhancement of awareness and engaging stakeholders, including community and religious leaders, for promoting the abandonment of those practices and respect for children's rights, helping to overcome discriminatory attitudes and superstitious beliefs, thus supporting a process of social change for the abandonment of harmful practices that compromise the dignity and integrity of the child and are prejudicial to the health of boys and girls;

*Injuries and accidents*

24. *Calls on* States to reduce the burden of child injuries, and to adopt measures to reduce road traffic accidents, drowning, burns and other accidents in the home;

*Children affected by armed conflict*

25. *Calls upon* all States and other parties to armed conflict to respect fully international humanitarian law, and condemns in the strongest terms all violations of applicable international law committed against children in armed conflict involving the recruitment and use of children, killing or maiming, rape or other sexual violence, abduction, attacks against schools and hospitals, denial of humanitarian access and the forced displacement of children and their families, and urges all parties to armed conflict to end all violations that affect their physical and psychological well-being and to seek to end impunity for perpetrators by ensuring rigorous investigation and prosecution of crimes committed, taking into account transitional justice measures;

26. *Reaffirms* the essential role of the General Assembly, the Economic and Social Council and the Human Rights Council in the promotion and protection of the rights and welfare of children, including children affected by armed conflict, and takes note of the Security Council resolutions on children and armed conflict, in particular resolutions 1612 (2005) of 26 July 2005, 1882 (2009) of 4 August 2009 and 1998 (2011) of 12 July 2011, and of the undertaking by the Security Council to pay special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in these operations;

27. *Calls on* parties to armed conflict, consistent with applicable international law, to refrain from actions that impede the children's access to health services and, in this regard, also calls upon such parties to refrain from attacking hospitals and other medical facilities, as well as medical personnel and the transport of medical supplies, including through physical attacks, abductions and looting, and further calls upon parties to armed conflict to respect the prohibition under international humanitarian law of attacks on schools and hospitals and medical facilities as such, to facilitate humanitarian access to children in conflict-affected areas;

*Non-communicable diseases*

28. *Calls upon* States and, where relevant, international organizations, civil society and the private sector to advance the development, strengthening, implementation and promotion of multi-sectoral, cost-effective, population-wide interventions and policies, in particular among children and adolescents, in order to reduce the impact of non-communicable disease risk factors, such as tobacco use, unhealthy diet, physical inactivity and harmful use of alcohol, through the development and implementation of relevant international agreements and strategies, and education, legislative, regulatory and fiscal measures, where appropriate, by involving all relevant sectors, civil society, communities and the private sector, without prejudice to the right of sovereign nations to determine and establish their taxation policies and other policies;

*Children affected by HIV/AIDS*

29. *Calls on* States and all relevant stakeholders to address, as a matter of priority, the vulnerabilities faced by children affected by and living with HIV by providing care, support and treatment to those children, their families and caregivers, by promoting rights-based and child-oriented HIV and AIDS policies and programmes, and protection for children orphaned and affected by HIV; by involving children and their caregivers, as well as the private sector, to ensure access to affordable, effective and quality prevention, care and treatment, including through correct information, access to voluntary and confidential testing, sexual and reproductive health care, services and education, and access to safe, affordable, effective, quality and age-appropriate pharmaceutical products and medical technologies; by intensifying efforts to develop affordable, accessible and quality tools for early diagnosis, child-friendly combinations and new treatments for children, and prioritizing prevention of mother-to-child transmission of the virus; and by building, where needed, and supporting social security systems to protect them;

30. *Takes note* of the Global Plan towards the Elimination of New HIV Infections among Children by 2015 and Keeping Their Mothers Alive: 2011–2015;

*Environmental health*

31. *Calls on* States to, where possible, develop multi-sectoral environmental health strategies to address the health conditions caused by environmental exposure to pollutants and other environmental harm, which are affecting children disproportionately, including through public awareness-raising, education, research, surveillance, testing and treatment of health conditions caused by environmental threats, with a particular focus on child health, and to support efforts to highlight the responsibilities of businesses in relation to environmental health;

32. *Also calls on* States to recognize the link between hazardous child labour and environmental health, and urges measures to end children's exposure to hazardous chemicals in activities such as artisanal mining, and to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous, to interfere with children's education or to be harmful to their health or physical, mental, spiritual, moral or social development, and to eliminate immediately the worst forms of child labour;

*Palliative care*

33. *Further calls on* States to promote the full integration of palliative care services into treatment and support programmes for children with chronic illnesses, untreatable conditions and/or treatment failures; treatment guidelines for cancer, AIDS-related complications, neurological and other relevant conditions should include guidance on the provision of paediatric palliative care; such services should also address the

psychological, social and spiritual needs of the children, their parents or guardians, their siblings and other relatives, and the adequate training of paediatric palliative care providers;

34. *Calls on* States, including through international cooperation, to improve access to essential, safe, affordable, effective and quality medicines that are controlled under international or national law, and to strengthen national regulatory systems as they consider all possible incentives, including regulatory capacity and flexibilities in guaranteeing access to these essential medicines;

*Access to health services and medicines during emergencies*

35. *Acknowledges* that children are among the most vulnerable affected during crises, both human-made crises, such as armed conflicts, and natural disasters, and that those situations can debilitate or destroy the lifelines — health services and medicines, water supply, power and food supply systems — needed for day-to-day survival, well-being and growth, with negative health consequences, and requests States, as well as parties to conflict, to allow and facilitate provision of and non-discriminatory access to emergency health care;

*Children with disabilities*

36. *Conscious* that there is an estimated number of one hundred and fifty million children with disabilities around the world, acknowledges that national prevalence rates of disability are influenced by trends in health conditions, environmental and other factors, such as road traffic accidents, natural disasters, conflict, diet and substance abuse, and takes note in this connection of the World report on disability of 2011 by the World Health Organization and the World Bank;

37. *Calls upon* States to ensure the realization of the right to the enjoyment of the highest attainable standard of health of children with disabilities without discrimination of any kind, to provide all children with disabilities with the same range, quality and standard of free or affordable, gender-sensitive and age-appropriate health care and programmes as provided to other children, to give priority to the child's well-being and support, and to facilitate families in their child-care and child-raising efforts; and to develop strategies for the prevention and elimination of all forms of violence against children with disabilities, as well as providing those health services required by children with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, as well as access to health-related rehabilitation, reintegration and services designed to minimize and prevent further disabilities, and prevent exclusion on the basis of disability; states should also develop strategies for the prevention and elimination of all forms of violence against children with disabilities;

38. *Calls on* States to ensure that health professionals provide care on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of children with disabilities through training and the promulgation of ethical standards for public and private health care;

39. *Calls upon* States parties to the Convention on the Rights of the Child to ensure that children with disabilities have a right to express their views freely on all health-related matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and are provided with disability- and age-appropriate assistance to ensure their enjoyment of the right to the highest attainable standard of health;

*Indigenous children*

40. *Acknowledges* that indigenous boys and girls have an equal right to the enjoyment of the highest attainable standard of physical and mental health as other

children, and that States shall take the necessary steps with a view to achieving progressively the full realization of this right;

41. *Calls on* States to take effective and appropriate measures to ensure the right of indigenous children to available, accessible, acceptable and quality health facilities, goods and health services and programmes, on an equal basis with others, while also taking into account traditional preventive care, healing practices and medicines, and guaranteeing protection from violence, and ensuring that indigenous adolescent boys and girls have access to culturally sensitive and age-appropriate information and education on health-related issues that are in an accessible format, including on reproductive health and HIV prevention;

42. *Also calls on* States to ensure that indigenous children have access to the same range, quality and standard of free or affordable, cultural- and gender-sensitive, and age-appropriate health care and programmes as provided to other children, and to take measures, in consultation with indigenous peoples, to promote healthy lives, to eliminate child and maternal mortality and malnutrition and to develop measures to support those services inside their communities;

#### *Migrant children*

43. *Calls upon* all States to ensure for migrant children, as well as for children of migrant parents, the enjoyment of all human rights of every child within their jurisdiction, without discrimination of any kind, to provide access to health care, social services and education of good quality in accordance with domestic laws consistent with applicable international obligations, and to ensure that migrant children, especially those who are unaccompanied and those who are victims of violence and exploitation, receive special protection and assistance, in accordance with their obligations, as reflected in articles 9 and 10 of the Convention on the Rights of the Child;

### **III. Measures for implementation**

#### *Health system strengthening*

44. *Recognizes* that the effective and financially sustainable implementation of universal health coverage is based on a resilient and responsive health system that provides comprehensive primary health-care services, with extensive geographical coverage, including in remote and rural areas, and with special emphasis on access to populations most in need, and has an adequate skilled, well-trained and motivated workforce, as well as capacities for broad public health measures, health protection and addressing determinants of health through policies across sectors, including promoting the health literacy of the population;

45. *Acknowledges* that universal health coverage implies that all children have access, without discrimination, to nationally determined sets of the needed promotive, preventive, curative and rehabilitative basic health services and essential, safe, affordable, effective and quality medicines, while ensuring that the use of these services does not expose the users to financial hardship, with special emphasis on the poor, vulnerable and marginalized segments of the population;

46. *Recognizes* the responsibility of Governments to urgently and significantly scale up efforts to accelerate the transition towards universal access to affordable and quality health-care services;

47. *Also recognizes* the need to regularly collect, analyse and share disaggregated data on children's health at the subnational, national, regional and global levels;

*Accountability*

48. *Encourages* States to strengthen and harmonize monitoring systems in order to report regularly on the implementation of the right of the child to the enjoyment of the highest attainable standard of health in their periodic reports to human rights treaty bodies, including the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights, and in the context of their review under the universal periodic review mechanism of the Human Rights Council;

49. *Urges* States to consider implementing the recommendations made by the Commission on Information and Accountability for Women's and Children's Health to improve the accountability of results and resources, including by strengthening the accountability mechanisms for health in their own countries; strengthening their capacity to monitor, including utilizing local evidence, and evaluate progress to improve their own performance; and contributing to the strengthening and harmonization of existing international mechanisms to track progress on all commitments made;

50. *Encourages* the implementation of rights-based budget monitoring and analysis for expenditure on children in general, especially child health, as well as child impact assessments on how investments, particularly in the health sector, may serve the best interests of the child;

51. *Recommends* that consideration be given to including universal health coverage in the discussions on the post-2015 development agenda in the context of the global health challenge, and stresses the need for better coordination among accountability and monitoring mechanisms for the realization of the right of the child to the highest attainable standard of health;

52. *Encourages* States to work towards the development, strengthening, implementation and promotion, as appropriate, of effective legislation or regulatory mechanisms to mitigate the potential adverse impact of business activities on children, including in the development, manufacture, supply and marketing practices of products and services, in line with the Guiding Principles on Business and Human Rights;

*Follow-up*

53. *Requests* all United Nations bodies, agencies, mechanisms, plans and programmes that review data relevant to the implementation of the right to the highest attainable standard of health to routinely incorporate the health of children into their work in accordance with their mandates;

54. *Encourages* the special procedures mandate holders, in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and other human rights mechanisms of the Human Rights Council, within their respective mandates, to integrate the rights of the child and, in particular, the right of the child to the enjoyment of the highest attainable standard of health, into the implementation of their mandates, where appropriate;

55. *Requests* the High Commissioner to prepare a summary on the full-day meeting on the rights of the child as a follow-up to paragraph 7 of Human Rights Council resolution 7/29 of 28 March 2008, before the twenty-third session of the Council;

56. *Invites* the World Health Organization to prepare, in collaboration with relevant United Nations agencies, in particular the Office of the High Commissioner, the United Nations Children's Fund and the Joint United Nations Programme on HIV/AIDS, as well as the special procedures mandate holders and the Special Representative of the Secretary-General on Violence against Children, a study on mortality of children under 5

years of age as a human rights concern before the twenty-fourth session of the Human Rights Council;

57. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and Human Rights Council resolution 7/29, and to focus its next full-day meeting on the theme of “access to justice for children”, and invites the Office of 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 and the Special Representative of the Secretary-General on Violence against Children, 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-fifth session, to inform the annual day of discussion on children’s rights, and to request the High Commissioner to circulate a summary report of the next full-day meeting on the rights of the child.

*50th meeting  
22 March 2013*

[Adopted without a vote.]

## **22/33**

### **Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations,

*Recalling* all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination,

*Recalling also* Human Rights Council resolution 15/26 of 1 October 2010, establishing the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies,

*Welcoming* the outcome of the first and second sessions of the open-ended intergovernmental working group, held from 23 to 27 May 2011 and from 13 to 17 August 2012, respectively, pursuant to Human Rights Council resolution 15/26,

1. *Decides* to extend the mandate of the open-ended intergovernmental working group for a further period of two years in order for it to undertake and fulfil the mandate as outlined in paragraph 77 of its report;<sup>53</sup>
2. *Also decides* that the open-ended intergovernmental working group shall present its recommendations to the Human Rights Council at its thirtieth session;
3. *Affirms* the importance of providing the open-ended intergovernmental working group with the expertise and expert advice necessary to fulfil its mandate and, in

<sup>53</sup> A/HRC/22/41.

this context, decides that the working group shall invite experts and all relevant stakeholders to participate in its work, including members of the Working Group on the use of mercenaries as a means of violating human rights and impeding the right of peoples to self-determination;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the open-ended intergovernmental working group with all the financial and human resources necessary for the fulfilment of its mandate.

*50th meeting  
22 March 2013*

[Adopted by a recorded vote of 31 to 11, with 5 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Ethiopia, Gabon, Guatemala, India, Indonesia, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Pakistan, Peru, Philippines, Qatar, Sierra Leone, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Austria, Czech Republic, Estonia, Germany, Ireland, Italy, Montenegro, Poland, Republic of Korea, Romania, Spain

*Abstaining:*

Japan, Kazakhstan, Republic of Moldova, Switzerland, United States of America]

## **22/34**

### **Education as a tool to prevent racism, racial discrimination, xenophobia and related intolerance**

*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 International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international instruments,

*Recalling* the World Conference on Human Rights, held in 1993, and its outcome, the Vienna Declaration and Programme of Action, concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,

*Recalling also* the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001, and its outcome, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

*Recalling further* 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, and on the right to education,

*Reaffirming* 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 International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the

Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, the United Nations Declaration on Human Rights Education and Training and other relevant international instruments,

*Acknowledging* that the Durban Declaration and Programme of Action recognizes that education at all levels and all ages, including within the family, in particular human rights education, is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies, and affirms that such education is a determining factor in the promotion, dissemination and protection of the democratic values of justice and equity, which are essential to prevent and combat the spread of racism, racial discrimination, xenophobia and related intolerance,

*Recognizing* the important role played by the United Nations Educational, Scientific and Cultural Organization in relation to education against racism, racial discrimination, xenophobia and related intolerance, in particular the Slave Route Project and the Teaching Respect for All initiative,

*Encouraging* all States, in cooperation with the United Nations, the United Nations Educational, Scientific and Cultural Organization and other relevant international organizations, to initiate and develop cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance in order to ensure respect for the dignity and worth of all human beings and to enhance mutual understanding among all cultures and civilizations,

*Welcoming* the efforts made by the Office of the United Nations High Commissioner for Human Rights and by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in this regard,

*Affirming* that the realization of the right to education, including for girls and persons belonging to vulnerable groups, contributes to the eradication of poverty and of racism, racial discrimination, xenophobia and related intolerance,

1. *Underlines* the need for increased political will and commitment in using education as a tool to prevent and combat racism, racial discrimination, xenophobia and related intolerance;

2. *Also underlines* the importance of the full and effective implementation of the paragraphs of the Durban Declaration and Programme of Action concerning the role of education in preventing and eliminating racism, racial discrimination, xenophobia and related intolerance;

3. *Reaffirms* that education, development and the faithful implementation of all international human rights norms and obligations, including enactment of laws and political, social and economic policies, are crucial to combat racism, racial discrimination, xenophobia and related intolerance;

4. *Recognizes* that quality education, the elimination of illiteracy and access to free primary education for all can contribute to more inclusive societies, equity, stable and harmonious relations and friendship among nations, peoples, groups and individuals, and a culture of peace, fostering mutual understanding, solidarity, social justice and respect for all human rights for all;

5. *Underlines* the essential role of education, including human rights education and education that is sensitive to and respects cultural diversity, especially among children and young people, in the prevention and eradication of all forms of intolerance and

discrimination, and welcomes the catalytic role that non-governmental organizations play in promoting human rights education and raising awareness about racism, racial discrimination, xenophobia and related intolerance;

6. *Urges* States, in particular:

(a) To adopt and implement laws that prohibit discrimination on the basis of race, colour, descent or national or ethnic origin, at all levels of education, both formal and non-formal;

(b) To take all appropriate measures to eliminate obstacles limiting the access of children to education;

(c) To ensure that all children have access without discrimination to education of good quality;

(d) To support efforts to ensure safe school environments, free from violence and harassment motivated by racism, racial discrimination, xenophobia or related intolerance;

7. *Also urges* States to introduce and, as applicable, to reinforce anti-discrimination and anti-racism components in human rights programmes in school curricula, to develop and improve relevant educational material, including history and other textbooks, and to ensure that all teachers are effectively trained and adequately motivated to shape attitudes and behavioural patterns based on the principles of non-discrimination, mutual respect and tolerance;

8. *Draws attention* to the potential of increasing the use of new information and communications technologies, including the Internet, to create educational and awareness-raising networks against racism, racial discrimination, xenophobia and related intolerance, both in and out of school, as well as to the ability of the Internet to promote universal respect for human rights and also respect for the value of cultural diversity;

9. *Stresses the need* for States parties to implement fully their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination as the principal convention in the fight against racism, and in particular their obligations thereunder with respect to the elimination of racial discrimination, the right to education and training and their obligations to adopt immediate and effective measures in the fields of teaching, education, culture and information;

10. *Recalls* the importance of international cooperation in promoting education as a tool to prevent racism, racial discrimination, xenophobia and related intolerance and to share good practices;

11. *Requests* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to continue to address the role of education to prevent racism, racial discrimination, xenophobia and related intolerance in his next reports as appropriate and, in this context, encourages all States and other stakeholders to provide information on good practices to the Special Rapporteur and to the Office of the United Nations High Commissioner for Human Rights, to be made publicly available on the website of the Special Rapporteur and entered into the global database, to be established by the Office of the High Commissioner, containing information on practical means to address racism, racial discrimination, xenophobia and related intolerance.

*50th meeting  
22 March 2013*

[Adopted by a recorded vote of 46 to 0, with 1 abstention. The voting was as follows:

*In favour:*

Angola, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Ecuador, Estonia, Ethiopia, Gabon, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Abstaining:*

United States of America]

## B. Decisions

### 22/101

#### Outcome of the universal periodic review: Czech Republic

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of the Czech Republic on 22 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of the Czech Republic, which is constituted of the report of the Working Group on the Czech Republic (A/HRC/22/3), together with the views of the Czech Republic concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/22/3/Add.1 and A/HRC/22/2, chap. VI).

*34th meeting  
13 March 2013*

[Adopted without a vote.]

### 22/102

#### Outcome of the universal periodic review: Argentina

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Argentina on 22 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Argentina, which is constituted of the report of the Working Group on Argentina (A/HRC/22/4), together with the views of Argentina concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/22/4/Add.1 and A/HRC/22/2, chap. VI).

*34th meeting  
13 March 2013*

[Adopted without a vote.]

## **22/103**

### **Outcome of the universal periodic review: Gabon**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Gabon on 23 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Gabon, which is constituted of the report of the Working Group on Gabon (A/HRC/22/5), together with the views of Gabon concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/22/2, chap. VI).

*34th meeting  
13 March 2013*

[Adopted without a vote.]

## **22/104**

### **Outcome of the universal periodic review: Ghana**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Ghana on 23 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Ghana, which is constituted of the report of the Working Group on Ghana (A/HRC/22/6), together with the views of Ghana concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to

questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/22/2, chap. VI).

*35th meeting  
14 March 2013*

[Adopted without a vote.]

## **22/105**

### **Outcome of the universal periodic review: Ukraine**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Ukraine on 24 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Ukraine which is constituted of the report of the Working Group on Ukraine (A/HRC/22/7), together with the views of Ukraine concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/22/7/Add.1 and A/HRC/22/2, chap. VI).

*35th meeting  
14 March 2013*

[Adopted without a vote.]

## **22/106**

### **Outcome of the universal periodic review: Guatemala**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Guatemala on 24 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Guatemala which is constituted of the report of the Working Group on Guatemala (A/HRC/22/8), together with the views of Guatemala concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/22/8/Add.1 and A/HRC/22/2, chap. VI).

*35th meeting  
14 March 2013*

[Adopted without a vote.]

**22/107**

**Outcome of the universal periodic review: Benin**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Benin on 25 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Benin constituted of the report of the Working Group on Benin (A/HRC/22/9), together with the views of Benin concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/22/2, chap. VI).

*36th meeting  
14 March 2013*

[Adopted without a vote.]

**22/108**

**Outcome of the universal periodic review: Republic of Korea**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of the Republic of Korea on 25 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of the Republic of Korea, constituted of the report of the Working Group on the Republic of Korea (A/HRC/22/10), together with the views of the Republic of Korea concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/22/10/Add.1 and A/HRC/22/2, chap. VI).

*36th meeting  
14 March 2013*

[Adopted without a vote.]

**22/109****Outcome of the universal periodic review: Switzerland**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Switzerland on 29 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Switzerland, constituted of the report of the Working Group on Switzerland (A/HRC/22/11), together with the views of Switzerland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/22/11/Add.1 and A/HRC/22/2, chap. VI).

*36th meeting  
14 March 2013*

[Adopted without a vote.]

**22/110****Outcome of the universal periodic review: Pakistan**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Pakistan on 30 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Pakistan, constituted of the report of the Working Group on Pakistan (A/HRC/22/12), together with the views of Pakistan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/22/12/Add.1 and A/HRC/22/2, chap. VI).

*37th meeting  
14 March 2013*

[Adopted without a vote.]

**22/111****Outcome of the universal periodic review: Zambia**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21

of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Zambia on 30 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Zambia constituted of the report of the Working Group on Zambia (A/HRC/22/13), together with the views of Zambia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/22/13/Add.1 and A/HRC/22/2, chap. VI).

*37th meeting  
14 March 2013*

[Adopted without a vote.]

## **22/112**

### **Outcome of the universal periodic review: Japan**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Japan on 31 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Japan, constituted of the report of the Working Group on Japan (A/HRC/22/14), together with the views of Japan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/22/14/Add.1 and A/HRC/22/2, chap. VI).

*37th meeting  
14 March 2013*

[Adopted without a vote.]

## **22/113**

### **Outcome of the universal periodic review: Peru**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Peru on 1 November 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Peru constituted of the report of the Working Group on Peru (A/HRC/22/15), together with the views of Peru concerning

the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/22/15/Add.1 and A/HRC/22/2, chap. VI).

*38th meeting  
15 March 2013*

[Adopted without a vote.]

## **22/114**

### **Outcome of the universal periodic review: Sri Lanka**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Sri Lanka on 1 November 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Sri Lanka, constituted of the report of the Working Group on Sri Lanka (A/HRC/22/16), together with the views of Sri Lanka concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/22/16/Add.1 and A/HRC/22/2, chap. VI).

*38th meeting  
15 March 2013*

[Adopted without a vote.]

## **22/115**

### **Human Rights Council webcast**

See chapter II.

## **22/116**

### **Enhancement of international cooperation in the field of human rights**

At its 47th meeting, on 21 March 2013, the Human Rights Council decided to adopt the text below:

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

*Recalling* all previous decisions and resolutions on the enhancement of international cooperation in the field of human rights adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly,

*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,

*Recalling* that, in Human Rights Council resolution 19/33 of 23 March 2012, the Council requested the Office of the United Nations High Commissioner for Human Rights to organize, before the twenty-second session of the Council, a seminar on the enhancement of international cooperation in the field of human rights and to prepare a report on the deliberations held during the seminar and to submit it to the Council at its twenty-second session,

*Acknowledging* the holding of the seminar on the enhancement of international cooperation in the field of human rights on 15 February 2013, with the participation of States, relevant United Nations agencies, funds and programmes, and other stakeholders, including academic experts and civil society,

*Taking note* of the note by the Secretary-General<sup>54</sup> indicating that the above-mentioned report will be submitted to the Human Rights Council at its twenty-third session,

*Decides* to examine this question at its twenty-third session under the same agenda item.”

## **22/117**

### **High-level panel discussion on the question of the death penalty**

At its 48th meeting, on 21 March 2013, the Human Rights Council decided to adopt the text below:

*“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 Civil and Political Rights and the Convention on the Rights of the Child,

*Recalling also* 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,

*Recalling further* all previous 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* Human Rights Council decision 18/117 of 28 September 2011,

*Taking note* of the reports of the Secretary-General on the question of the death penalty, the latest of which highlights 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 also reminds those States that still intend to implement the death penalty of the need to protect the rights of those facing the death penalty, in particular, in accordance with the International Covenant on Civil and Political Rights,<sup>55</sup>

*Acknowledging* the interest in holding national and international debates on the question of the death penalty,

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<sup>54</sup> A/HRC/22/23.

<sup>55</sup> See A/HRC/21/29.

1. *Decides* to convene, at its twenty-fifth session, a high-level panel discussion on the question of the death penalty with the aim of exchanging views on advances, best practices and challenges relating to the abolition of the death penalty and to the introduction of a moratorium on executions, as well as on national debates or processes on whether to abolish the death penalty;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the panel discussion 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 discussion;

3. *Also requests* the Office of the High Commissioner to prepare a report on the panel discussion in the form of a summary.”

[Adopted by a recorded vote of 28 to 10, with 9 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Austria, Benin, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Ecuador, Estonia, Gabon, Germany, Ireland, Italy, Kazakhstan, Montenegro, Peru, Philippines, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America, Venezuela (Bolivarian Republic of)

*Against:*

Botswana, Ethiopia, India, Indonesia, Kenya, Kuwait, Malaysia, Qatar, Uganda, United Arab Emirates

*Abstaining:*

Guatemala, Japan, Libya, Maldives, Mauritania, Pakistan, Republic of Korea, Sierra Leone, Thailand]

## C. President's statements

### PRST 22/1

#### **Mainstreaming human rights throughout the United Nations system**

At the 50th meeting, held on 22 March 2013, the President of the Human Rights Council read out the following statement:

*“The Human Rights Council,*

*Acknowledging* that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

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

*Welcomes* the high-level panel discussion on the mainstreaming of human rights throughout the United Nations system, held at the twenty-second session of the Human Rights Council.”

## PRST 22/2

### Technical assistance and capacity-building in human rights in Haiti

At the 50th meeting, held on 22 March 2013, the President of the Human Rights Council read out the statement below:

1. The Human Rights Council takes note of the report of the Independent Expert on the situation of human rights in Haiti,<sup>56</sup> and welcomes the latest legal and political developments in Haiti, which have been marked by progress in civil, political, economic, social and cultural rights:

(a) The implementation of the universal, free and compulsory education programme through the National Education Fund launched on 26 May 2011, with a sum of approximately \$360 million over five years, for 1.5 million children;

(b) The implementation of the strategic development plan to identify immediate reconstruction needs in a long-term development perspective;

(c) The implementation of social programmes for the most disadvantaged, “Ti Maman chéri”, “Aba grangou” and “Ede pep”, which form part of the national strategy on the rule of law;

(d) The inclusion of women in political affairs, with a quota of 44 per cent in Government posts.

2. The Council welcomes the commitment of the Haitian authorities to set up a structure to organize the next legislative and municipal elections in Haiti.

3. The Council applauds the reaffirmation of the commitment and determination of the Haitian authorities to improve the living conditions of Haitian women and men by, *inter alia*, paying greater attention to respect for human rights, and welcomes the efforts of the Government of Haiti in that regard.

4. The Council also applauds the priorities set by the President of the Republic, which include the rule of law, education, the environment, employment and energy, and urges donors to honour their commitments without delay.

5. In that context, the Council welcomes the decision of the Government of Haiti to pursue the strengthening of the rule of law, notably by combating impunity, crime and the causes of crime, so as to ensure the functioning of institutions and public services and the enjoyment of all human rights, and encourages the Government to take all necessary measures to achieve that goal.

6. The Council applauds the efforts made by the Government of Haiti to strengthen national human rights institutions, in particular the Office of Citizen Protection.

7. The Council invites the Government of Haiti to continue to adopt the political and legal measures necessary to safeguard the rights of members of vulnerable groups, including the victims of child trafficking, to increase women’s participation in political affairs and to continue to combat gender-based violence and discrimination.

8. The Council is aware of the many obstacles to development in Haiti and the difficulties encountered by its leaders following the earthquake of 12 January 2010. It recognizes that the full enjoyment of civil and political, economic,

<sup>56</sup> A/HRC/22/65.

social and cultural human rights is a factor in peace, stability and development in Haiti.

9. 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, United Nations agencies 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 in Haiti of civil, political, economic, social and cultural rights, including the right to development.

10. The Council welcomes the request of the Haitian authorities for a one-year extension of the mandate of an Independent Expert on the situation of human rights in Haiti, which concerns technical assistance and capacity-building, and decides to approve that request.

11. The Council encourages the mandate holder to work with international institutions, donors and the international community to raise their awareness of the need to provide their expertise and sufficient resources to support the efforts of the Haitian authorities to rebuild the country and pursue sustainable development.

12. The Council also encourages the mandate holder to work with Haitian non-governmental organizations and civil society in Haiti.

13. The Council invites the mandate holder to assist the Government of Haiti in acting upon the recommendations made in the course of the universal periodic review. The mandate holder will also provide his or her experience, expertise and contribution to the cause of human rights, including civil and political rights, with particular emphasis on economic, social and cultural rights, in Haiti.

14. The Council invites the mandate holder to assist the Government of Haiti in acting upon the recommendations made by the 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.

15. The Council also invites the mandate holder to undertake a mission to Haiti and to report to the Council at its twenty-fifth session. It encourages Haiti to continue to cooperate with the mandate and is ready to support Haiti in establishing a national human rights plan.

## V. Twenty-third session

### A. Resolutions

#### 23/1

#### **The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in Al Qusayr**

*The Human Rights Council,*

*Guided by the Charter of the United Nations,*

*Having held an urgent debate to discuss the deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in Al Qusayr, which is currently under siege by the Syrian regime,*

*Recalling General Assembly resolutions 66/176 of 19 December 2011, 66/253 of 16 February 2012, 66/253B of 3 August 2012, 67/183 of 20 December 2012 and 67/262 of 15 May 2013, Human Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 22 August 2011, S-18/1 of 2 December 2011, 19/1 of 1 March 2012, 19/22 of 23 March 2012, 20/22 of 6 July 2012, 21/26 of 28 September 2012 and 22/24 of 22 March 2013, and Security Council resolutions 2042 (2012) of 14 April 2012 and 2043 (2012) of 21 April 2012,*

*Recalling the press release of the United Nations High Commissioner for Human Rights on 10 May 2013, in which she expressed alarm at reports of major military build-up around the western Syrian town of Al Qusayr, and stated that she feared further atrocities and increasing displacement of the local civilian population,*

*Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter,*

1. *Strongly condemns* all violations of international humanitarian law and the widespread and systematic gross violations of human rights and fundamental freedoms by the Syrian authorities and the Government-affiliated militias, such as those violations involving the regime's use of ballistic missiles and other heavy weapons against civilians in the Syrian Arab Republic, including against the people of Al Qusayr;

2. *Condemns* all violence in the Syrian Arab Republic, 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, also condemns all human rights violations and abuses, and calls upon all parties to comply strictly with their obligations under international law, including international humanitarian law and international human rights law;

3. *Calls upon* the Syrian authorities to meet their responsibility to protect the Syrian population and to put an immediate end to all attacks against the civilians of Al Qusayr;

4. *Stresses* the need to ensure accountability for those responsible for the massacre in Al Qusayr, and also stresses that those responsible for the serious violations of international humanitarian law and international human rights law in the Syrian Arab Republic must be held to account; reaffirms that the Syrian people, on the basis of broad, inclusive and credible consultations, should determine, within the framework provided for by international law, the process and mechanisms to achieve justice, reconciliation, truth

and accountability for gross violations, as well as reparations and effective remedies for victims, while underlining the relevance of referrals to the appropriate international criminal justice mechanism under appropriate circumstances;

5. *Condemns* the intervention of foreign combatants fighting on behalf of the Syrian regime in Al Qusayr, and expresses deep concern that their involvement further exacerbates the deteriorating human rights and humanitarian situation, which has a serious negative impact on the region;

6. *Demands* that the Syrian authorities allow free and unimpeded access by the United Nations and humanitarian agencies to all civilians affected by the violence, especially in Al Qusayr, through all effective routes, including by providing authorization for cross-border humanitarian operations as an urgent priority, and urges all parties to protect medical personnel, facilities and transport as such;

7. *Requests* the commission of inquiry to urgently conduct a comprehensive, independent and unfettered inquiry into the events in Al Qusayr, and also requests the commission to include the findings of the inquiry in its report to the Human Rights Council at its twenty-fourth session;

8. *Decides* to remain seized of the matter and to take further action on the situation of human rights in the Syrian Arab Republic.

*8th meeting  
29 May 2013*

[Adopted by a recorded vote of 36 to 1, with 8 abstentions. The voting was as follows:

*In favour:*

Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, Gabon, Germany, Guatemala, Ireland, Italy, Japan, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Pakistan, Peru, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, United Arab Emirates, United States of America

*Against:*

Venezuela (Bolivarian Republic of)

*Abstaining:*

Angola, Congo, Ecuador, Ethiopia, India, Indonesia, Philippines, Uganda]

## **23/2**

### **The role of freedom of opinion and expression in women's empowerment**

*The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women,

*Recalling also* the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights, and the Beijing Declaration and Platform for Action, adopted on 15 September 1995 by the Fourth World Conference on Women, and subsequent reviews thereof,

*Bearing in mind* that the Convention on the Elimination of All Forms of Discrimination against Women affirms human rights and fundamental freedoms and equality for women around the world, and states, inter alia, that States parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country,

*Recalling* Human Rights Council resolution 12/16 of 2 October 2009,

*Recalling also* Human Rights Council resolution 16/4 of 24 March 2011 and all previous resolutions of the Commission on Human Rights and the Council on the right to freedom of opinion and expression, including Council resolution 20/8 of 5 July 2012 on the promotion, protection and enjoyment of human rights on the Internet,

*Recalling further* General Assembly resolutions relating to the issue of women's empowerment, including resolutions 66/130 of 19 December 2011, on women and political participation, and 66/216 of 22 December 2011, on women in development, and the agreed conclusions of the Commission on the Status of Women,<sup>57</sup>

*Reaffirming* articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

*Reaffirming also* that women and men have the right to enjoy, on an equal basis, all their human rights and fundamental freedoms,

*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,

*Recognizing also* how advances in information and communications technologies have enabled women to initiate or enhance their participation in political, economic, cultural and social life,

*Recognizing further* the important contributions that women have made towards the achievement of representative, transparent and accountable government in many countries,

*Acknowledging* the important role of women journalists and women human rights defenders in the exercise, promotion and protection of the right to freedom of opinion and expression and, in this context, expressing concern at the risks faced by these women in the exercise of their work,

*Stressing* the critical importance of women's political participation in all contexts, including in times of peace and of conflict and at all stages of political transition, concerned that many obstacles still prevent women from participating in political life on equal terms with men, and noting in that regard that situations of political transition may provide a unique opportunity to address such obstacles,

*Recognizing* the essential contributions that women around the world continue to make to the achievement and maintenance of international peace and security and to the full realization of all human rights, to the promotion of democracy, sustainable development and economic growth, and to the eradication of poverty, hunger and disease,

*Highly concerned* that women in every part of the world, including women belonging to racial, ethnic, religious or linguistic minorities and indigenous women,

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<sup>57</sup> *Official Records of the Economic and Social Council, 2013, Supplement No. 7 (E/2013/27).*

continue to be marginalized from the political, economic, cultural and social spheres, often as a result of discrimination, unequal access to education, lack of access to health care, the disproportionate effect of poverty on women, and violence against women and girls,

1. *Affirms* the fundamental role that freedom of opinion and expression plays in the ability of women to interact with society at large, in particular in the realms of economic and political participation, and reaffirms that the active participation of women, on equal terms with men, at all levels of decision-making, is essential to the achievement of equality, sustainable development, peace and democracy;

2. *Expresses deep concern* that discrimination, intimidation, harassment and violence, including in public spaces, often prevent women and girls from enjoying fully their human rights and fundamental freedoms, including their right to freedom of opinion and expression, which hinders their full participation in economic, social, cultural and political affairs;

3. *Calls upon* all States:

(a) To promote, respect and ensure women's exercise of freedom of opinion and expression, both online and offline, including as members of non-governmental organizations and other associations;

(b) To ensure that women and girls exercising their right to freedom of opinion and expression are not discriminated against, particularly in employment, housing, the justice system, social services and education;

(c) To facilitate the full, equal and effective participation and free communication of all women at all levels of decision-making in their societies and in national, regional and international institutions, including in the mechanisms for the prevention, management and resolution of conflicts;

(d) To facilitate equal participation in, access to and use of information and communications technology, such as the Internet, applying a gender perspective, and to encourage international cooperation aimed at the development of media and information and communication facilities in all countries;

(e) To provide women and girls with access to effective remedies for violations of their right to freedom of opinion and expression, and to ensure that there is no impunity for gender-based violence, including sexual violence, used to intimidate women and girls who are exercising their right to freedom of opinion and expression;

4. *Invites* the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to include in his reports an analysis of the role of freedom of opinion and expression in improving women's participation in political, social, cultural and economic life and in advancing gender equality, as well as an analysis of the challenges that women face in exercising their freedom of opinion and expression.

*38th meeting  
13 June 2013*

[Adopted without a vote.]

**23/3****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 decision 22/116 of 21 March 2013, Assembly resolution 67/169 of 20 December 2012 and Council resolution 19/33 of 23 March 2012,

*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 to 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 important 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 the 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, 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 latest report of the United Nations High Commissioner for Human Rights on the operations of the Voluntary Fund for Participation in the Universal Periodic Review,<sup>58</sup> requests the Office of the High Commissioner to continue to seek ways and means to facilitate the existing procedure, including by addressing the concerns identified in paragraphs 17 and 18 of the report, and to report on its progress in that regard in its next annual report to the Council on the operations of the Voluntary Fund;

12. *Also takes note* of the note of the Secretary-General<sup>59</sup> informing the Human Rights Council that a consolidated annual written update on the operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review would be submitted to the Council at its twenty-fourth session;

13. *Further takes note* of the compilation prepared by the Office of the High Commissioner of the views of States and relevant stakeholders on the contribution of the Voluntary Fund for Financial and Technical Assistance,<sup>60</sup> 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;

14. *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;

15. *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;

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

17. *Calls upon* States, specialized agencies and intergovernmental organizations to continue to carry out a constructive 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;

18. *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;

19. *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;

20. *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;

21. *Takes note* of the holding of the seminar on the enhancement of international cooperation in the field of human rights on 15 February 2013, with the participation of States, relevant United Nations agencies, funds and programmes, and other stakeholders, including academic experts and civil society, and also takes note of the report of the Office

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<sup>58</sup> A/HRC/23/61.

<sup>59</sup> A/HRC/23/60.

<sup>60</sup> A/HRC/19/50.

of the High Commissioner submitted pursuant to Human Rights Council resolution 19/33,<sup>61</sup> containing a summary of the deliberations held during the seminar based on the study of the Advisory Committee on the enhancement of international cooperation in the field of human rights;<sup>62</sup>

22. *Recalls* that, in its resolution 67/169, 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;

23. *Requests* 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 responses received further to the consultations as requested by the General Assembly in resolution 67/169, and to submit a progressive report to the Human Rights Council at its twenty-sixth session;

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

*38th meeting  
13 June 2013*

[Adopted without a vote.]

## **23/4**

### **The right to education: follow-up to Human Rights Council resolution 8/4**

*The Human Rights Council,*

*Reaffirming* Human Rights Council resolution 8/4 of 18 June 2008, and recalling all other Council resolutions on the right to education, the most recent of which is resolution 20/7 of 5 July 2012, and the resolutions adopted by the Commission on Human Rights on the subject,

*Reaffirming also* 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 and the Convention on the Rights of Persons with Disabilities, and other relevant international instruments,

*Bearing in mind* General Assembly resolution 67/18 of 28 November 2012 on education for democracy,

*Deeply concerned* that, according to the United Nations Educational, Scientific and Cultural Organization, progress towards many of the Education for All goals set for 2015 is slowing down, and that most of these goals are unlikely to be met, although progress in some of the world's poorest countries shows what can be achieved with the commitment of

<sup>61</sup> A/HRC/23/20.

<sup>62</sup> A/HRC/19/74.

national Governments and aid donors, including greater numbers of children attending pre-school, completing primary school and making the transition to secondary education,

*Mindful* of the role that the full realization of the right to education for all plays in helping to achieve the Millennium Development Goals, noting in this regard the commitments relating to education contained in the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, including to ensure quality education and progression through the school system, and the need to ensure that the right to education is central in the context of the post-2015 agenda,

*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 International Covenant on Economic, Social and Cultural Rights on 5 May 2013,

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. *Notes with appreciation:*

(a) The report of the Special Rapporteur on the right to education on the justiciability of the right to education;<sup>63</sup>

(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 attaining the Millennium Development Goals of achieving universal primary education and eliminating gender disparity in education and the goals of the Education for All agenda;

(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;

3. *Calls upon* all relevant stakeholders urgently to increase their efforts so that the goals of the Education for All agenda can be achieved by 2015, and welcomes in this regard the Education First initiative launched by the Secretary-General on 26 September 2012, including its three priority areas of putting every child in school, improving the quality of education and fostering global citizenship;

4. *Urges* all States to give full effect to the right to education by, inter alia, promoting the justiciability of the right to education by such means as:

(a) The adoption of adequate legislation on the implementation of the right to education;

(b) The creation or strengthening of appropriate independent institutions and mechanisms to deal with complaints related to the right to education, stressing in this regard the importance of the independence of such institutions, including the judiciary;

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<sup>63</sup> A/HRC/23/35.

(c) Ensuring full protection of the right to education, including as it regards the responsibilities of private providers of education;

(d) Facilitating access to appropriate adjudicatory procedures, including by adopting relevant provisions on legal standing and legal aid;

(e) Ensuring adequate training of professionals involved in the examination of complaints related to the right to education, including judges, prosecutors, lawyers and, where appropriate, members of competent and relevant quasi-judicial mechanisms;

(f) Fostering human rights education and information efforts concerning the enforceability of the right to education and available mechanisms to enforce this right at the national, regional and international levels;

(g) Encouraging the development and use of appropriate indicators on the right to education;

5. *Invites* States and other relevant stakeholders to intensify their efforts to disseminate and to promote universal respect for and understanding of the United Nations Declaration on Human Rights Education and Training as a means to give full effect to the right to education worldwide;

6. *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;

7. *Stresses* the importance of the contribution of national human rights institutions, non-governmental and civil society organizations, and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur on the right to education;

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

*38th meeting  
13 June 2013*

[Adopted without a vote.]

## **23/5**

### **Trafficking in persons, especially women and children: efforts to combat human trafficking in supply chains of businesses**

*The Human Rights Council,*

*Reaffirming* all previous resolutions on trafficking in persons, especially women and children, in particular General Assembly resolutions 63/156 of 18 December 2008 and 64/178 of 18 December 2009, and Human Rights Council resolutions 8/12 of 18 June 2008, 11/3 of 17 June 2009, 14/2 of 23 June 2010, 17/1 of 6 July 2011 and 20/1 of 5 July 2012,

*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,

*Reaffirming also* the United Nations Convention against Transnational Organized Crime and the Protocols thereto, 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,

*Recalling* the Forced Labour Convention, 1930 (No. 29) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization, and welcoming the adoption by that Organization of the Domestic Workers Convention, 2011 (No. 189) and of the Domestic Workers Recommendation, 2011 (No. 201),

*Taking note* of the Recommended Principles and Guidelines on Human Rights and Human Trafficking<sup>64</sup> and the commentary thereon developed by the Office of the United Nations High Commissioner for Human Rights,

*Affirming* that trafficking in persons violates and impairs 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 cooperation among countries of origin, transit and destination for its eradication,

*Recognizing* that victims of trafficking are often subject to multiple forms of discrimination and violence, including on the grounds of gender, age, disability, ethnicity, culture and religion, as well as national or social origin, and that these forms of discrimination may themselves fuel trafficking in persons,

*Recognizing also* that human trafficking in supply chains has been identified as a serious problem and a challenge that needs to be addressed in various economic sectors, including those integrated into global markets,

*Noting* that some of the demand fostering sexual exploitation, exploitative labour and illegal removal of organs is met by trafficking in persons,

*Noting also* that the availability of regular labour migration opportunities can be a way to reduce the risk of people being trafficked,

*Welcoming in particular* the efforts of States, United Nations bodies and agencies and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children, including the Working Group on the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Global Plan of Action to Combat Trafficking, adopted by the General Assembly in its resolution 64/293 of 30 July 2010, the Global Initiative to Fight Human Trafficking, the Inter-Agency Coordination Group against Trafficking in Persons and the United Nations Task Force on Transnational Organized Crime and Drug Trafficking,

*Taking note* of the *Global Report on Trafficking in Persons* of the United Nations Office on Drugs and Crime and the *Global Report on Forced Labour* of the International Labour Organization,

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<sup>64</sup> E/2002/68/Add.1.

*Taking note with appreciation* of the reports of the Special Rapporteur on trafficking in persons, especially women and children, submitted to the General Assembly<sup>65</sup> and the Human Rights Council,<sup>66</sup>

1. *Reiterates its concern* at:

(a) The high number of persons, especially women and children, who are victims of trafficking being trafficked within and between regions and States;

(b) The increasing activities of transnational and national organized crime groups and others who profit from trafficking in persons, especially women and children, without regard for dangerous and inhumane conditions, in flagrant violation of domestic laws and international law and contrary to international standards;

(c) The use of new information technologies, including the Internet, for the purposes of exploitation that constitute trafficking, such as for trafficking in women and girls for forced marriages, for forced labour and services and for exploitation in sex tourism, as well as trafficking in children for, inter alia, child pornography, paedophilia, forced labour and services, and any other form of exploitation of children;

(d) The high level of impunity enjoyed by traffickers and their accomplices and the denial of rights and justice to victims of trafficking;

(e) The lack of effective remedies for trafficked persons globally, including the possibility of obtaining compensation for damage suffered;

2. *Calls upon* States to consider signing and ratifying, as a matter of priority, in the case of Governments that have not yet done so, and for States parties to implement relevant United Nations legal instruments, such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto, 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 to take immediate steps to ensure domestic application of provisions of the Protocol;

3. *Urges* States to consider signing and ratifying the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization;

4. *Reiterates* that all States have the obligation, under international law, to exercise due diligence to prevent and combat trafficking in persons under international law, including by establishing comprehensive programmes to prevent trafficking, and enacting and enforcing legislation criminalizing trafficking, to investigate instances of trafficking and impose proportionate punishments on perpetrators, and to ensure full respect for and protection of the human rights of victims of trafficking;

5. *Urges* States to recognize trafficked persons as victims with specific protection needs from the moment they are trafficked, and to ensure the promotion, protection and fulfilment of their human rights, including the right to an effective remedy for breaches of these rights;

6. *Calls upon* States:

(a) To effectively enforce relevant laws on trafficking in persons by, inter alia, intensifying capacity-building and training, including human rights education and training, for all relevant stakeholders, including the police, immigration authorities, border patrol

<sup>65</sup> A/67/261.

<sup>66</sup> A/HRC/23/48.

officials, labour inspectors, judges, prosecutors, lawyers and tax authorities, as well as health and child welfare professionals, within available means;

(b) To strengthen the enforcement of their labour laws and, in particular, to specifically train and increase awareness of labour inspectors and other competent authorities in addition to allocating adequate resources so that they have the capacity to identify victims of trafficking during labour inspections of establishments where trafficked persons are likely to be exploited, including in small or informal establishments;

(c) To take appropriate measures to promote and protect the human rights of trafficked persons in all categories of work;

(d) To develop and support programmes and initiatives that motivate businesses to contribute proactively to prevent and combat trafficking in persons, such as awareness-raising initiatives, grievance mechanisms, risk assessment, product certification, labelling, monitoring and verification;

(e) To encourage increased transparency and due diligence in the recruitment practices of companies and suppliers within their supply chains;

(f) To undertake initiatives, including awareness-raising campaigns, to inform on the dangers of trafficking in persons, including trafficking in supply chains;

(g) To promote partnerships and engage the business community and civil society, including non-governmental organizations, in developing and implementing sustainable initiatives to prevent and combat human trafficking in supply chains, taking into account the views and experiences of trafficked persons in designing, implementing, monitoring and evaluating such initiatives;

7. *Encourages* businesses, in order to contribute to prevent or mitigate any risks of trafficking in persons in their supply chains, to, inter alia:

(a) Become supporters of the Global Compact and the Athens Ethical Principles, which underscore the importance of respect for human rights by businesses and their participation in efforts to combat the scourge of human trafficking in all its forms, especially in the supply chain, in addition to committing themselves to implement the Guiding Principles on Business and Human Rights;

(b) Establish, as appropriate, an effective monitoring system, such as social audits, to scrutinize the risks of human trafficking at all levels of the supply chain;

(c) Conduct a risk assessment for their entire supply chain and, on that basis, develop and adopt high-level, company-wide policies or strategies to eliminate risks of trafficking in persons in their supply chains, which should be made applicable to all enterprises in a company's supply chain by adequate measures;

(d) Raise awareness among human resources and all other relevant staff of the risks of trafficking in persons and the rights of trafficked persons, and train them in the company's anti-trafficking policies so that they are able to identify and report potential cases of trafficking and take appropriate action, including measures to respect and protect the human rights of victims of trafficking;

8. *Encourages* all actors and stakeholders, including Governments at all levels, industry and business peers and trade unions, national human rights institutions, civil society and community-based organizations to, inter alia:

(a) Establish networks to communicate, exchange views and information, on a regular basis, on policies, programmes, performance and the impact of different measures with regard to efforts to combat human trafficking;

(b) Identify good and best practices in the prevention of trafficking in persons in supply chains in identifying victims of trafficking and in cooperating to assist victims of trafficking in the protection of their human rights;

9. *Encourages* States to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the United Nations High Commissioner for Human Rights<sup>64</sup> as a useful tool in integrating a human rights-based approach into their responses to provide a full range of effective remedies to trafficked persons and, in the case of trafficked children, to uphold, at a minimum, the general principles of the Convention on the Rights of the Child;

10. *Urges* States, regional and subregional organizations to develop collective regional strategies and plans of action to combat trafficking in persons and to involve, as appropriate, representatives of business organizations and trade unions in the national coordination mechanisms on combating trafficking in persons;

11. *Invites* States and other interested parties to make further voluntary contributions to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, and the United Nations Trust Fund on Contemporary Forms of Slavery;

12. *Calls upon* all States to continue to cooperate with the Special Rapporteur on trafficking in persons, especially women and children, and to consider responding favourably to the mandate holder's requests to visit their countries and to provide all necessary information related to the mandate to enable the mandate holder to fulfil the duties of the mandate effectively;

13. *Requests* the Office of the High Commissioner to promote, at the regional and subregional levels, the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office;

14. *Requests* the Secretary-General to provide the Office of the High Commissioner with resources sufficient to fulfil its mandate in relation to combating trafficking in persons, especially women and children;

15. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its annual programme of work.

*38th meeting  
13 June 2013*

[Adopted without a vote.]

## **23/6**

### **Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers**

*The Human Rights Council,*

*Guided* by articles 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 9, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

*Recalling* 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 Bangalore Principles of Judicial Conduct and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,

*Recalling also* 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 and impartiality 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 prerequisites for the protection of human rights and the application of the rule of law, and for ensuring fair trials and that there is no discrimination in the administration of justice,

*Recalling* that prosecutors should, in accordance with the law, perform their functions fairly, consistently and expeditiously, and respect and protect human dignity and uphold human rights, thus contributing to due process and the smooth functioning of the criminal justice system,

*Noting with concern* 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* that every State should provide an effective framework of remedies to redress human rights grievances or violations and that the administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, is essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development,

*Recalling also* that it is essential to ensure that judges, prosecutors, lawyers and court officials possess the professional qualifications required for the performance of their functions through improved methods of recruitment and legal and professional training, and through the provision of all necessary means for the proper performance of their role in ensuring the rule of law,

*Emphasizing* that judges, prosecutors and lawyers play a critical role in upholding human rights, including the absolute and non-derogable right of freedom from torture and other cruel, inhuman or degrading treatment or punishment,

*Recognizing* the importance of bar associations, professional associations of judges and prosecutors, and non-governmental organizations in the defence of the principle of the independence of judges and lawyers,

*Stressing* the role that independent and effective national human rights institutions in accordance with the Paris Principles can and should play in strengthening the rule of law and in supporting the independence and integrity of the judicial system,

*Recognizing* that legal aid is an essential element of a fair, humane and efficient system of administration of justice that is based on the rule of law,

*Reaffirming* Human Rights Council resolution 17/2 of 6 July 2011 on the mandate of the Special Rapporteur on the independence of judges and lawyers, and acknowledging the importance of his or her ability to cooperate closely, within the framework of his or her mandate, with the Office of the United Nations High Commissioner for Human Rights, including in the fields of advisory services and technical cooperation, in the effort to guarantee the independence of judges and lawyers,

1. *Calls upon* all States to guarantee the independence of judges and lawyers and the objectivity and impartiality of prosecutors, as well as their ability to perform their functions accordingly, including by taking effective legislative, law enforcement and other

appropriate measures that will enable them to carry out their professional functions without interference, harassment, threats or intimidation of any kind;

2. *Encourages* States to promote diversity in the composition of the members of the judiciary, including by taking into account a gender perspective, and to ensure that the requirements for joining the judiciary and the selection process thereof are non-discriminatory, and provide for a public, transparent selection process, based on objective criteria, and guarantee the appointment of individuals of integrity and ability with appropriate training and qualifications in law;

3. *Stresses* that the term of office of judges, their independence, security, adequate remuneration, conditions of service, pensions and the age of retirement should be adequately secured by law, and that the security of tenure of judges is an essential guarantee of the independence of the judiciary and that grounds for removal must be explicit with well-defined circumstances provided by law, involving reasons of incapacity or behaviour that renders them unfit to discharge their functions, and that procedures upon which the discipline, suspension or removal of a judge are based should comply with due process;

4. *Calls on* States to ensure that prosecutors can perform their functional activities in an independent, objective and impartial manner;

5. *Condemns* all acts of violence, intimidation or reprisals against judges, prosecutors and lawyers, and reminds States of their duty to uphold the integrity of judges, prosecutors and lawyers and to protect them and their families and professional associates against all forms of violence, threat, retaliation, intimidation and harassment as a result of discharging their functions, and to prosecute such acts and to bring the perpetrators to justice;

6. *Calls upon* States, in collaboration with relevant national entities, such as bar associations, associations of judges and prosecutors, and educational institutions, to provide adequate training, including human rights training, for judges, prosecutors and lawyers, both on initial appointment and periodically throughout their career, taking into account regional and international human rights law and, where applicable and relevant, concluding observations and decisions of human rights mechanisms, such as treaty bodies and regional human rights courts;

7. *Underscores* the importance for States to develop and implement an effective and sustainable legal aid system that is consistent with their international human rights obligations and takes into account relevant commitments and good practices, and to ensure that legal aid is available at all stages of the criminal justice process, subject to appropriate eligibility criteria and in accordance with international human rights law;

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

9. *Invites* the Special Rapporteur to collaborate with relevant stakeholders within the United Nations system in the areas pertaining to her mandate;

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

11. *Encourages* the Special Rapporteur to facilitate the provision of technical assistance and capacity-building, and the dissemination of best practices, including through

engagement with relevant stakeholders and in consultation with the Office of the United Nations High Commissioner for Human Rights, when requested by the State concerned, with a view to establishing and strengthening the rule of law, paying particular attention to the administration of justice and the role of an independent and competent judiciary and legal profession;

12. *Encourages* Governments that face difficulties in guaranteeing the independence of judges and lawyers, the objectivity and impartiality of prosecutors and their ability to perform their functions accordingly, or that are determined to take measures to implement these principles further to consult and to consider the services of the Special Rapporteur, for instance by inviting her to their country;

13. *Encourages* Governments to give due consideration to recommendations made by United Nations human rights mechanisms addressing the independence and effectiveness of the judiciary and their effective implementation, and also invites the international community, regional organizations and the United Nations system to support any implementation efforts;

14. *Invites* United Nations agencies, funds and programmes to continue their activities in the areas of the administration of justice and the rule of law, including at the country level at the request of the State, encourages States to reflect such activities in national capacity-building plans, and emphasizes that institutions concerned with the administration of justice should be properly funded;

15. *Encourages* States to ensure that their legal frameworks, implementing regulations and judicial manuals are fully in line with their international obligations and take into account relevant commitments in the area of the administration of justice and the rule of law;

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

*38th meeting  
13 June 2013*

[Adopted without a vote.]

## **23/7**

### **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 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 and 20/6 of 5 July 2012 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 participation of women 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,

*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 participation in development processes and public and political 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* that women and girls account for more than half of the world population, that equal rights and opportunities are key factors in achieving sustainable economic, political and social development and lasting solutions to global challenges, and that gender equality benefits women, men, girls and boys and society as a whole,

*Bearing in mind* the challenges still faced by all countries throughout the world to overcome inequality between men and women,

*Reiterating* the need to intensify efforts to eliminate all forms of discrimination against women and girls throughout the world,

*Deeply concerned* by the fact that stigmatization, harassment and various forms of violence against women, including targeted attacks and sexual violence, have been used to silence and discredit women engaging in political and public life,

*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,

*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, 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,

*Considering* that periods of political transition provide a unique opportunity to advance women's equal participation and representation in economic, political and social spheres but can also raise challenges in that regard,

*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,

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;<sup>67</sup>

2. *Recognizes* the constructive approach of the Working Group, and calls upon it, in the discharge of its mandate, to maintain such an approach and dialogue with States to address the elimination of discrimination against women in law and in practice in all spheres from the perspective of States' obligations under international human rights law, taking into account the good practices that have been transformative in different contexts and in the light of the different realities that women face;

3. *Affirms* that realizing human rights in political and public life requires the effective and meaningful participation of women in all aspects of political and public life, on an equal footing with men;

4. *Calls upon* States to include, as appropriate, special or positive action measures to achieve gender equality in political and public life as part of a comprehensive system-wide approach of non-discrimination and equality of opportunity and treatment;

5. *Also calls upon* States to take concrete steps towards eliminating all forms of discrimination against women and girls, directed to achieve gender equality at all levels of political and public decision-making processes, particularly during times of political transition, and to engage women in State-building and peace and security issues;

6. *Further calls upon* States to promote reforms and implement legal frameworks and policies directed towards achieving equality and the elimination of all forms of discrimination against women and girls, including nationality laws;

7. *Urges* States to support the creation of enabling conditions for public recognition and acceptance for all women in leadership and decision-making positions by, inter alia, establishing public campaigns and educational programmes that are responsive to multicultural settings and developing a bottom-up approach to building democratic and accountable relations between State and society;

8. *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 to thereby ensure their long-term and sustainable participation in political and public life;

9. *Stresses* the need to accelerate efforts to eliminate all forms of violence against women and girls in political and public life, including by working towards a comprehensive national legal framework to combat impunity and by guaranteeing access to appropriate civil remedies and redress, and taking into account multiple, intersecting and aggravated forms of discrimination;

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<sup>67</sup> A/HRC/23/50.

10. *Reaffirms* the importance of the right to education as key to the empowerment of women and girls and for ensuring equality and non-discrimination;

11. *Calls upon* States to support and enhance women's and girls' equal participation in political and public life by improving their digital literacy and their access to information and communications technologies and to the global governance of such technologies, including through international cooperation and within their national capabilities;

12. *Recommends* that States collect data, prepare statistics disaggregated by sex and conduct multidisciplinary research reflecting the whole spectrum of women's engagement in society in order to contribute to overcoming the knowledge gap that exists at the local, national and global levels regarding their participation in political and public life;

13. *Calls upon* States to support the work of national human rights institutions and specialized mechanisms for women's human rights and gender equality by improving their resources, as appropriate;

14. *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 political and public life and eliminating violence against women, including women human rights defenders, and therefore that they require support for their sustainability and growth;

15. *Decides* to extend the mandate of the Working Group on the issue of discrimination against women in law and in practice for a period of three years on the same terms as provided for by the Human Rights Council in its resolution 15/23;

16. *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;

17. *Calls upon* States and urges institutions of global governance, including the United Nations, 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 equal participation;

18. *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 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;

19. *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 discrimination against women;

20. *Takes note* 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 economic and social life, including in times of economic crisis, with specific attention to the way in which current and past economic crises have affected women's access to economic and social resources, as well as policies that effectively protect women's social and economic status during and after economic crises;

21. *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;

22. *Decides* to continue its consideration of this issue in conformity with the annual programme of work of the Human Rights Council.

*38th meeting  
13 June 2013*

[Adopted without a vote.]

## **23/8**

### **Mandate of the Special Rapporteur on the human rights of internally displaced persons**

*The Human Rights Council,*

*Recalling* all previous resolutions on internally displaced persons adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolution 66/165 of 19 December 2011 and Council resolutions 14/6 of 17 June 2010 and 20/9 of 5 July 2012,

*Recalling also* General Assembly resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, and the Guiding Principles on Internal Displacement annexed thereto,

*Recalling further* 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,

*Emphasizing* that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, including through the facilitation of durable solutions, and to address the root causes of the displacement problem in appropriate cooperation with the international community,

*Deeply disturbed* by the alarmingly high number of internally displaced persons throughout the world, for reasons including armed conflict, generalized violence, violations of international law, in particular human rights law, and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

1. *Commends* the Special Rapporteur on the human rights of internally displaced persons for the activities undertaken to date, the catalytic role that he has played in raising the level of awareness of the plight of internally displaced persons, and his ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

2. *Welcomes* the report of the Special Rapporteur on the human rights of internally displaced persons submitted to the Human Rights Council at its twenty-third session,<sup>68</sup>

<sup>68</sup> A/HRC/23/44.

3. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons, including through the facilitation of durable solutions and the inclusion of internally displaced persons within their national development plans, and have supported the work of the Special Rapporteur;

4. *Expresses concern* at the persistent problems of the large number of internally displaced persons worldwide, in particular the risk of extreme poverty and socioeconomic exclusion, their limited access to humanitarian assistance and long-term development efforts and assistance, vulnerability to violations of international law, in particular human rights law, and difficulties resulting from their specific situation, such as lack of food, shelter, health services and education, and issues pertinent during their reintegration, including, in appropriate cases, the need for the restitution of or compensation for property;

5. *Also expresses concern* at the problem of protracted internal displacement, and recognizes the need to find durable solutions and for the integration of the rights and needs of internally displaced persons into both rural and urban development strategies, and for their participation in the design and implementation of these strategies;

6. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual and labour exploitation, trafficking in persons, forced recruitment and abduction, and notes the need to continue to pay more systematic and in-depth attention to their special assistance, protection and development needs, as well as those of other groups with special needs, such as older persons, persons with disabilities and severely traumatized individuals affected by internal displacement, taking into account the relevant resolutions of the General Assembly and the Human Rights Council;

7. *Strongly condemns* the continued perpetration of sexual and gender-based violence against internally displaced persons of all ages, with women and girls disproportionately victimized, and urges authorities and the international community to work together for effective prevention, security, protection of human rights, access to justice and victim assistance, as well as in addressing the causes of violence against women and girls and in fighting impunity across the board;

8. *Calls upon* States to provide, as set forth in the Guiding Principles on Internal Displacement and with the support of international and national stakeholders, for national laws and policies that comprehensively protect the human rights of internally displaced persons and adequately address the specific needs of internally displaced women and girls, including:

(a) By means of gender-sensitive policies, durable solutions strategies, and planning and budgeting processes that ensure the allocation of adequate resources to the needs of internally displaced women and girls, and by making special efforts to ensure the full participation of women in the planning and allocation of these resources;

(b) By providing gender-sensitive training for police, military personnel, the judiciary, social workers and other officials, including on preventing and addressing sexual and gender-based violence in displacement situations;

(c) By strengthening efforts to prevent and respond effectively to, at all stages of displacement, sexual and gender-based violence, and harmful practices such as female genital mutilation, including outlining specific measures which States and the international community should take to ensure greater accountability for sexual and gender-based violence, and paying special attention to the health needs of women, including access to

female health-care providers and services, as well as appropriate counselling for victims and survivors of sexual and other abuses;

(d) By recruiting, training and deploying greater numbers of female police and military personnel at the national level, as well as in United Nations peacekeeping operations;

(e) By strengthening efforts to collect, analyse and disseminate quantitative and qualitative data on internally displaced women and girls;

(f) By ensuring the prompt and non-discriminatory provision of all necessary documentation to internally displaced women and girls, including having such documentation issued in their own name;

(g) By establishing a coordination mechanism for the protection of the human rights of internally displaced persons that involves relevant ministries and government bodies with mandates and responsibilities to work on issues affecting women and children;

9. *Urges* States and other relevant actors to take into account the specific needs of persons with disabilities and of the elderly when promoting and ensuring the protection of the human rights of internally displaced persons, in particular by ensuring that persons with disabilities and the elderly have equal access to assistance, protection and rehabilitation services;

10. *Calls upon* States, in cooperation with international agencies and other stakeholders, to ensure and support the full and meaningful participation of internally displaced persons, including women, at all levels of decision-making processes and activities that have a direct impact on their lives, in all aspects relating to internal displacement, regarding the promotion and protection of human rights, the prevention of human rights violations and the design and implementation of durable solutions, including voluntary return, peace processes, peacebuilding, transitional justice, post-conflict reconstruction and development;

11. *Expresses concern* at the internal displacement caused by natural disasters, exacerbated by the expected effects of climate change and by poverty, and recognizes the need for a human rights-based approach to disaster risk reduction, early warning, disaster contingency planning, disaster management and mitigation, as well as recovery efforts, to find durable solutions;

12. *Recognizes* the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons, and encourages Member States and humanitarian agencies, as well as development donors and other providers of development assistance, to continue to work together in endeavours to provide a more predictable response to the needs of internally displaced persons, including their need for long-term development assistance for the implementation of durable solutions, and, in this regard, calls for international support, upon request, for the capacity-building efforts of States;

13. *Decides* to extend the mandate of the Special Rapporteur on the human rights of internally displaced persons for a period of three years:

(a) To address the complex problem of internal displacement, in particular by mainstreaming the human rights of the internally displaced into all relevant parts of the United Nations system;

(b) To work towards strengthening the international response to the complex problem of situations of internal displacement, and to engage in coordinated international advocacy and action for improving protection and respect of the human rights of the

internally displaced, while continuing and enhancing dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors;

14. *Requests* the Special Rapporteur on the human rights of internally displaced persons, in carrying out his or her mandate:

(a) To continue, through continuous dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors, the analysis of the reasons for internal displacement, the needs and human rights of those displaced, measures of prevention, including measures relating to the protection of and assistance to persons at risk of displacement, and ways to strengthen protection, as well as assistance and durable solutions for internally displaced persons, taking into account specific situations and relevant information, including, in particular, statistics and data disaggregated by age, sex, diversity and location, and to include information thereon in his or her reports submitted to the Human Rights Council;

(b) To continue, through continuous dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors, his or her efforts to promote comprehensive strategies and support that focus on the prevention of displacement, better protection and assistance, durable solutions and the integration of internally displaced persons into national development plans, taking into account the primary responsibility of States within their jurisdiction in this regard;

(c) To continue to use the Guiding Principles on Internal Displacement in his or her dialogue with Governments, States in post-conflict or other situations, intergovernmental, regional and non-governmental organizations and other relevant actors, and to continue his or her efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

(d) To integrate a gender perspective throughout the work of the mandate, and to give special consideration to the human rights of internally displaced women and children, as well as of other groups with special needs, such as older persons, persons with disabilities and severely traumatized individuals affected by internal displacement, and their particular assistance, protection and development needs;

(e) To continue his or her efforts to promote, where appropriate, the consideration of the human rights and the specific protection and assistance needs of internally displaced persons in peace processes and peace agreements, and in reintegration and rehabilitation processes;

(f) To continue to pay attention to the role of the international community in assisting affected States, upon request, in meeting the protection and assistance needs of internally displaced persons, including in implementing national strategies, and to incorporate in his or her advocacy activities an emphasis on the mobilization of adequate resources in response to the needs of affected countries;

(g) To continue, through continuous dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors, his or her efforts to promote the protection of the human rights of internally displaced persons in the context of natural disasters;

(h) To strengthen further the cooperation established between the Special Rapporteur and the United Nations, including in the framework of the Peacebuilding Commission, as well as other international and regional organizations, in particular his or her participation in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

(i) To continue to use in his or her activities the Framework on Durable Solutions for Internally Displaced Persons<sup>69</sup> of the Inter-Agency Standing Committee;

(j) To continue cooperation with development donors and other providers of development assistance, including United Nations agencies and other relevant actors, to further strengthen international assistance efforts in support of durable solutions;

15. *Calls upon* States to provide durable solutions, and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, in particular developing countries, in their efforts and policies relating to assistance, protection rehabilitation, durable solutions and development assistance for internally displaced persons and their host communities;

16. *Encourages* States to continue to develop and implement domestic legislation and policies dealing with all stages of displacement in an inclusive and non-discriminatory way, including through the identification of a national focal point within the Government for issues concerning internal displacement, and through the allocation of budget resources, and encourages the international community, relevant United Nations agencies and regional and national actors to provide financial and technical support and cooperation to Governments, upon request, in this regard;

17. *Strongly welcomes* the adoption, entry into force and ongoing process of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons in Africa, and encourages other regional mechanisms to consider the development of similar regional normative frameworks for the protection of internally displaced persons;

18. *Strongly encourages* all Governments, in particular Governments of countries with situations of internal displacement, to facilitate the activities of the United Nations and other relevant actors addressing the protection, assistance and development needs of internally displaced persons and to respond favourably to requests by the Special Rapporteur for visits and information, and urges Governments and the relevant bodies of the United Nations system, also at the country level, to follow up effectively, where appropriate, on the recommendations of the mandate holder and to make available information on the measures taken in this regard;

19. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate holders, interested institutions and independent experts, and non-governmental organizations to develop regular dialogue and cooperation with the Special Rapporteur in the fulfilment of his or her mandate;

20. *Encourages* all relevant United Nations organizations and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and the United Nations country teams in countries with situations of internal displacement, to provide all possible assistance and support to the Special Rapporteur, and requests the continued participation of the Special Rapporteur in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

21. *Requests* the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the assistance and adequate staffing necessary to carry out his or her mandate effectively, and to ensure

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<sup>69</sup> A/HRC/13/21/Add.4.

that the mechanism works in close cooperation with the Emergency Relief Coordinator, with the continued support of the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Refugees;

22. *Invites* the Special Rapporteur to continue to submit annual reports on the implementation of his or her mandate to the Human Rights Council and the General Assembly, making suggestions and recommendations regarding the human rights of internally displaced persons, including on the impact of measures taken at the inter-agency level;

23. *Decides* to continue its consideration of the question of the human rights of internally displaced persons in conformity with its annual programme of work.

38th meeting  
13 June 2013

[Adopted without a vote.]

## 23/9

### **The negative impact of corruption on the enjoyment of human rights**

*The Human Rights Council,*

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

*Recalling* all relevant resolutions of the Commission on Human Rights and the Human Rights Council, including Council resolutions 21/13 of 27 September 2012 on the panel on the negative impact of corruption on human rights, and 19/20 of 23 March 2012, on the role of good governance in the promotion and protection of human right, as well as General Assembly resolution 67/192 of 20 December 2012, on preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to the countries of origin, in accordance with the United Nations Convention against Corruption, and the United Nations Millennium Declaration,

*Recalling also* the United Nations Convention against Corruption, which is the most comprehensive and universal instrument on corruption, and all relevant resolutions of the Conference of the State Parties to the Convention,

*Deeply concerned* about the increasing negative impact of widespread corruption on the enjoyment of human rights,

*Recognizing* that corruption constitutes one of the obstacles to the effective promotion and protection of human rights, as well as to the achievement of the Millennium Development Goals and other internationally agreed development goals,

*Welcoming* the resolve of States parties to the United Nations Convention against Corruption, 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, and welcoming also the commitment made by all States in the 2005 World Summit Outcome<sup>70</sup> to make the fight against corruption a priority at all levels,

<sup>70</sup> General Assembly resolution 60/1.

*Emphasizing* that international cooperation and coordination among different stakeholders, at both the national and international levels, in the fight against corruption contribute positively to the promotion and protection of human rights,

*Welcoming* the joint statement on the negative impact of corruption on the enjoyment of human rights made on behalf of one hundred and thirty four States Members of the United Nations at the twentieth session of the Human Rights Council,

*Welcoming also* the holding by the Human Rights Council, at its twenty-second session, of a panel discussion on the negative impact of corruption on the enjoyment of human rights,

1. *Takes note with appreciation* of the summary report of the Human Rights Council panel discussion on the negative impact of corruption on the enjoyment of human rights prepared by the Office of the United Nations Commissioner for Human Rights;<sup>71</sup>

2. *Recognizes* that all forms of corruption can have a serious negative impact on the enjoyment of all human rights, and that the Human Rights Council should consider this issue further;

3. *Also recognizes* the link between anti-corruption efforts and human rights, and the importance of exploring how to better utilize United Nations human rights mechanisms in this regard;

4. *Requests* the Advisory Committee to submit a research-based report to the Human Rights Council at its twenty-sixth session on the issue of the negative impact of corruption on the enjoyment of human rights, and to make recommendations on how the Council and its subsidiary bodies should consider this issue;

5. *Recalls* the mandate of the Conference of State Parties to the United Nations Convention against Corruption, which will hold its fifth session in Panama City in November 2013, and encourages the Office of the High Commissioner to attend the Conference;

6. *Requests* the Advisory Committee to seek the views and inputs of Member States, relevant international and regional organizations dealing with the issue of corruption, in particular the United Nations Office on Drugs and Crime, the International Anti-Corruption Academy and the Office of the High Commissioner, as well as national human rights institutions, civil society and relevant academic institutions, when preparing the above-mentioned research-based report;

7. *Also requests* the Advisory Committee, when elaborating the above-mentioned report, to take into account, as appropriate, the specific mandate of the Human Rights Council as well as the work done on the issue by competent United Nations bodies and mechanisms within their respective mandates.

*38th meeting  
13 June 2013*

[Adopted without a vote.]

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<sup>71</sup> A/HRC/23/26.

**23/10****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 and 20/11 of 5 July 2012,

*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,

*Taking note also* of general comment No. 21 on the right of everyone to take part in cultural life, adopted by the Committee on Economic, Social and Cultural Rights on 13 November 2009,

*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,<sup>72</sup> in which she focused on the right to freedom of artistic expression and creativity;
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 4 and 5 December 2012, and of a public consultation, on 6 December 2012;
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 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 High Commissioner 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 include in her next report the issue of the ways and means to sensitize institutions and society on diverse cultural heritage and to enhance cooperation for its safeguard and promotion;
14. *Also 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, taking into account the discussion to be held in 2013 at the seminar mandated by the Human Rights Council in its resolution 20/11 and other consultations with relevant stakeholders;
15. *Requests* the Special Rapporteur to present her next report to the Human Rights Council at its twenty-fifth session;

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<sup>72</sup> A/HRC/23/34.

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

38th meeting  
13 June 2013

[Adopted without a vote.]

## 23/11

### **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, the latest being Council resolution 20/10 of 5 July 2012,

*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,

*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,

*Noting with concern* that the total external debt of emerging and developing economies rose from 2,678.4 billion United States dollars in 2003 to 5,414.6 billion dollars in 2010 and was projected to rise to 6,446.3 billion dollars in 2012, and that debt service payments rose from 795.2 billion dollars in 2003 to 1,743.7 billion dollars in 2010, and were projected to rise to 2,010.8 billion and 2,265.5 billion in 2011 and 2012 respectively,

*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 to 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. *Welcomes* the report 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,<sup>73</sup> as well as his work and contributions;

2. *Recalls* the endorsement of the Human Rights Council, in its resolution 20/10 of 5 July 2012, of the guiding principles on foreign debt and human rights;<sup>74</sup>

3. *Reiterates* its encouragement to all Governments, relevant United Nations agencies, funds and programmes and the private sector to take into consideration the guiding principles when designing policies and programmes;

4. *Also reiterates* its request to the Independent Expert to develop a commentary to the guiding principles by inviting comments from States, international financial institutions, regional economic commissions, civil society organizations, the private sector and academia;

5. *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;

6. *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;

7. *Reaffirms* the fact that responses to the global financial and economic crises should not result in a decrease in debt relief, nor should they be used as an excuse to stop debt relief measures, as that would have negative implications for the enjoyment of human rights in affected countries;

8. *Expresses its concern* that the level of implementation and the reduction of overall debt stock under the enhanced Heavily Indebted Poor Countries Initiative are still low, and that the Initiative is not intended to offer a comprehensive solution to the long-term debt burden;

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<sup>73</sup> A/HRC/23/37.

<sup>74</sup> A/HRC/20/23, annex.

9. *Reiterates* its conviction that, for heavily indebted poor countries to achieve debt sustainability, long-term growth and poverty reduction goals, the debt relief under the above-mentioned Initiative will not be sufficient and that additional resource transfers, in the form of grants and concessional loans and the removal of trade barriers and better prices for their exports, would be required to ensure sustainability and permanent exit from debt overhang;

10. *Regrets* the absence of mechanisms to find appropriate solutions to the unsustainable foreign debt burden of low- and middle-income heavily indebted countries, and that, to date, little headway has been made in redressing the unfairness of the current system of debt resolution, which continues to place the interests of the lenders above those of indebted countries and the poor in those countries, and therefore calls for an intensification of efforts to devise effective and equitable mechanisms to cancel or reduce substantially the foreign debt burden of all developing countries, in particular those severely affected by the devastation of natural disasters, such as tsunamis and hurricanes, and by armed conflicts;

11. *Affirms* that, from a human rights perspective, the settlement of excessive vulture funds has a direct negative effect on the capacity of Governments to fulfil their human rights obligations, especially with regard to economic, social and cultural rights;

12. *Also affirms* that the activities of vulture funds highlight some of the problems in the global financial system and are indicative of the unjust nature of the current system, and calls upon States to take measures to combat those funds;

13. *Acknowledges* that, in least developed countries and in several low- and middle-income countries, unsustainable levels of external debt continue to create a considerable barrier to economic and social development and increase the risk that the Millennium Development Goals for development and poverty reduction will not be attained;

14. *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 the 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;

15. *Recalls once again* the call on industrialized countries, as expressed in the Millennium Declaration, to implement the enhanced programme of debt relief 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;

16. *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;

17. *Recalls* the pledge contained in the Political Declaration annexed to General Assembly resolution S-24/2, adopted on 1 July 2000 by the Assembly, to find effective,

equitable, development-oriented and durable solutions to the external debt and debt-servicing burdens of developing countries;

18. *Stresses* the need for the economic reform programmes arising from foreign debt to be country-driven and for any negotiations and conclusion of debt relief and new loan agreements to be formulated with public knowledge and transparency, with legislative frameworks, institutional arrangements and mechanisms for consultation being established to ensure the effective participation of all components of society, including people's legislative bodies and human rights institutions, and particularly of the most vulnerable or disadvantaged, in the design, application and evaluation of strategies, policies and programmes, as well as in the follow-up to and systematic national supervision of their implementation, and for macroeconomic and financial policy issues to be integrated, on an equal footing and in a consistent way, in the realization of broader social development goals, taking into account the national context and the priorities and needs of the debtor countries to allocate resources in a way that ensures balanced development conducive to the overall realization of human rights;

19. *Also stresses* that the economic reform programmes arising from foreign debt should maximize the policy space of developing countries in pursuing their national development efforts, taking into account the views of relevant stakeholders in a way that ensures balanced development conducive to the overall realization of all human rights;

20. *Further stresses* that the economic programmes arising from foreign debt relief and cancellation must not reproduce past structural adjustment policies that have not worked, such as dogmatic demands for privatization and reduced public services;

21. *Calls upon* States, the International Monetary Fund and the World Bank to continue to cooperate closely to ensure that additional resources made available through the Heavily Indebted Poor Countries Initiative, the Global Fund to Fight AIDS, Tuberculosis and Malaria and other new initiatives are absorbed in the recipient countries without affecting ongoing programmes;

22. *Calls upon* creditors, particularly international financial institutions, and debtors alike to consider the preparation of human rights impact assessments with regard to development projects, loan agreements or poverty reduction strategy papers;

23. *Reaffirms* the fact that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies, growth programmes and economic reforms arising from the debt;

24. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS so that more financial resources may be released and used for health care, research and treatment of the population in the affected countries;

25. *Reiterates* its view that, in order to find a durable solution to the debt problem and for the consideration of any new debt resolution mechanism, there is a need for a broad political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

26. *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;

27. *Requests* the Independent Expert to continue to explore the interlinkages with trade and other issues, including HIV/AIDS, when examining the impact of structural adjustment and foreign debt, and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development with a view to bringing to its attention the issue of the effects of structural adjustment and foreign debt on the enjoyment of human rights, particularly economic, social and cultural rights;

28. *Encourages* the Independent Expert to continue to cooperate, in accordance with his mandate, with the Committee on Economic, Social and Cultural Rights, special rapporteurs, independent experts and members of the expert working groups of the Human Rights Council and its Advisory Committee on issues relating to economic, social and cultural rights and the right to development in his work;

29. *Requests* the Independent Expert to report to the General Assembly on the issue of 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;

30. *Requests* the Secretary-General to provide the Independent Expert with all necessary assistance, in particular all the staff and resources required to carry out his functions;

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

32. *Requests* the Independent Expert to submit a report on the implementation of the present resolution, and containing the commentary to the guiding principles on foreign debt and human rights, to the Human Rights Council at its twenty-fifth session;

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

*38th meeting  
13 June 2013*

[Adopted by a recorded vote of 30 to 15, with 2 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Benin, Botswana, Brazil, Burkina Faso, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Ethiopia, Gabon, Guatemala, India, Indonesia, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Pakistan, Philippines, Qatar, Sierra Leone, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Austria, Czech Republic, Estonia, Germany, Ireland, Italy, Japan, Montenegro, Poland, Republic of Korea, Republic of Moldova, Romania, Spain, Switzerland, United States of America

*Abstaining:*

Chile, Peru]

**23/12****Human rights and international solidarity**

*The Human Rights Council,*

*Reaffirming* all previous resolutions 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, 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, and 21/10 of 27 September 2012,

*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,

*Taking into account* the fact that article 2 of the International Covenant on Economic, Social and Cultural Rights states that each State party to the Covenant undertakes 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, including, in particular, the adoption of legislative measures,

*Persuaded* that sustainable development can be promoted by peaceful coexistence, friendly relations and cooperation among States with different social, economic or political systems,

*Reaffirming* the fact that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

*Expressing its concern* at the fact that the immense benefits resulting from the process of globalization and economic interdependence have not reached all countries, communities and individuals, and at the increasing marginalization from their benefits of several developing countries, particularly least developed and African countries, as well as the small and vulnerable economies,

*Expressing its deep concern* at the number and scale of natural disasters, diseases and agricultural pests and their increasing impact in recent years, which have resulted in a massive loss of life and long-term negative social, economic and environmental consequences for developing countries, in particular the most vulnerable countries throughout the world,

*Reaffirming* the crucial importance of increasing the resources allocated for official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per

cent of their gross national product for official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

*Reaffirming also* the fact that the achievement of the Millennium Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity,

*Determined* to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

*Asserting* the necessity of establishing new, equitable and global links of partnership and intra-generational solidarity for the perpetuation of humankind,

*Recognizing* that the attention paid to the importance of international solidarity as a vital component of the efforts made by 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,

*Resolved* to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

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. *Urges* the international community to consider urgently concrete measures to promote and consolidate international assistance to developing countries in their development endeavours and for the promotion of conditions conducive to the full realization of all human rights;

5. *Calls upon* the international community to promote international solidarity and cooperation as an important tool to help to overcome the negative effects of the current economic, financial and climate crises, particularly in developing countries;

6. *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;

7. *Also reaffirms* that much more is needed owing to the magnitude of global and local challenges, the alarming increase in natural and man-made disasters and the

continuing rises in poverty and inequality; ideally, solidarity should be preventive rather than simply reactive to massive irreversible damage already caused, and must address both natural and man-made disasters;

8. *Recognizes* that there is an overwhelming manifestation of solidarity by States, individually and collectively, civil society, global social movements and countless people of goodwill reaching out to others;

9. *Also recognizes* that the so-called “third-generation rights” closely interrelated with the fundamental value of solidarity need further progressive development within the United Nations human rights machinery in order to be able to respond to the increasing challenges of international cooperation in this field;

10. *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, and to cooperate with the Independent Expert on human rights and international solidarity in her mandate, to supply all necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their country to enable her to fulfil her mandate effectively;

11. *Welcomes* the report of the Independent Expert on human rights and international solidarity;<sup>75</sup>

12. *Also welcomes* the work conducted by the Independent Expert, inter alia, her consultations with States, civil society organizations and other stakeholders, her participation in the 2012 Social Forum and the seminar on the enhancement of international cooperation in the field of human rights, held in Geneva on 15 February 2013;

13. *Requests* the Independent Expert:

(a) To continue to identify areas to be addressed, the main concepts and norms that can form the basis of a framework, and good practices to inform the future development of law and policy with regard to human rights and international solidarity;

(b) To hold consultations with States, relevant United Nations and other international organizations, agencies and programmes, and other stakeholders at the national, regional and international levels, in the discharge of her mandate;

(c) To undertake country visits with the aim of seeking and exchanging views with Governments and identifying their best practices for the promotion of international solidarity;

(d) To conduct in-depth research and intensive consultations with a view to preparing and sharing with Member States and all other relevant stakeholders a preliminary text of the draft declaration on the right of peoples and individuals to international solidarity;

(e) 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;

(f) To continue to engage actively in the post-2015 process, stressing the role of international solidarity as a key element to achieve sustainable and more inclusive development;

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<sup>75</sup> A/HRC/23/45.

(g) To report regularly to the General Assembly in accordance with its programme of work;

14. *Reiterates* its request to the Independent Expert, in accordance with her work plan, to continue to work in the preparation of a draft declaration on the right of peoples and individuals to international solidarity and in further developing guidelines, standards, norms and principles with a view to promoting and protecting this right by addressing, inter alia, existing and emerging obstacles to its realization;

15. *Requests* the Independent Expert to continue consultations with States, and to consider holding regional consultations on the issues mentioned in paragraph 14 above, and requests the Office of the United Nations High Commissioner for Human Rights to assist the Independent Expert in the organization and holding of those consultations, including through the allocation of sufficient budgetary resources;

16. *Encourages* the widest possible participation of States, civil society organizations and other stakeholders in the above-mentioned regional consultations;

17. *Reiterates its request* to the Independent Expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields and to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of her mandate;

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

19. *Requests* the Secretary-General and the Office of the High Commissioner to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Independent Expert;

20. *Decides* to continue its examination of this issue at its twenty-sixth session under the same agenda item.

*38th meeting  
13 June 2013*

[Adopted by a recorded vote of 32 to 15, with no abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Ethiopia, Gabon, Guatemala, India, Indonesia, Kazakhstan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Pakistan, Peru, Philippines, Qatar, Sierra Leone, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Austria, Czech Republic, Estonia, Germany, Ireland, Italy, Japan, Montenegro, Poland, Republic of Korea, Republic of Moldova, Romania, Spain, Switzerland, United States of America]

## **23/13**

### **Attacks and discrimination against persons with albinism**

*The Human Rights Council,*

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

*Reaffirming* the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant of Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

*Reaffirming also* that everyone has the right to life, liberty and security of person, and that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

*Recalling* the fundamental principle of equality and non-discrimination that underlies the Charter and international human rights instruments,

*Taking note* of the work of the Special Representative of the Secretary-General on Violence against Children,

*Reaffirming* the right to health and education as enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties,

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

*Expressing its concern also* at the widespread discrimination, stigma and social exclusion suffered by persons with albinism,

*Welcoming* the steps taken and efforts made by the countries concerned, including the initiation of legal action against the perpetrators of attacks against persons with albinism, public condemnation of attacks against persons with albinism, the provision of temporary shelter to persons with albinism under threat of attack, and public awareness-raising campaigns,

1. *Urges* States to take all measures necessary to ensure the effective protection of persons with albinism, and their family members;

2. *Calls upon* States to ensure accountability through the conduct of impartial, speedy and effective investigations into attacks against persons with albinism falling within their jurisdiction, and to bring those responsible to justice, and to ensure that victims and family members have access to appropriate remedies;

3. *Also calls upon* States to take effective measures to eliminate any type of discrimination against persons with albinism, and to accelerate education and public awareness-raising activities;

4. *Encourages* States to share best practices in protecting and promoting the rights of persons with albinism;

5. *Invites* relevant special procedures of the Human Rights Council, as appropriate, in the framework of their mandate, to address the relevant aspects of the safety and non-discrimination of persons with albinism;

6. *Invites* States, in collaboration with relevant regional and international organizations, to promote bilateral, regional and international initiatives to support the protection of persons with albinism;

7. *Requests* the Office of the United Nations High Commissioner of Human Rights to submit a preliminary report on attacks and discrimination against persons with albinism to the Human Rights Council at its twenty-fourth session;

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

38th meeting  
13 June 2013

[Adopted without a vote.]

## **23/14**

### **Access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

*The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

*Reaffirming also* that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right that derives from the inherent dignity of the human person,

*Recalling* Human Rights Council resolution 17/14 of 17 June 2011 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, as well as Assembly resolution 67/81 of 12 December 2012 on global health and foreign policy,

*Recalling also* the Declaration on the Right to Development, which, inter alia, establishes that States should take, at the national level, all measures necessary for the realization of the right to development and should ensure, inter alia, equality of opportunity for all in their access to basic resources, such as health services,

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

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

*Recalling* that the Doha Ministerial Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health confirms that the Agreement does not and should not prevent members of the World Trade Organization from taking measures to protect public health and that the Declaration, accordingly, while reiterating the commitment to the Agreement, affirms that it can and should be interpreted and implemented in a manner supportive of the rights of members of the Organization to protect public health and, in particular, to promote access to medicines for all, and further recognizes, in this connection, the right of members of the Organization to use, to the full, the provisions of the above-mentioned Agreement, which provide flexibility for this purpose,

*Regretting* the high number of people still without access to affordable, safe, efficacious and quality medicines, and underscoring that improving such access could save

millions of lives every year, and noting with deep concern that more than one billion people still do not have access to essential medicines,

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

*Concerned also* 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, and recognizing the urgent need for further measures at the global, regional and national levels to prevent and control such diseases in order to contribute to the full realization of the right of everyone to the highest attainable standard of physical and mental health,

*Recalling* General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Takes note with appreciation* of the study of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on existing challenges with regard to access to medicines in the context of that right, ways to overcome them and good practices;<sup>76</sup>

2. *Recognizes* that access to medicines is one of the fundamental elements in achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

3. *Stresses* the responsibility of States to ensure the highest attainable level of health for all, including through access, without discrimination, to medicines, in particular essential medicines, that are affordable, safe, efficacious and of quality;

4. *Emphasizes* the central role of prevention, the promotion of healthy lifestyles and the strengthening of health systems;

5. *Urges* States, as appropriate:

(a) To implement, or where they do not exist, to establish, national health frameworks that ensure access for all, without discrimination, to medicines that are affordable, safe, efficacious and of quality;

(b) To develop a policy framework on medicines, including, where appropriate, local production of medicines, with the aim of ensuring long-term accessibility and affordability of medicines;

(c) To adopt regulation measures with a view to providing access of the population, and particularly individuals in vulnerable situations, to affordable medicines;

(d) To raise awareness about the responsible use of medicines, including through the wide dissemination of information in that regard, taking into account the potential risks to health;

(e) To promote the informed participation of relevant stakeholders, as appropriate, in formulating national medicines policies and programmes, while safeguarding public health from undue influence by any form of real, perceived or potential conflict of interest;

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<sup>76</sup> A/HRC/23/42.

(f) To strengthen, or where they do not exist, to establish, national monitoring and accountability mechanisms for policies relating to access to medicines;

(g) To ensure that procurement practices and procedures for medicines are transparent, fair, competitive and non-discriminatory;

(h) To promote access to medicines for all, including through the use, to the full, of the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights which provide flexibility for that purpose, recognizing that the protection of intellectual property is important for the development of new medicines, as well as the concerns about its effects on prices;

(i) To foster the development of technology and the voluntary transfer of technology to developing countries, on mutually agreed terms aligned with national priorities, bearing in mind the specific needs of least-developed countries in this regard;

(j) To apply measures and procedures for enforcing intellectual property rights in such a manner as to avoid creating barriers to the legitimate trade of affordable, safe, efficacious and quality medicines, and to provide for safeguards against the abuse of such measures and procedures;

(k) To strengthen, or where they do not exist, to establish, national health regulatory systems that ensure the quality, safety and efficacy of medicines;

(l) To promote the improvement of health infrastructures necessary for access to affordable, safe, efficacious and quality medicines, such as storage and distribution systems;

(m) To ensure that investment, industrial or other policies promote development and access to medicines, in particular their affordability;

(n) To explore and promote a range of incentive schemes for research and development, including addressing, where appropriate, the delinkage of the costs of research and development and the price of health products, in accordance with the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property;

(o) To improve domestic management capacities in order to improve delivery and access to quality, safe, efficacious and affordable medicines;

(p) To promote universal health coverage in national systems as one of the efficacious means to promote access to medicines for all;

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 access to medicines that are affordable, safe, efficacious and of quality, and through financial and technical support and training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

7. *Invites* relevant United Nations programmes and agencies, in particular the World Health Organization, as well as other relevant international organizations, within their mandates, to consider the findings of the study of the Special Rapporteur;

8. *Recognizes* the innovative funding mechanisms that contribute to the availability of vaccines and medicines in developing countries, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, the GAVI Alliance and the International Drug Purchase Facility, UNITAID, and calls upon all States, United Nations programmes and agencies, in particular the World Health Organization, and relevant intergovernmental organizations, within their respective mandates, and encourages relevant stakeholders, including pharmaceutical companies, while safeguarding public health from undue

influence by any form of real, perceived or potential conflict of interest, to further collaborate to enable equitable access to quality, safe and efficacious medicines that are affordable to all, including those living in poverty, children and other persons in vulnerable situations;

9. *Urges* all States, United Nations agencies and programmes and relevant intergovernmental organizations, within their respective mandates, and encourages non-governmental organizations and relevant stakeholders, to promote innovative research and development to address health needs in developing countries, including access to quality, safe, efficacious and affordable medicines, and in particular with regard to diseases disproportionately affecting developing countries, as well as the challenges arising from the growing burden of non-communicable diseases;

10. *Invites* the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, within his existing mandate, while considering the many ways towards the full realization of the right to health, including universal health coverage, to continue to focus on the issue of access to medicines, including in his regular country missions.

*38th meeting  
13 June 2013*

[Adopted by a recorded vote of 31 to 0, with 16 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Ethiopia, Gabon, Guatemala, India, Indonesia, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Pakistan, Peru, Philippines, Qatar, Sierra Leone, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Abstaining:*

Austria, Czech Republic, Estonia, Germany, Italy, Ireland, Japan, Kazakhstan, Montenegro, Poland, Republic of Korea, Republic of Moldova, Romania, Spain, Switzerland, United States of America]

## **23/15 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 17/24 of 17 June 2011 and 20/13 of 5 July 2012, and deploring the inadequate response 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 report of the Special Rapporteur on the situation of human rights in Belarus;<sup>77</sup>

2. *Expresses deep concern* at continuing violations of human rights in Belarus, which are of a structural and endemic nature, and also at the systemic and systematic restrictions on human rights, especially in the case of the freedoms of association, of assembly, and of opinion and expression, as well as the guarantees of due process and fair trial, and expresses particular concern at the use of torture and ill-treatment in custody, the lack of response by the Government to cases of enforced disappearance of political opponents, violations of labour rights amounting to forced labour, significant gaps in anti-discrimination legislation, the impunity of perpetrators of human rights violations and abuses, the harassment of civil society organizations, human rights defenders, journalists and political opponents, pressure on defence lawyers, the lack of participation of opposition political parties in Parliament, and the fact that most international observers regarded the polling in Parliamentary elections on 23 September 2012 as inconsistent with basic standards for competitive, free and fair elections;

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 their human rights commitments, and not used to impede or unduly restrict the exercise of any human right, including the freedoms of expression, of association and of peaceful assembly, or freedom of the media;

4. *Notes* the attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and takes note of the re-establishment of the parliamentary working group on the death penalty, and encourages it to expedite its work;

5. *Calls upon* the Government of Belarus to carry out a comprehensive reform of the justice sector and bar associations in order to guarantee the independence and impartiality of the judiciary, the presumption of innocence, 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;

6. *Strongly urges* the Government of Belarus to immediately and unconditionally release and rehabilitate all political prisoners, and to rehabilitate those who have already been released, to address, through comprehensive, transparent and credible investigations, reports of torture and ill-treatment by law-enforcement officials, and to put an immediate end to the arbitrary detention of human rights defenders and political opponents, arbitrary travel bans and other policies aimed at intimidating representatives of the political opposition and the media, as well as human rights defenders and civil society;

7. *Encourages* the Government of Belarus to consider expediting its initiative 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-sixth session and to the General Assembly at its sixty-ninth session;

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<sup>77</sup> A/HRC/23/52.

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.

38th meeting  
13 June 2013

[Adopted by a recorded vote of 26 to 3, with 18 abstentions. The voting was as follows:

*In favour:*

Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Czech Republic, Estonia, Gabon, Germany, Guatemala, Ireland, Italy, Japan, Maldives, Montenegro, Peru, Poland, Republic of Korea, Romania, Spain, Switzerland, United States of America

*Against:*

India, Kazakhstan, Venezuela (Bolivarian Republic of)

*Abstaining:*

Angola, Côte d'Ivoire, Ecuador, Ethiopia, Indonesia, Kenya, Kuwait, Libya, Malaysia, Mauritania, Pakistan, Philippines, Qatar, Republic of Moldova, Sierra Leone, Thailand, Uganda, United Arab Emirates]

## 23/16

### Promotion of the right to peace

*The Human Rights Council,*

*Recalling* all previous resolutions on the promotion of the right of peoples to peace adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, in particular Council resolution 20/15 of 5 July 2012, in which the Council decided to establish an open-ended intergovernmental working group with the mandate of progressively negotiating a draft United Nations declaration on the right to peace, on the basis of the draft submitted by the Advisory Committee, and without prejudging relevant past, present and future views and proposals,

*Recalling also* General Assembly resolution 39/11 of 12 November 1984, entitled "Declaration of the Right of Peoples to Peace", and the United Nations Millennium Declaration,

*Determined* to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

*Welcoming* the important work being carried out by civil society organizations for the promotion of the right to peace and their contribution to the development of this issue,

*Taking note* of the report of the open-ended intergovernmental working group on its first session,<sup>78</sup> held from 18 to 21 February 2013, pursuant to Human Rights Council resolution 20/15, and in particular of the inputs from Governments, regional and political groups, civil society and relevant stakeholders,

<sup>78</sup> A/HRC/WG.13/1/2.

*Bearing in mind* the progressive development of this issue,

1. *Decides* that the working group shall hold its second session for five working days in 2014, before the twenty-fifth session of the Human Rights Council;
2. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the working group with the assistance necessary for it to fulfil its mandate;
3. *Requests* the Chairperson-Rapporteur of the working group to conduct informal consultations with Governments, regional groups and relevant stakeholders before the second session of the working group;
4. *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 and on the basis of the intersessional informal consultations to be held, and to present it prior to the second session of the working group for consideration and further discussion thereat;
5. *Invites* States, civil society and all relevant stakeholders to contribute actively and constructively to the work of the working group;
6. *Requests* the working group to prepare a report on progress made, and to submit it to the Human Rights Council as a pre-session document, to be made available in all official languages of the United Nations, for consideration at its twenty-sixth session.

*38th meeting  
13 June 2013*

[Adopted by a recorded vote of 30 to 9, with 8 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Ethiopia, Gabon, Guatemala, Indonesia, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Pakistan, Peru, Philippines, Qatar, Sierra Leone, Thailand, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Austria, Czech Republic, Estonia, Germany, Japan, Montenegro, Republic of Korea, Spain, United States of America

*Abstaining:*

India, Ireland, Italy, Kazakhstan, Poland, Republic of Moldova, Romania, Switzerland]

## **23/17**

### **National institutions for the promotion and protection of human rights**

See chapter II.

## 23/18 Technical assistance to the Central African Republic 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 human rights instruments,*

*Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,*

*Bearing in mind the situation in the Central African Republic since 24 March 2013,*

*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 human rights covenants and other relevant international human rights instruments to which they are party,*

*In view of the Bamako Declaration adopted on 3 November 2000 by the French-speaking States and Governments, which condemns all coups d'état and any seizure of power through violence, arms or other illegal means,*

*In view also of the final communiqué of the special meeting of the Heads of State and Government of the Economic Community of Central African States held in N'Djamena on 21 December 2012, and the political agreement signed in Libreville on 11 January 2013,*

*Taking into account the efforts undertaken by States members of the Economic Community of Central African States, including those of the chair of the follow-up committee of the Economic Community of Central African States on the situation in the Central African Republic,*

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

*Concerned about the political, security and humanitarian situation in the Central African Republic, as well as the risk of clashes between communities and religions,*

*Deeply concerned about the human rights violations and acts of violence perpetrated against the civilian population following the events of 24 March 2013, including summary executions, rape and other forms of sexual abuse, torture, looting and other serious violations of international human rights law,*

*Recalling that such violence has led to the mass displacement of people,*

*Bearing in mind the establishment of a National Transitional Council and the appointment by this Council of a Head of State to oversee the transition,*

*Bearing in mind also the deployment of the Central African Multinational Force set up by the Economic Community of Central African States in the context of an operation to disarm the militias, train the Central African Armed Forces and secure the electoral process,*

1. *Welcomes the decisions of the Peace and Security Council of the African Union and the conclusions of the fourth special summit of the Heads of State and Government of the Economic Community of Central African States, held in N'Djamena on 18 April 2013, and those of the International Contact Group on the Central African Republic at its meeting on 3 May 2013 in Brazzaville;*

2. *Takes note with interest* of the decision of the United Nations High Commissioner for Human Rights to dispatch a fact-finding mission to the Central African Republic;
3. *Condemns* all the serious human rights violations and acts of violence perpetrated against the civilian population, including crimes, summary executions, rape and other forms of sexual abuse, the use of children by armed groups, torture, looting and other serious violations of international human rights law, as well as the arrests, arbitrary detention and destruction of property carried out by all the forces present;
4. *Calls for* an immediate halt to all such human rights violations and acts of violence, and for the strict observance of all human rights and fundamental freedoms;
5. *Welcomes* the initiatives taken by the Economic Community of Central African States to resolve the Central African crisis, including the decision taken at its special summits in N'Djamena on 3 and 18 April 2013 to set up an institutional transition mechanism in the Central African Republic for a period of up to 18 months;
6. *Supports* current efforts by the African Union and the Economic Community of Central African States to resolve the crisis in the Central African Republic and to bring about a definitive return to constitutional order, peace and security in that country;
7. *Encourages* the efforts of the Economic Community of Central African States, the African Union, the United Nations and the partners of the Central African Republic in the stabilization process, which led to the adoption of a road map on a transition lasting 18 months, a Government of national unity, a National Transitional Council, a Transition Charter and a Transitional Constitutional Court;
8. *Encourages* the transitional authorities to guarantee freedom of expression and invites them to organize a free and transparent general election, with a view to creating conditions conducive to a return to constitutional order, to a lasting and inclusive reconciliation of the different components of the Central African population and to the consolidation of peace, while ensuring that women participate fully in the election and reconciliation processes;
9. *Requests* the support of all stakeholders and all international partners to meet the need for significant financial, humanitarian and technical assistance and for measures identified as urgent priorities by the Central African Republic;
10. *Calls on* the transitional authorities to take all necessary steps to put an immediate stop, throughout the national territory, to all acts of violence against the civilian population, in strict compliance with the provisions of applicable international human rights law;
11. *Also calls on* the transitional authorities to ensure respect for the rights and fundamental freedoms of all population groups and to take all necessary steps to ensure there is no impunity for the perpetrators of crimes, acts of violence or any other human rights violations;
12. *Emphasizes* the need to facilitate access by the population to humanitarian aid and calls on the international community, in conjunction with the transitional authorities and neighbouring countries, to continue to deliver appropriate humanitarian assistance to refugees and displaced persons and to respond to the challenges associated with the humanitarian crisis in the Central African Republic;
13. *Requests* the High Commissioner to submit to the Human Rights Council, at its twenty-fourth session, an interim report on the human rights situation and, at its twenty-fifth session, a report evaluating the needs for technical assistance and capacity-building in the Central African Republic;

14. *Decides* to remain seized of this matter.

*39th meeting  
13 June 2013*

[Adopted without a vote.]

## **23/19 National policies and human rights**

*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 as a common standard of achievement for all peoples and all nations,

*Recalling* all 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 also* that States emphasized in the Vienna Declaration and Programme of Action and the 2005 World Summit Outcome<sup>79</sup> that they bear the responsibility, in conformity with the Charter, to develop and encourage respect for human rights and fundamental freedoms for all, 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,

*Bearing in mind* that States should integrate their obligations under international human rights law into their national legislation in order to ensure that State action at the national level is effectively directed towards the promotion and protection of all human rights and fundamental freedoms,

*Noting* that State action aimed at the promotion, protection and full realization of human rights and fundamental freedoms at the national level is most effective when fully integrated into national policies based on a human rights perspective,

*Reaffirming* that all human rights are inalienable, universal, indivisible, interdependent and interrelated and that, therefore, national policies aimed at their promotion and protection will also have a mutually reinforcing effect on their realization,

*Recognizing* that each State has the right to choose the framework that is best suited to its particular needs at the national level,

*Reaffirming* the importance of international cooperation to support States in the process of integrating their obligations under international human rights law into national legislation, and drawing up and carrying out national policies aimed at the full realization of human rights and fundamental freedoms,

*Recognizing* the important and constructive role that national human rights institutions and civil society can play in the process of drawing up and assessing the impact of national policies aimed at the promotion, protection and full realization of human rights and fundamental freedoms,

1. *Recognizes* that State action aimed at the full realization of human rights and fundamental freedoms at the national level is made most effective by drawing up and

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<sup>79</sup> General Assembly resolution 60/1.

putting into practice national policies in conformity with obligations under international human rights law;

2. *Stresses* the importance of the resolution of Heads of State and Government to integrate the promotion and protection of human rights into national policies as reflected in the 2005 World Summit Outcome;

3. *Recognizes* the importance of developing, strengthening and implementing, as appropriate, national systems for collecting, monitoring and evaluating relevant disaggregated national data as a useful tool for drawing up and assessing the impact of national policies aimed at the enjoyment of human rights and fundamental freedoms;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report on technical assistance and capacity-building options for integrating human rights into national policies, drawing from worldwide best practices in this field, with a view to support States in developing and applying suitable methodologies to that end, upon request and according to their own particular needs and priorities;

5. *Also requests* the Office of the High Commissioner to submit the above-mentioned report to the Human Rights Council at its twenty-seventh session.

*39th meeting  
13 June 2013*

[Adopted without a vote.]

## **23/20**

### **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, 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, and the work of various special mechanisms of the Council that have reported on the situation of human rights and fundamental freedoms of migrants,

*Bearing in mind* the High-level Dialogue on International Migration and Development that will be held during the sixty-eighth session of the General Assembly, which provides a unique opportunity to work towards a global agenda for effective, inclusive discussions on migration policies and to identify measures that promote the role of migrants as agents of innovation and development,

*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,

*Recognizing* the valuable economic, social and cultural contributions of migrants to the communities of countries of origin and destination,

*Reaffirming* that everyone is entitled to all human rights and fundamental freedoms, without distinction of any kind, including the right to life, liberty and security of person, wherever the person is and regardless of his or her immigration status, and that human rights are only subject to the limitations and derogations established in international human rights treaties of which the State is party,

*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 in attempting to cross international borders without the required travel documents, and recognizing the obligation of States to protect and respect the human rights of those crossing their borders,

*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,

*Emphasizing* the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation, built on a partnership approach, and the need to protect the human rights of migrants, particularly at a time in which the increased regional and global mobility of persons, the structural changes in the global economy, and the ongoing adverse impact of the world financial and economic crisis generates new opportunities and challenges for countries of origin, transit and destination,

*Recognizing* that mixed movements, in which people with various needs and circumstances use the same routes and means of transport, create challenges for States with regard to the needs of the different individuals, and underscores the importance of status determination and effective referral systems,

*Aware* that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

*Affirming* that crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response, and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

*Expressing concern* at the arbitrary detention of migrants in the context of enforcement of migration laws and at the use of prolonged detention of persons without procedural guarantees, particularly without prospect of removal,

*Stressing* the need for States to develop adequate procedures for detention and expulsions that ensure respect for legal, procedural and substantive guarantees consistent with their international obligations,

1. *Takes note with appreciation* of the report of the Special Rapporteur on the human rights of migrants,<sup>80</sup> 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 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. *Expresses its concern* at legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, and 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 all migrants;

4. *Calls upon* States and regional and international organizations with competence in the field of regulating migration and implementing migration policies:

(a) To effectively promote and protect the human rights and fundamental freedoms of all migrants, including, in particular, the right to life, liberty and security of person, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international human rights instruments to which they are party;

(b) To adopt concrete measures to prevent violations of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants and their families respectfully and in accordance with their obligations under international human rights law, and to pay particular attention to women and girls, who may be exposed to sexual violence;

(c) To prosecute, in conformity with applicable law, acts of violation of the human rights of migrants and their families, such as arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(d) To regularly assess their policies of migration control and enforcement with regard to the risks they may pose for the loss of life of migrants, and to continue efforts to avoid human tragedies in border crossings by land or sea;

(e) 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;

(f) To take care that domestic law and administrative provisions and their application facilitate the work of humanitarian workers, human rights defenders and any other actor providing humanitarian assistance to and defending the human rights of

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<sup>80</sup> A/HRC/23/46.

irregular migrants, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to international human rights law;

(g) To avoid the stigmatization of irregular migrants in language, policies and practice, and to use correct terminology that qualifies actions rather than persons;

(h) To respect the human rights and inherent dignity of migrants, to put an end to arbitrary arrest and detention and, in order to avoid excessive detention of irregular migrants, to review, where necessary, detention periods and to use alternatives to detention, where appropriate;

(i) To respect in all circumstances the principle of non-refoulement and to comply fully with their international legal obligations with regard to the expulsion of migrants;

(j) To put in place, if they have not yet done so, systems and procedures that can easily be applied in order to ensure full compliance with their international human rights law obligations by all their programmes and institutions in the field of migration;

(k) To participate in international and regional dialogues on migration that include countries of origin, transit and destination;

5. *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;

6. *Requests* the Special Rapporteur to, in accordance with his mandate, continue to pay attention to the topic of the universal enjoyment of human rights for all migrants;

7. *Encourages* States and regional and international organizations to enhance cooperation with the Special Rapporteur;

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

40th meeting  
14 June 2013

[Adopted without a vote.]

## **23/21 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* 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,

*Recalling further* Human Rights Council resolution 20/20 of 6 July 2012, in which the Council established the mandate of Special Rapporteur on the situation of human rights in Eritrea,

*Recalling* Human Rights Council resolution 21/1 of 26 September 2012, in which the Council decided that the documentation considered by the Council under its complaint procedure relating to the situation of human rights in Eritrea should no longer be considered confidential, with the exception of the names or any other identifying information of specific individuals who have not consented, and invited the Special Rapporteur on the situation of human rights in Eritrea to investigate further the allegations contained in the submitted complaints and to report thereon to the Council at its twenty-sixth session,

*Expressing 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,

*Expressing grave concern* at the compulsory practice of children undertaking their final year of schooling in a military training camp,

*Expressing grave concern also* at the widespread use of indefinite conscription into national service, a system that constitutes forced labour, and the forced conscription of children under the age of 18 into military service,

*Expressing grave concern further* at the reported use of forced labour, including of conscripts and minors in the mining industry,

*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 first cycle of the universal periodic review,

*Noting also* the efforts of Eritrea to achieve the Millennium Development Goals and to promote gender equality and progress on female genital mutilation, while stressing that sustainable social changes are linked with the establishment of a conducive political and legal environment,

*Recalling* the Charter, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and international human rights treaties to which States are party,

*Recalling also* the obligations of Eritrea under the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child,

*Expressing concern* at the failure of the Government of Eritrea to cooperate with the Special Rapporteur on the situation of human rights in Eritrea,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Eritrea;<sup>81</sup>

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;

<sup>81</sup> A/HRC/23/53.

(b) The severe restrictions on freedom of opinion and expression, freedom of information, freedom of thought, conscience and religion and freedom of peaceful assembly and association, including the detention of journalists, human rights defenders, political actors and 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 family members of those suspected of evading national service in Eritrea;

(d) The severe restrictions on freedom of movement, including the arbitrary detention of people caught attempting to flee the country or suspected of an intention to do so;

(e) The violations of the rights of the child, including but not limited to the forced military conscription of children;

(f) 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;

(g) The shoot-to-kill practice employed on the borders of Eritrea to stop Eritrean citizens seeking to flee their country;

(h) 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;

(i) The lack of cooperation with international and regional human rights mechanisms by Eritrea;

3. *Calls 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 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;

(d) To put an end to the system of indefinite national service, to provide for conscientious objection to military service, and to end the compulsory practice of all children undertaking their final year of schooling in a military training camp;

(e) 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;

(f) 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;

(g) To enhance the promotion and protection of women's rights, including by taking further measures to combat harmful practices, such as early marriage and female genital mutilation;

(h) To implement the recommendations accepted during its universal periodic review, to report on progress made and to cooperate fully with the Human Rights Council and the universal periodic review during its second cycle;

(i) To end "guilt-by-association" policies that target family members of those who evade national service or seek to flee Eritrea;

(j) 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 access to a mission by the Office as requested by the High Commissioner, the human rights treaty bodies, all mechanisms of the Human Rights Council and with all international and regional human rights mechanisms;

(k) 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 journalists and Djiboutian combatants;

(l) 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 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 her to present a report to the Human Rights Council at its twenty-sixth session and to address and engage in an interactive dialogue with the General Assembly at its sixty-eighth session;

6. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, to permit her access to visit the country, to give due consideration to the recommendations contained in her first report and to provide the information necessary for the fulfilment of her mandate, and underlines the importance for all States to lend their support to the Special Rapporteur for the discharge of her mandate;

7. *Urges* the international community to cooperate fully with the Special Rapporteur and to strengthen efforts to ensure the protection of those fleeing from Eritrea, in particular the increasing number of unaccompanied children;

8. *Requests* the Secretary-General to provide the Special Rapporteur with all information and the resources necessary to fulfil the mandate;

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

*40th meeting  
14 June 2013*

[Adopted without a vote.]

**23/22****Technical assistance to 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 other relevant human rights instruments,

*Recalling* General Assembly resolution 60/251 of 15 March 2006,

*Recalling also* Council resolutions 5/1, on institution-building, 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* Council resolutions S-14/1 of 23 December 2010 and 16/25 of 25 March 2011 concerning the situation of human rights in Côte d'Ivoire, Council resolution 17/21 of 17 June 2011 establishing the mandate of the Independent Expert on the situation of human rights in Côte d'Ivoire and Council resolution 20/19 of 6 July 2012 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, the Universal Declaration of Human Rights, the international covenants on human rights and other relevant human rights instruments,

*Welcoming* the holding of local (municipal and departmental) elections in Côte d'Ivoire on 21 April 2013, which mark the completion of the process of establishing national institutions,

*Noting* that, while the situation of human rights in Côte d'Ivoire has improved, as indicated in the report of the Independent Expert on the situation of human rights in Côte d'Ivoire,<sup>82</sup> it remains relatively fragile in view of the many challenges, particularly as regards the restoration of peace, national reconciliation and the fight against impunity, as well as security sector reform,

*Gravely concerned* by the resurgence of armed attacks on the Forces républicaines de Côte d'Ivoire and the forces of the United Nations in the exercise of their mandate to protect civilians,

1. *Condemns* the resurgence of 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 definitively overcome the effects of the post-election crisis in Côte d'Ivoire;

2. *Deplores* the attack on the Nahibly camp for displaced persons and urges the Government of Côte d'Ivoire to expedite the investigations under way to identify the perpetrators of these acts and to bring them before the competent courts;

3. *Welcomes* the substantial improvement in security matters in Côte d'Ivoire, as well as the establishment of the Special Investigative Unit and the National Security Council, particularly as regards their roles in early warnings and prevention of human rights violations;

4. *Also welcomes* the continued cooperation of the Government of Côte d'Ivoire with the United Nations human rights machinery and its commitment to promote and

<sup>82</sup> A/HRC/22/66.

protect human rights, and encourages the continuation of efforts to end all human rights violations, to prosecute the perpetrators of such acts and to provide assistance to victims;

5. *Takes note* of the reports and recommendations of the Independent Expert on the situation of human rights in Côte d'Ivoire;

6. *Welcomes* the commitments undertaken by the Government of Côte d'Ivoire at the twenty-second session of the Council to endorse the Independent Expert's recommendations, particularly those related to strengthening democracy, combating impunity through the justice system and strengthening inclusive political pluralism and cultural and religious pluralism;

7. *Also welcomes* in this regard the establishment of a political framework for ongoing dialogue aimed at facilitating inclusive political pluralism, the ratification of the Rome Statute of the International Criminal Court and the adoption of new norms of family law to provide for equality 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;

8. *Takes note* of the opening of the trial of some members of the Forces républicaines de Côte d'Ivoire and of the holding in Yamoussoukro, from 21 to 23 February 2013, of an international conference on impunity, organized by the Independent Expert;

9. *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 of Côte d'Ivoire, and invites the Commission to do all it can to meet the expectations of the Ivorian people and the international community in terms of redress and non-repetition;

10. *Takes note* of the publication of the work of the National Commission of Inquiry in Côte d'Ivoire, which is 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, commends the relevance of the Commission's conclusions and recommendations, and urges the Government of Côte d'Ivoire to follow up on them;

11. *Encourages* the Government of Côte d'Ivoire to continue to ratify and implement international and regional human rights instruments, to comply with their reporting requirements and to promote human rights education;

12. *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 to cooperate with the Government of Côte d'Ivoire in providing assistance to refugees and internally displaced persons, in conformity with the measures put in place by the Government, so as to encourage their safe and voluntary return to their homes;

13. *Notes also with concern* the continued and 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;

14. *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;

15. *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;

16. *Calls on* 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;

17. *Also calls on* 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;

18. *Decides* therefore to renew the mandate of the Independent Expert on the situation of human rights in Côte d'Ivoire for a period of one year, from the twenty-third to the twenty-sixth session of the Human Rights Council;

19. *Requests* the Independent Expert to submit his report at the twenty-fifth session and his recommendations at the twenty-sixth session of the Human Rights Council;

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

*40th meeting  
14 June 2013*

[Adopted without a vote.]

## **23/23**

### **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 and 19/30 of 23 March 2012,

*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 the 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,

*Noting with concern* the delay in the completion of the political transition process due to the postponement of legislative elections, a delay that could hamper the reforms that are indispensable in order to protect human rights and fundamental freedoms and to combat impunity,

*Recalling* that it is the primary responsibility of Guinea to protect its civilian population, to conduct inquiries into 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 Guinea in line with the recommendations of the international commission of enquiry<sup>83</sup> established by the Secretary-General of the United Nations and supported by the African Union and the Economic Community of West African States;
2. *Welcomes* the creation of the new Ministry of Human Rights and Civil Liberties and the mainstreaming of human rights in the reform of the security sector;
3. *Takes note* of the change in the composition of the Independent National Electoral Commission, which is responsible for coordinating parliamentary elections on an impartial and consensual basis;
4. *Calls on* the Guinean authorities to guarantee freedom of opinion and expression and freedom of peaceful assembly and association;
5. *Urges* all political stakeholders:
  - (a) To take an active part in good faith in the political dialogue, and invites them to organize free, democratic and transparent legislative elections as soon as possible with a view to creating the conditions for the restoration of calm based on an inclusive dialogue among all sectors of the Guinean population;
  - (b) To prevent and prohibit acts of violence during the democratization process under way in Guinea;
6. *Takes note* of the establishment by the Government of Guinea of a national commission for the study and prevention of the problem of violence and of the creation of a permanent framework for dialogue and consultation among stakeholders with a view to leading the country to free, democratic, transparent and peaceful elections;
7. *Firmly reiterates* its commitment to accession to power by democratic means and condemns all incitement to ethnic or racial hatred;
8. *Urges* the Government of Guinea to pursue reforms in the security and defence sectors that incorporate respect for human rights and guarantee the enjoyment of civil and political rights;
9. *Encourages* the Government of Guinea to draw up and implement a comprehensive programme to strengthen the justice system so that efforts to combat impunity may be intensified, in line with its aim of making 2013 the year of justice, and to consolidate reforms relating to the strict observance of human rights;
10. *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 interviews with 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 the mandate conferred upon them;
11. *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, under conditions that will ensure the safety

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<sup>83</sup> S/2009/693.

and protection of the judges and judicial personnel and of the witnesses and victims, and guarantee the transparency of the mandate and working methods of the panel of judges and their ability to investigate and prosecute the persons at all levels who are implicated in those events;

(b) Guarantee the protection of the survivors of these acts of violence, including the victims of sexual violence, and the provision of all suitable forms of assistance and redress, including medical assistance and psychological support, particularly for victims of sexual violence;

(c) 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;

12. *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 urges the Government to continue its cooperation with the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict;

13. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea;<sup>84</sup>

14. *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 High Commissioner in Guinea;

(c) To support the efforts of the Guinea configuration of the United Nations Peacebuilding Commission to accompany the country along the road towards peacebuilding and the strengthening of the State;

15. *Invites* the High Commissioner to report to the Council at its twenty-fifth session on the situation of human rights and the work of the Office of the High Commissioner in Guinea;

16. *Decides* to remain seized of this matter.

*40th meeting  
14 June 2013*

[Adopted without a vote.]

## **23/24**

### **Technical assistance and capacity-building 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,*

<sup>84</sup> A/HRC/22/39.

*Guided also* by 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* Human Rights Council resolutions 18/17 of 29 September 2011 and 21/28 of 28 September 2012 on technical assistance and capacity-building for South Sudan,

*Recognizing* the challenges of institution- and State-building facing South Sudan, including the administration of justice and the rule of law, the protection of the rights of women and children and the enjoyment of civil, political, social and economic rights, and commending the steps being taken to address those challenges,

*Welcoming* the commitments made by the Government of South Sudan to strengthen national mechanisms for the promotion and protection of human rights, and calling upon the Government to implement those commitments,

*Calling on* the Government of South Sudan to investigate the alleged human rights violations by the security forces against civilians and to bring the perpetrators to justice,

*Expressing concern* at the continuation of inter-communal fighting, and calling upon the Government to raise awareness and enforce appropriate legal frameworks in the country, and to promote reconciliation,

*Welcoming* the steps taken by the Government of South Sudan in the protection and promotion of human rights, in particular to build the capacity of the South Sudan Human Rights Commission, and calling upon the Government to take steps to ensure the independence of the Commission, in accordance with the Paris Principles, and to provide it with adequate resources to fulfil its mandate,

*Welcoming also* the Government's support for the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity,

1. *Calls upon* the Government of South Sudan to implement legally binding international and regional human rights instruments to which it is party;
2. *Calls on* the Government of South Sudan to strengthen cooperation with the United Nations Mission in South Sudan on issues pertaining to the promotion and protection of human rights and to ensure the security of its members;
3. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on technical assistance and capacity-building for South Sudan;<sup>85</sup>
4. *Requests* the Government of South Sudan to take steps to tackle impunity and improve the justice system, including improvement in the training of government officials to foster a culture of accountability;
5. *Requests* Member States, relevant United Nations agencies and stakeholders to support, as a matter of urgency, the national efforts of the Government of South Sudan on technical assistance and capacity-building to include training and workshops in human rights education to overcome challenges in the areas of security and to promote respect for human rights;

<sup>85</sup> A/HRC/23/31.

6. *Requests* the Government of South Sudan to take steps to strengthen further the independence of the South Sudan Human Rights Commission, enabling it to contribute to promotion and protection of the human rights of the people of South Sudan;

7. *Requests* the High Commissioner to report on the situation of human rights in South Sudan, to work with the Government of South Sudan to provide it with technical assistance, and to identify additional areas of assistance to strengthen the capacity of South Sudan to fulfil its human rights obligations and commitments;

8. *Also requests* the High Commissioner to submit an interim report to the Human Rights Council at its twenty-sixth session, and a final report at its twenty-eighth session, on progress in technical assistance and capacity-building in the field of human rights;

9. *Decides* to remain seized of this matter.

40th meeting  
14 June 2013

[Adopted without a vote.]

## 23/25

### **Accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence**

*The Human Rights Council,*

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

*Guided* 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, the Programme of Action of the International Conference on Population and Development and Human Rights Council resolutions 7/24 of 28 March 2008, 14/12 of 18 June 2010, 16/7 of 24 March 2011, 17/11 of 17 June 2011 and 20/12 of 5 July 2012, as well as those of the Commission on Human Rights on the elimination of all forms of violence against women, and recalling relevant resolutions of the General Assembly and relevant resolutions and the agreed conclusions of the Commission on the Status of Women,<sup>86</sup>

*Recalling* Security Council resolutions 1325 (2000) of 31 October 2000, 1820 (2008) of 19 June 2008, 1888 (2009) of 30 September 2009, 1889 (2009) of 5 October 2009 and 1960 (2010) of 16 December 2010, on women, peace and security, 1674 (2006) of 28 April 2006, and all relevant Security Council resolutions on children and armed conflict, including resolutions 1882 (2009) of 4 August 2009 and 1998 (2011) of 12 July 2011,

*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 or her duties in accordance with those resolutions and the annexes thereto,

*Outraged* by the prevalence of rape and other forms of sexual violence, which disproportionately affect women and girls, and occur in all spheres of society, in public and

<sup>86</sup> *Official Records of the Economic and Social Council, 2013, Supplement No. 7 (E/2013/27).*

private life, in peace time, during periods of civil unrest or political transition, and in conflict and post-conflict situations,

*Recognizing* that rape or any other form of sexual violence is unlawful in all circumstances and in all places,

*Underscoring* the fact that shame, stigma, fear of reprisals and negative economic consequences, such as loss of livelihood or reduced household income, prevent many women from reporting cases of rape and other forms of sexual violence, and from seeking justice for these crimes,

*Stressing* the importance of law enforcement pursuing adequate investigations and prosecutions for rape and other forms of sexual violence perpetrated on any ground against women and girls, and recognizing that a lack of accountability unacceptably reinforces social normalization of and tolerance for these crimes,

*Acknowledging* that the forced marriage of women and young girls is a violation or an abuse of their human rights and makes them particularly vulnerable to violence, including sexual violence,

*Deeply concerned* that child, early and forced marriages expose young married girls to a greater risk of HIV and sexually transmitted infections, often lead to early childbearing and increase the risk of disability, stillbirth, obstetric fistula and maternal death, and reduce their opportunities to complete their education, gain comprehensive knowledge or develop employable skills, and violate and impair the full enjoyment of the human rights of women and girls, preventing women and girls from becoming full, contributing members of society,

*Recognizing* that violence against women has both short- and long-term adverse consequences for their health, including their sexual and reproductive health, and 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,

*Recalling* the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court, as well as the recognition by the ad hoc international criminal tribunals that rape can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture,

*Emphasizing* the responsibility of all States to comply with their relevant obligations to put an end to impunity and to effectively use all appropriate means to thoroughly investigate and prosecute those subject to their jurisdiction that are responsible for such crimes,

*Stressing* that women's empowerment, including women's economic empowerment and full and equal access to resources, women's full integration into the formal economy, in particular in economic decision-making, and their full and equal participation at all levels of public, political and cultural life are essential for addressing the underlying causes of violence against women, including sexual violence,

*Recognizing* 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,

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 elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, in accordance with the Declaration on the Elimination of Violence against Women;

2. *Expresses deep concern* at rape and other forms of sexual violence in all their manifestations, which often target victims associated with communities, ethnic groups or other groups regarded as antagonistic to or insufficiently supportive of the group or entity whose forces commit the crime, and are frequently calculated to humiliate, dominate, instil fear in, disperse and/or forcibly relocate members of such groups, including, but not limited to, the victims and their families, and can be used as a form of ethnic cleansing;

3. *Also expresses deep concern* at the use of rape and other forms of sexual violence to intimidate, harass, deter and commit reprisals against women and girls, including women human rights defenders, in public spaces, and calls upon States to ensure that women and girls are enabled to participate as members of civil society without fear of reprisal, coercion, intimidation or attack;

4. *Urges* States to take meaningful steps to address the harmful attitudes, customs, practices, stereotypes and unequal power relations that underlie and perpetuate rape and other forms of sexual violence by, inter alia:

(a) Publicly condemning, at the highest levels, rape and sexual violence against women and girls on any grounds, and providing visible and sustained leadership, by men and women alike, to support effective prevention;

(b) Engaging all segments of society, including community and religious leaders, civil society organizations, the private sector and the media, in prevention efforts, such as awareness-raising and education campaigns targeting the general public to increase their understanding of the harmful effects of violence;

(c) Engaging, educating, encouraging and supporting men and boys to take responsibility for their behaviour and to become active partners in the prevention and elimination of all forms of discrimination and violence against women and girls, and to end the stigmatization of victims by encouraging a change in attitudes, norms and behaviour through the promotion of gender equality;

(d) Measuring the effectiveness of policies and programmes to prevent sexual violence, including by carrying out regular evaluation and monitoring, and collecting and disseminating data disaggregated by sex, age, disability and other relevant factors;

5. *Also urges* States to increase measures to protect women and girls from all forms of violence, including sexual violence, by addressing their security and safety, including through, inter alia, awareness-raising, involvement of local communities, crime prevention laws, infrastructures, public transportation, sanitation facilities, street lighting and improved urban planning;

6. *Stresses* that women should be empowered to protect themselves against sexual violence and, in this regard, that women have the right to have control over and decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence;

7. *Calls upon* States to ensure that all forms of rape and sexual violence are criminalized in national law and to take appropriate legislative and policy steps to ensure

the prompt and adequate investigation, prosecution and accountability of perpetrators, including by strengthening the capacity of the criminal justice system;

8. *Urges* States to ensure that national laws and policies are in compliance with their international human rights obligations and are non-discriminatory by, inter alia, permitting prosecution of marital rape and repealing provisions that require corroboration of testimony, enable perpetrators of rape to escape prosecution and punishment by marrying their victim, and subject victims of sexual violence to prosecution for moral crimes or defamation;

9. *Affirms* the need for States to take practical steps to ensure women's access to justice, including by creating an enabling environment where women and girls can easily report incidents of violence, including sexual violence, through, inter alia, victim services, testimonial support and the possibility of publication bans, by improving victim and witness protection, protecting confidentiality and privacy rights, and providing law enforcement officials and first responders with human rights training;

10. *Underscores* the importance for States to address all health consequences, including physical, mental and sexual and reproductive health consequences, of rape and other forms of sexual violence against women and girls by providing accessible health-care services that are responsive to trauma and include affordable, safe and effective treatment;

11. *Calls upon* Governments, in cooperation with the private sector, non-governmental organizations and other civil society actors, as appropriate, to address the long-term consequences faced by victims of rape and other forms of sexual violence, including legal discrimination and social stigmatization, as well as the effects on children born as a result of rape or who witness such violence;

12. *Stresses* the need for States and relevant United Nations agencies to ensure that measures to provide protection to victims and witnesses of rape and other forms of sexual violence extend to and address the specific needs of those most vulnerable to these forms of violence, including indigenous, disabled, refugee and internally displaced women and girls, women in custody, women and girls forcibly recruited by armed forces and armed non-State actors, and trafficked women and girls, including those forced into sexual exploitation and slavery;

13. *Underlines* that, in situations of peaceful protest, civil unrest, public emergency or political transition, States must continue to take all necessary measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual violence, and must ensure that such acts, whether or not committed by State or non-State actors in the course of achieving political or military objectives or, as a means of intimidation or repression, are promptly and effectively investigated and, if grounds for it are established, prosecuted;

14. *Condemns* all acts of sexual exploitation, abuse and trafficking of women and children by military, police and related civilian personnel, including those involved in United Nations operations, and affirms the need for personnel-contributing countries to continue to take all appropriate action necessary to combat these abuses by such personnel, including by ensuring that appropriate training is provided, that any allegations of rape or other forms of sexual violence against any such personnel are investigated and prosecuted, and that perpetrators are held accountable;

15. *Calls upon* States to demonstrate their commitment to preventing sexual violence by promoting and protecting women's human rights and the equal participation and full involvement of women in society and by ensuring that women are active participants in decision-making processes, including peace, transitional justice, political transition and constitutional reform processes;

16. *Takes note* of the efforts to develop a non-binding international protocol on the investigation and documentation of sexual violence in conflict, drawing on existing local, regional and international guidance, to set out international standards for the investigation of rape and sexual violence to ensure that the strongest possible evidence is collected and that victims receive sensitive and sustained support;

17. *Affirms* its intention to ensure that, where appropriate, the mandates of future fact-finding missions or commissions of inquiry require them to devote specific attention to violence against women and girls in their reports and recommendations, or upon renewal of existing mandates;

18. *Invites* the Office of the United Nations High Commissioner for Human Rights, within its mandate, to make expertise promptly available to investigate allegations of mass rape or systematic sexual violence, including by utilizing existing regionally diverse and gender-balanced multilateral rosters of readily deployable trained professionals, such as the United Nations Entity for Gender Equality and the Empowerment of Women/Justice Rapid Response joint roster of international investigators of sexual and gender-based crimes;

19. *Also invites* the Office of the High Commissioner to include, during the annual full-day discussion on women's human rights to be held during the twenty-ninth session of the Human Rights Council, a discussion on the outcome of the meeting of the open-ended intergovernmental expert group to be convened by the Secretary-General in 2014 and organized by the Commission on Crime Prevention and Criminal Justice on ways and means to more effectively prevent, prosecute and punish gender-related killings of women and girls, and on the work carried out on good and promising practices, such as the non-binding model protocol and the best practices guide for the investigation of gender-related killings in Latin America;

20. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences and of the Special Representative of the Secretary-General on Sexual Violence in Conflict, and takes note with appreciation of the report of the Special Rapporteur on State responsibility for eliminating violence against women;<sup>87</sup>

21. *Decides* to extend the mandate of the Special Rapporteur on violence against women, its causes and consequence, as set out by the Human Rights Council in its resolution 16/7, for a period of three years;

22. *Also decides* to continue consideration of the issue of the elimination of all forms of violence against women and girls, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

*40th meeting  
14 June 2013*

[Adopted without a vote.]

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<sup>87</sup> A/HRC/23/49/Add.5.

23/26

## **The deterioration of the situation of human rights in the Syrian Arab Republic, and the need to grant immediate access to the commission of inquiry**

*The Human Rights Council,*

*Guided by the Charter of the United Nations,*

*Recalling Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,*

*Recalling also all relevant resolutions of the General Assembly, the Security Council and the Human Rights Council on the situation in the Syrian Arab Republic,*

*Taking note of all relevant resolutions of the League of Arab States and the Organization of Islamic Cooperation relating to the situation in the Syrian Arab Republic,*

*Recalling the urgent debate held by the Human Rights Council on 28 May 2013 on the deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in Al Qusayr,*

*Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,*

*Recalling all the meetings of the Group of Friends of the Syrian People, in particular the fourth Ministerial Meeting held in Marrakech on 12 December 2012, where the participants acknowledged the National Coalition for Syrian Revolutionary and Opposition Forces as the legitimate representative of the Syrian people,*

*Reaffirming its support for the mission of the Joint Special Representative of the United Nations and the League of Arab States, Lakhdar Brahimi, and welcoming the international efforts to organize an international conference aimed at finding 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 demands in this regard that all Syrian parties work with the Joint Special Representative to implement rapidly the transition plan set forth in the final communiqué issued by the Action Group for Syria on 30 June 2012,*

*Recalling the statements made by the United Nations High Commissioner for Human Rights before the Human Rights Council and the Security Council and by the special procedures of the Human Rights Council that crimes against humanity 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 independent international commission of inquiry on the Syrian Arab Republic submitted pursuant to Human Rights Council resolution 22/24 of 22 March 2013;<sup>88</sup>

2. *Condemns* the lack of cooperation of the Government of the Syrian Arab Republic with the commission of inquiry, in particular the persistent denial of access to members of the commission to the Syrian Arab Republic;

3. *Notes with concern* that the lack of access by the commission of inquiry to the Syrian Arab Republic continues to hamper the commission's ability to fulfil its

<sup>88</sup> A/HRC/23/58.

mandate, and stresses in this regard the need to collect evidence directly from all of the Syrian Arab Republic;

4. *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 and responding promptly to its communications and requests;

5. *Acknowledges* the statement of the Syrian opposition coalition of 5 June 2013 to cooperate with the commission of inquiry, including in opposition-controlled areas, and calls on the opposition to assist the commission of inquiry in the fulfilment of its mandate;

6. *Condemns* all violence, especially against civilians, irrespective of where it comes from, including terrorist acts and acts of violence that may foment sectarian tensions, and demands that all parties put an immediate end to all forms of violence and comply strictly with their obligations under international law, including international humanitarian law;

7. *Urges* all parties to the conflict to refrain from any actions that may contribute to the escalation of violations of human rights or international humanitarian law;

8. *Strongly condemns* the continued widespread and systematic gross violations of human rights and fundamental freedoms and all violations of international humanitarian law by the Syrian authorities and the government-affiliated *Shabbiha* militias, as well as any human rights abuses and violations of international humanitarian law by armed oppositions groups, while noting that the commission of inquiry stated in its report that abuses and violations committed by anti-Government armed groups did not reach the intensity and scale of the violations committed by government forces and its associated militia;

9. *Condemns in the strongest terms* all massacres taking place in the Syrian Arab Republic, and stresses the need to hold those responsible to account;

10. *Strongly condemns* the intervention of all foreign combatants in the Syrian Arab Republic, including those fighting on behalf of the regime and most recently Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating human rights and humanitarian situation, which has a serious negative impact on the region;

11. *Stresses* the imperative need to follow up on the report of the commission of inquiry and to conduct a prompt and transparent independent international investigation into all abuses and all violations of international law committed by all parties, with a view to hold to account those responsible for violations and abuses, including those that may amount to crimes against humanity and war crimes;

12. *Calls upon* all parties to respect fully international law applicable to the rights and protection of women and girls, and to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and also calls for the involvement of women at decision-making levels in conflict resolution and peace processes;

13. *Notes with grave concern* that violations of the rights of the child are being committed in the Syrian Arab Republic, in violation of the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict to which the Syrian Arab Republic is a party, and urgently calls for refraining from recruiting and involving children in the conduct of hostilities;

14. *Encourages* members of the international community to ensure that there is no impunity for such violations or abuses, and stresses that the Syrian authorities have failed to prosecute alleged perpetrators of serious violations or abuses that may amount to war crimes or crimes against humanity;

15. *Reaffirms* that the Syrian people, on the basis of broad, inclusive and credible consultations, should determine, within the framework provided by international law, the process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations, as well as reparations and effective remedies for victims, while underlining the relevance of referrals to the appropriate international criminal justice mechanism under appropriate circumstances;

16. *Demands* that the Syrian authorities meet their responsibility to protect the Syrian population;

17. *Deplores* the further deterioration of the humanitarian situation and the failure to ensure the safe and timely provision of humanitarian assistance to all areas affected by the fighting;

18. *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 these countries;

19. *Notes* the request made by the General Assembly to the Special Rapporteur on the human rights of internally displaced persons to submit a written report on the very dire situation of internally displaced persons in the Syrian Arab Republic,<sup>89</sup> and invites the Special Rapporteur to present that report to the Council at its twenty-fourth session;

20. *Urges* the international community to provide urgent financial support to the host countries to enable them to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

21. *Urges* all relevant United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees, and other international organizations and donor States to provide urgent and more support to Syrian refugees and their host countries;

22. *Urges* all donors to provide expeditiously financial support to the Office for the Coordination of Humanitarian Affairs and international humanitarian organizations, as requested in the humanitarian appeal on the Syrian Arab Republic, so that they can implement more actively the humanitarian response plan inside the country;

23. *Takes note with appreciation* of the international assistance offered since the Kuwait Donors Conference of 30 January 2013, notes the scale of the Syrian regional humanitarian appeal launched on 7 June 2013, and calls on all members of the international community to respond expeditiously to the appeal and to fulfil previous pledges;

24. *Demands* that the Syrian authorities facilitate the access of humanitarian organizations to all people in need through the most efficient routes, including by providing authorization for cross-border humanitarian operations as an urgent priority, encourages all parties in the Syrian Arab Republic to facilitate the delivery of assistance in areas under their control, including across conflict lines, in order to implement fully the humanitarian response plan, and calls on all sides to respect the safety of humanitarian workers and United Nations personnel and to protect medical personnel, facilities and transport

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<sup>89</sup> General Assembly resolution 67/262, para. 21.

consistent with applicable international law, as well as to allow the provision of medical care on a non-discriminatory basis;

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

*41st meeting  
14 June 2013*

[Adopted by a recorded vote of 37 to 1, with 9 abstentions. The voting was as follows:

*In favour:*

Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, Germany, Guatemala, Indonesia, Ireland, Italy, Japan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Peru, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, United Arab Emirates, United States of America

*Against:*

Venezuela (Bolivarian Republic of)

*Abstaining:*

Angola, Ecuador, Ethiopia, Gabon, India, Kazakhstan, Pakistan, Philippines, Uganda]

## **B. Decisions**

### **23/101**

#### **Outcome of the universal periodic review: France**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of France on 21 January 2013 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of France, which is constituted of the report of the Working Group on France (A/HRC/23/3), together with the views of France concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/23/3/Add.1 and A/HRC/23/2, chap. VI).

*24th meeting  
6 June 2013*

[Adopted without a vote.]

**23/102****Outcome of the universal periodic review: Tonga**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Tonga on 21 January 2013 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Tonga, which is constituted of the report of the Working Group on Tonga (A/HRC/23/4), together with the views of Tonga concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/23/4/Add.1 and A/HRC/23/2, chap. VI).

*24th meeting  
6 June 2013*

[Adopted without a vote.]

**23/103****Outcome of the universal periodic review: Romania**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Romania on 22 January 2013 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Romania, which is constituted of the report of the Working Group on Romania (A/HRC/23/5), together with the views of Romania concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/23/5/Add.1 and A/HRC/23/2, chap. VI).

*24th meeting  
6 June 2013*

[Adopted without a vote.]

**23/104****Outcome of the universal periodic review: Mali**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21

of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Mali on 22 January 2013 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Mali, which is constituted of the report of the Working Group on Mali (A/HRC/23/6), together with the views of Mali concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/23/6/Add.1 and A/HRC/23/2, chap. VI).

*25th meeting  
6 June 2013*

[Adopted without a vote.]

### **23/105**

#### **Outcome of the universal periodic review: Botswana**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Botswana on 23 January 2013 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Botswana, which is constituted of the report of the Working Group on Botswana (A/HRC/23/7), together with the views of Botswana concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/23/7/Add.1 and A/HRC/23/2, chap. VI).

*25th meeting  
6 June 2013*

[Adopted without a vote.]

### **23/106**

#### **Outcome of the universal periodic review: Bahamas**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of the Bahamas on 23 January 2013 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of the Bahamas, which is constituted of the report of the Working Group on the Bahamas (A/HRC/23/8), together with the views of the Bahamas concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/23/8/Add.1 and A/HRC/23/2, chap. VI).

25th meeting  
6 June 2013

[Adopted without a vote.]

## **23/107**

### **Outcome of the universal periodic review: Burundi**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Burundi on 24 January 2013 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Burundi, which is constituted of the report of the Working Group on Burundi (A/HRC/23/9), together with the views of Burundi concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/23/2, chap. VI).

26th meeting  
6 June 2013

[Adopted without a vote.]

## **23/108**

### **Outcome of the universal periodic review: Luxembourg**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Luxembourg on 24 January 2013 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Luxembourg, which is constituted of the report of the Working Group on Luxembourg (A/HRC/23/10), together with the views of Luxembourg concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during

the interactive dialogue in the Working Group (A/HRC/23/10/Add.1 and A/HRC/23/2, chap. VI).

*26th meeting  
6 June 2013*

[Adopted without a vote.]

### **23/109**

#### **Outcome of the universal periodic review: Barbados**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Barbados on 25 January 2013 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Barbados, which is constituted of the report of the Working Group on Barbados (A/HRC/23/11), together with the views of Barbados concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/23/11/Add.1 and A/HRC/23/2, chap. VI).

*26th meeting  
6 June 2013*

[Adopted without a vote.]

### **23/110**

#### **Outcome of the universal periodic review: Montenegro**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Montenegro on 28 January 2013 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Montenegro, which is constituted of the report of the Working Group on Montenegro (A/HRC/23/12), together with the views of Montenegro concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/23/12/Add.1 and A/HRC/23/2, chap. VI).

*27th meeting  
7 June 2013*

[Adopted without a vote.]

**23/111****Outcome of the universal periodic review: United Arab Emirates**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of the United Arab Emirates on 28 January 2013 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of the United Arab Emirates, which is constituted of the report of the Working Group on the United Arab Emirates (A/HRC/23/13), together with the views of the United Arab Emirates concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/23/13/Add.1 and A/HRC/23/2, chap. VI).

*27th meeting  
7 June 2013*

[Adopted without a vote.]

**23/112****Outcome of the universal periodic review: Liechtenstein**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Liechtenstein on 30 January 2013 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Liechtenstein, which is constituted of the report of the Working Group on Liechtenstein (A/HRC/23/14), together with the views of Liechtenstein concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/23/14/Add.1 and A/HRC/23/2, chap. VI).

*27th meeting  
7 June 2013*

[Adopted without a vote.]

**23/113****Outcome of the universal periodic review: Serbia**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Serbia on 30 January 2013 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review of Serbia, which is constituted of the report of the Working Group on Serbia (A/HRC/23/15), together with the views of Serbia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/23/15/Add.1 and A/HRC/23/2, chap. VI).

*29th meeting  
7 June 2013*

[Adopted without a vote.]

**23/114****Assistance to Somalia in the field of human rights**

At its 40th meeting, on 14 June 2013, the Human Rights Council decided to adopt the text below:

*“The Human Rights Council,*

*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights,

*Acknowledging* that peace and security, development and human rights are the pillars of the United Nations system,

*Reaffirming* its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

*Reaffirming also* previous Human Rights Council resolutions on Somalia,

*Acknowledging* the commitment of the Federal Government of Somalia after an eight-year transition process to work towards a more stable, representative system of governance, with a special focus on the promotion and protection of human rights,

*Recognizing* that serious human rights and humanitarian concerns remain in Somalia,

*Acknowledging* the cooperation of the Federal Government of Somalia with the Independent Expert on the situation of human rights in Somalia and with the wider United Nations system,

*Welcoming* the new United Nations Assistance Mission in Somalia and its mandate to support the Federal Government of Somalia in developing its human rights capacity and to monitor the situation in Somalia,

*Recalling* the intention of the Federal Government of Somalia to adopt a human rights road map, and affirming the importance of adopting it before the end of 2013,

*Welcoming* the decision of the Federal Government of Somalia to establish its Directorate General for Human and Minority Rights and Rule of Law within the Office of the Prime Minister,

*Acknowledging* the commitment of the Federal Government of Somalia to establish a broad-based national human rights commission as soon as feasible, and the role it will play in holding the Government to account with regard to its human rights obligations,

*Reaffirming* international commitments to support progress and development in Somalia, as shown at the Somalia Conference, held on 7 May 2013 in London, and the communiqué thereof, noting especially the commitments to create sustainable and accountable security institutions that respect human rights, to ensure the protection of women and children in conflict, to ensure equal access for all to a robust, impartial and effective justice system, and to ensure press and media safety and freedom,

*Reaffirming also* the joint communiqué, signed by the United Nations and Somalia on 7 May 2013, on tackling the root causes of sexual violence in a sustainable manner,

*Commending* the sustained and vital commitment of the African Union Mission in Somalia and the sacrifices it has made, and affirming the importance of continued efforts to provide human rights training and training on other international obligations to its and Somali security forces, with the support of the United Nations Support Office for the African Union Mission in Somalia,

*Recognizing* the role of the Intergovernmental Authority on Development in working towards peace and stabilization in Somalia,

*Recognizing also* the role of the international community, including across the United Nations system, in facilitating progress and development in Somalia through coordinated support to Somalia and, in particular, in supporting the implementation of its human rights road map and facilitating the monitoring of its effectiveness,

1. *Decides* to hold, from within existing resources, at its twenty-fourth session, a stand-alone high-level interactive dialogue with the aim of exploring how all stakeholders can work effectively towards the finalization and implementation of the road map and the realization of human rights in Somalia;

2. *Also decides* to invite to the above-mentioned high-level interactive dialogue the United Nations High Commissioner for Human Rights, a high-level representation from the Federal Government of Somalia, the Special Representative of the Secretary-General for Somalia, the African Union Special Representative for Somalia, the Independent Expert on the situation of human rights in Somalia, senior representatives of relevant United Nations agencies and other relevant stakeholders;

3. *Requests* the Office of the High Commissioner to provide a summary of the key conclusions of the high-level dialogue pertaining to how to ensure maximum effectiveness of technical and other assistance to Somalia and to ensuring implementation of the road map at the national and subnational levels in Somalia.”

## C. President's statement

### PRST 23/1

#### **Situation of human rights in Myanmar as regards Rohingya Muslims in Rakhine State and other Muslims**

At the 40th meeting, held on 14 June 2013, the President of the Human Rights Council read out the following statement:

“The Human Rights Council:

- (a) Expresses deep concern at the gross violations of human rights in Myanmar, in particular against Rohingya Muslims in Rakhine State and other Muslims in Myanmar;
- (b) Acknowledges the statement made by President U Thein Sein on 28 March 2013, in which he guaranteed that all perpetrators of violence would be prosecuted to the fullest extent of the law, and notes the establishment of the Central Committee for Implementation of Stability and Development in Rakhine State following the report of the independent commission of investigation on Rakhine;
- (c) Recalls the various statements made by the Secretary-General, the United Nations High Commissioner for Human Rights, the Special Adviser to the Secretary-General on Myanmar and the Special Rapporteur on the situation of human rights in Myanmar in which they urged the authorities of Myanmar to protect the civilian population from violence and to ensure full respect of human rights and fundamental freedoms, as well as the statement made by the High Commissioner in her briefing to the Human Rights Council on 27 May 2013;
- (d) Urges the Government of Myanmar to take immediate measures to put an end to all acts of violence based on religion and all violations of human rights, including against Muslims, and calls upon political and religious leaders in the country to give precedence to peaceful resolution through dialogue;
- (e) Calls upon the Government of Myanmar to take all necessary measures to ensure accountability and to end impunity for all violations of human rights that take place, including violence based on religion, including against Muslims, by undertaking a full, transparent and independent investigation into reports of all violations of international human rights law and international humanitarian law;
- (f) Also calls upon the Government of Myanmar, in conjunction with the international community and in accordance with international law, to ensure the return of all refugees and persons displaced from their homes, including Muslims;
- (g) Urges the Government of Myanmar to take all necessary measures to prevent the destruction of places of worship, cemeteries, infrastructure and commercial or residential buildings belonging to all peoples;
- (h) Urges the Government of Myanmar to grant full citizenship rights, in keeping within a transparent due process, to Rohingya Muslims in Rakhine State, including by reviewing the 1982 Citizenship Law;
- (i) Calls upon the Government of Myanmar to ensure full cooperation with all parties and to allow full access of humanitarian assistance to affected persons and communities, and in this regard, urges the Government to implement the various cooperation agreements not yet implemented made between the

authorities of Myanmar and the international community for the distribution of humanitarian aid to all affected areas, including Rakhine State, without any discrimination;

(j) Also calls upon the Government of Myanmar to speed up the process of establishing a country office in accordance with the mandate of the High Commissioner;

(k) Encourages the Government of Myanmar to continue to engage with the Human Rights Council on this matter.”

## Index of topics considered by the Human Rights Council in its resolutions, decisions and the President's statements

### Contents

	<i>Page</i>
<b>Albinism</b>	
Attacks and discrimination against persons with albinism .....	res. 23/13 159
<b>Advisory Committee</b>	
Promotion and protection of human rights in post-disaster and post-conflict situations .....	res. 22/16 55
Enhancement of international cooperation in the field of human rights .....	res. 23/3 126
The negative impact of corruption on the enjoyment of human rights .....	res. 23/9 147
<b>Belarus</b>	
Situation of human rights in Belarus.....	res. 23/15 164
<b>Birth registration</b>	
Birth registration and the right of everyone to recognition everywhere as a person before the law .....	res. 22/7 29
<b>Central African Republic</b>	
Technical assistance to the Central African Republic in the field of human rights.....	res. 23/18 168
<b>Children</b>	
Panel on the human rights of children of parents sentenced to the death penalty or executed .....	res. 22/11 42
Rights of the child: the right of the child to the enjoyment of the highest attainable standard of health .....	res. 22/32 96
Trafficking in persons, especially women and children: efforts to combat human trafficking in supply chains of businesses .....	res. 23/5 131
<b>Corruption</b>	
The negative impact of corruption on the enjoyment of human rights .....	res. 23/9 147
<b>Côte d'Ivoire</b>	
Technical assistance to Côte d'Ivoire in the field of human rights .....	res. 23/22 178
<b>Death penalty</b>	
Panel on the human rights of children of parents sentenced to the death penalty or executed .....	res. 22/11 42
High-level panel discussion on the question of the death penalty.....	dec. 22/117 118
<b>Democratic People's Republic of Korea</b>	
Situation of human rights in the Democratic People's Republic of Korea .....	res. 22/13 49

**Disabilities**

The work and employment of persons with disabilities.....	res. 22/3	14
---	-----------	----

**Discrimination**

Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action .....	res. 22/30	91
Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief.....	res. 22/31	92
Education as a tool to prevent racism, racial discrimination, xenophobia and related intolerance .....	res. 22/34	108
Elimination of discrimination against women .....	res. 23/7	138
Attacks and discrimination against persons with albinism .....	res. 23/13	159

**Durban Declaration and Programme of Action**

Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action .....	res. 22/30	91
---	------------	----

**Economic, social and cultural rights**

Question of the realization in all countries of economic, social and cultural rights .....	res. 22/5	22
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.....	res. 22/29	90
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 .....	res. 23/11	151
Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity .....	res. 23/10	149

**Education**

Education as a tool to prevent racism, racial discrimination, xenophobia and related intolerance.....	res. 22/34	108
The right to education: follow-up to Human Rights Council resolution 8/4.....	res. 23/4	129

**Employment**

The work and employment of persons with disabilities.....	res. 22/3	14
---	-----------	----

**Eritrea**

Situation of human rights in Eritrea.....	res. 23/21	174
---	------------	-----

**Food**

The right to food .....	res. 22/9	32
-------------------------	-----------	----

**Foreign debt**

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 .....	res. 23/11	151
--	------------	-----

**Freedom of opinion and expression**

The role of freedom of opinion and expression in women's empowerment ..... res. 23/2 123

**Funds of illicit origin**

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..... res. 22/12 43

**Genocide**

Prevention of genocide..... res. 22/22 71

**Guinea**

Strengthening of technical cooperation and consultative services in Guinea ..... res. 23/23 180

**Haiti**

Technical assistance and capacity-building in human rights in Haiti ..... PRST 22/2 120

**Health**

Rights of the child: the right of the child to the enjoyment of the highest attainable standard of health ..... res. 22/32 96

Access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health ..... res. 23/14 161

**Human rights bodies and mechanisms**

Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action ..... res. 22/30 91

Promotion of the right to peace..... res. 23/16 166

Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies..... res. 22/33 107

**Human Rights Council**

Contribution of parliaments to the work of the Human Rights Council and its universal periodic review ..... res. 22/15 55

Human Rights Council webcast..... dec. 22/115 5

**Human rights defenders**

Protecting human rights defenders..... res. 22/6 24

**Human rights situation in Palestine and other occupied Arab territories**

Human rights in the occupied Syrian Golan ..... res. 22/17 57

Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict..... res. 22/25 4

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan ..... res. 22/26 81

Right of the Palestinian people to self-determination ..... res. 22/27 84

Human rights situation in the Occupied Palestinian Territory, including East Jerusalem..... res. 22/28 86

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 .....	res. 22/29	90
<b>Independence of judges and lawyers</b>		
Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers .....	res. 23/6	135
<b>Internally displaced persons</b>		
Mandate of the Special Rapporteur on the human rights of internally displaced persons .....	res. 23/8	142
<b>International cooperation</b>		
Enhancement of international cooperation in the field of human rights .....	dec. 22/116	117
Enhancement of international cooperation in the field of human rights .....	res. 23/3	126
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.....	res. 22/12	43
<b>International solidarity</b>		
Human rights and international solidarity .....	res. 23/12	156
<b>Iran (Islamic Republic of)</b>		
Situation of human rights in the Islamic Republic of Iran .....	res. 22/23	75
<b>Israel</b>		
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan .....	res. 22/26	81
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.....	res. 22/29	90
<b>Libya</b>		
Technical assistance provided to Libya in the field of human rights .....	res. 22/19	61
<b>Mainstreaming human rights</b>		
Mainstreaming human rights throughout the United Nations system.....	PRST 22/1	119
<b>Mali</b>		
Assistance to the Republic of Mali in the field of human rights .....	res. 22/18	59
<b>Migrants</b>		
Human rights of migrants .....	res. 23/20	171
<b>Minority issues</b>		
Rights of persons belonging to national or ethnic, religious and linguistic minorities .....	res. 22/4	18
<b>Myanmar</b>		
Situation of human rights in Myanmar .....	res. 22/14	51

Situation of human rights in Myanmar as regards Rohingya Muslims in Rakhine State and other Muslims .....	PRST 23/1	200
<b>National institutions</b>		
National institutions for the promotion and protection of human rights .....	res. 23/17	6
<b>National policies</b>		
National policies and human rights.....	res. 23/19	170
<b>Office of the United Nations High Commissioner for Human Rights</b>		
Composition of staff of the Office of the United Nations High Commissioner for Human Rights.....	res. 22/2	2
<b>Palestine</b> (see Human rights situation in Palestine and other occupied Arab territories)		
<b>Panel discussions</b>		
The work and employment of persons with disabilities.....	res. 22/3	14
Rights of persons belonging to national or ethnic, religious and linguistic minorities .....	res. 22/4	18
Panel on the human rights of children of parents sentenced to the death penalty or executed .....	res. 22/11	42
Contribution of parliaments to the work of the Human Rights Council and its universal periodic review .....	res. 22/15	55
Prevention of genocide.....	res. 22/22	71
Rights of the child: the right of the child to the enjoyment of the highest attainable standard of health .....	res. 22/32	96
High-level panel discussion on the question of the death penalty.....	dec. 22/117	118
Mainstreaming human rights throughout the United Nations system .....	PRST 22/1	119
The negative impact of corruption on the enjoyment of human rights .....	res. 23/9	147
Accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence .....	res. 23/25	184
<b>Parliaments</b>		
Contribution of parliaments to the work of the Human Rights Council and its universal periodic review .....	res. 22/15	55
<b>Peace</b>		
Promotion of the right to peace.....	res. 23/16	166
<b>Peaceful protests</b>		
The promotion and protection of human rights in the context of peaceful protests .....	res. 22/10	39
<b>Post-conflict and post-disaster situations</b>		
Promotion and protection of human rights in post-disaster and post-conflict situations .....	res. 22/16	55

**Prevention in the promotion and protection of human rights**

Prevention of genocide.....	res. 22/22	71
Education as a tool to prevent racism, racial discrimination, xenophobia and related intolerance .....	res. 22/34	108
Accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence .....	res. 23/25	184
<b>Private military and security companies</b>		
Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies.....	res. 22/33	107
<b>Religion</b>		
Freedom of religion or belief .....	res. 22/20	64
Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief.....	res. 22/31	92
<b>Somalia</b>		
Assistance to Somalia in the field of human rights .....	dec. 23/114	198
<b>South Sudan</b>		
Technical assistance and capacity-building for South Sudan in the field of human rights.....	res. 23/24	182
<b>Sri Lanka</b>		
Promoting reconciliation and accountability in Sri Lanka .....	res. 22/1	12
<b>Syrian Arab Republic</b>		
Situation of human rights in the Syrian Arab Republic .....	res. 22/24	76
The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in Al Qusayr .....	res. 23/1	122
The deterioration of the situation of human rights in the Syrian Arab Republic, and the need to grant immediate access to the commission of inquiry .....	res. 23/26	189
<b>Syrian Golan</b>		
Human rights in the occupied Syrian Golan .....	res. 22/17	57
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan.....	res. 22/26	81
<b>Technical cooperation</b>		
Assistance to the Republic of Mali in the field of human rights .....	res. 22/18	59
Technical assistance for Libya in the field of human rights.....	res. 22/19	61
Technical assistance and capacity-building in human rights in Haiti .....	PRST 22/2	120
Technical assistance to Côte d'Ivoire in the field of human rights .....	res. 23/22	178
Technical assistance and capacity-building for South Sudan in the field of human rights.....	res. 23/24	182

Strengthening of technical cooperation and consultative services in Guinea .....	res. 23/23	180
Technical assistance to the Central African Republic in the field of human rights.....	res. 23/18	168
National policies and human rights.....	res. 23/19	170
Assistance to Somalia in the field of human rights .....	dec. 23/114	198
<b>Terrorism</b>		
Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.....	res. 22/8	31
<b>Torture</b>		
Torture and other cruel, inhuman or degrading treatment or punishment: rehabilitation of torture victims.....	res. 22/21	67
<b>Trafficking</b>		
Trafficking in persons, especially women and children: efforts to combat human trafficking in supply chains of businesses .....	res. 23/5	131
<b>Universal periodic review</b>		
Non-cooperation of a State under review with the universal periodic review mechanism .....	dec. OM/7/101	11
Contribution of parliaments to the work of the Human Rights Council and its universal periodic review .....	res. 22/15	55
Outcome of the universal periodic review: Argentina .....	dec. 22/102	111
Outcome of the universal periodic review: Bahamas.....	dec. 23/106	194
Outcome of the universal periodic review: Barbados .....	dec. 23/109	196
Outcome of the universal periodic review: Benin.....	dec. 22/107	114
Outcome of the universal periodic review: Botswana.....	dec. 23/105	194
Outcome of the universal periodic review: Burundi .....	dec. 23/107	195
Outcome of the universal periodic review: Czech Republic .....	dec. 22/101	111
Outcome of the universal periodic review: France .....	dec. 23/101	192
Outcome of the universal periodic review: Gabon.....	dec. 22/103	112
Outcome of the universal periodic review: Ghana .....	dec. 22/104	112
Outcome of the universal periodic review: Guatemala .....	dec. 22/106	113
Outcome of the universal periodic review: Japan .....	dec. 22/112	116
Outcome of the universal periodic review: Liechtenstein.....	dec. 23/112	197
Outcome of the universal periodic review: Luxembourg.....	dec. 23/108	195
Outcome of the universal periodic review: Mali.....	dec. 23/104	193
Outcome of the universal periodic review: Montenegro.....	dec. 23/110	196
Outcome of the universal periodic review: Pakistan.....	dec. 22/110	115
Outcome of the universal periodic review: Peru .....	dec. 22/113	116

Outcome of the universal periodic review: Republic of Korea.....	dec. 22/108	114
Outcome of the universal periodic review: Romania.....	dec. 23/103	193
Outcome of the universal periodic review: Serbia .....	dec. 23/113	198
Outcome of the universal periodic review: Sri Lanka.....	dec. 22/114	117
Outcome of the universal periodic review: Switzerland .....	dec. 22/109	115
Outcome of the universal periodic review: Tonga .....	dec. 23/102	193
Outcome of the universal periodic review: Ukraine .....	dec. 22/105	113
Outcome of the universal periodic review: United Arab Emirates .....	dec. 23/111	197
Outcome of the universal periodic review: Zambia .....	dec. 22/111	115
<b>Violence against women</b>		
Accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence .....	res. 23/25	184
<b>Webcast</b>		
Human Rights Council webcast.....	dec. 22/115	5
<b>Women and women's rights</b>		
Question of the realization in all countries of economic, social and cultural rights .....	res. 22/5	22
The role of freedom of opinion and expression in women's empowerment .....	res. 23/2	123
Trafficking in persons, especially women and children: efforts to combat human trafficking in supply chains of businesses .....	res. 23/5	131
Elimination of discrimination against women .....	res. 23/7	138
Accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence .....	res. 23/25	184