In 2013, the United Nations remained engaged in protecting human rights through its main organs—the General Assembly, the Security Council and the Economic and Social Council—and the Human Rights Council, which carried out its task as the central UN intergovernmental body responsible for promoting and protecting human rights and fundamental freedoms worldwide. The Council addressed violations, worked to prevent abuses, provided overall policy guidance, monitored the observance of human rights around the world and assisted States in fulfilling their human rights obligations.

The special procedures mandate holders—special rapporteurs, independent experts, working groups and representatives of the Secretary-General—monitored, examined, advised and publicly reported on human rights situations in specific countries or on major human rights violations worldwide. At the end of 2013, there were 51 special procedures (37 thematic mandates and 14 country- or territory-related mandates) with 73 mandate holders.

In 2013, special procedures submitted 168 reports to the Human Rights Council, including 69 on country visits, and 36 reports to the General Assembly. They sent 528 communications to 117 States; 84 per cent of those communications were sent jointly by more than one mandate. Communications covered at least 1,520 individuals, 18 per cent of whom were women. Governments replied to 45 per cent of communications, and 23 per cent of communications were followed up by mandate holders. Special procedures issued 379 news releases and public statements on situations of concern, including 50 statements issued jointly by two or more mandate holders.

Special procedures conducted 79 country visits to 66 States. The number of countries that had extended a standing invitation to special procedures rose to 108 as at 31 December.

Human rights were also protected through the network of human rights defenders in individual countries, operating within the framework of the 1998 Declaration on Human Rights Defenders. In promotion of the Declaration, the Assembly adopted a resolution on protecting women human rights defenders.

The Council in 2013 established one thematic mandate: the Independent Expert on the enjoyment of all human rights by older persons.

Economic, social and cultural rights continued to be a major focus of activity. The General Assembly highlighted the right to development, and special rapporteurs advocated for the rights to food, safe water and sanitation, health, adequate housing, education and a life free from poverty.

In December, the General Assembly proclaimed 2 November as the International Day to End Impunity for Crimes against Journalists.

**Special procedures**

**Report of High Commissioner.** In her annual report to the Human Rights Council [A/HRC/25/19], the United Nations High Commissioner for Human Rights, Navanethem Pillay (South Africa), noted that the special procedures had continued their efforts to give a voice to victims and to ensure that civil society concerns were heard within the United Nations and by the broader public. From January to November, special procedures mandate holders conducted 75 country visits and issued 497 communications to 115 States. Some 94 States issued standing invitations for special procedures to visits. The Council established a new thematic mandate: an independent expert on the rights of older persons, and two new country mandates to address the situation of human rights in the Central African Republic and in Mali. In all there were 51 special procedures mandates (37 thematic and 14 country-related).

**Report of Secretary-General.** In response to a Human Rights Council decision [YUN 2006, p. 760], the Secretary-General in December submitted a report [A/HRC/25/20] indicating that the special procedures’ conclusions and recommendations contained in their 2013 reports to the Council’s twenty-second, twenty-third and twenty-fourth sessions were available on the website of the Office of the United Nations High Commissioner for Human Rights (ohchr).

**Reports of special procedures.** In accordance with the decisions made by special procedures mandate holders at their sixteenth [YUN 2009, p. 645] and seventeenth [YUN 2010, p. 656] annual meetings, mandate holders issued joint communications reports on 20 February [A/HRC/22/67 & Corr.1, 2], 22 May [A/HRC/23/51] and 22 August [A/HRC/24/21] containing summaries of communications and statistical information. The reports covered all urgent appeals, letters of allegations and other letters sent by mandate holders from 1 June 2012 to 31 May 2013 and replies received between
1 August 2012 and 31 July 2013, including replies relating to communications sent prior to 1 June 2012.

Civil and political rights

Racism and racial discrimination

Follow-up to 2001 World Conference

During the year, efforts continued to implement the Durban Declaration and Programme of Action (ddpa) adopted by the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance [YUN 2001, p. 615].

Intergovernmental Working Group. The Intergovernmental Working Group on the Effective Implementation of the ddpa, established in 2002 [YUN 2002, p. 661], held its eleventh session (Geneva, 7–18 October) [A/HRC/25/75], which included a special event on racism and football and thematic discussions on women and racism: good practices and experiences on the evaluation and monitoring of the situation of women; national monitoring initiatives in the fight against racism and related intolerance; and equal participation in the decision-making process related to the fight against racism. It adopted conclusions and recommendations on those four themes.


Working Group on people of African descent.

At its twelfth session (Geneva, 22–26 April) [A/HRC/24/52], the Working Group of Experts on People of African Descent, established in 2002 [YUN 2002, p. 661], focused on the theme of “Recognition through Education, Cultural Rights and Data Collection”. It urged the General Assembly to launch the International Decade for People of African Descent in 2013 and to consider the draft Programme of Action for the Decade it had elaborated [YUN 2012, p. 628]. In December, the Assembly proclaimed the International Decade for People of African Descen, 2015–2024 (see p. 625). The Working Group urged States to develop curricula and teaching materials which respected and recognized the history of people of African descent, including the transatlantic slave trade; promote and protect the culture, identity and heritage of Africa and people of African descent; and adopt legislation against racial discrimination. It also called for the establishment of a permanent forum on people of African descent at the United Nations.

Mission reports. Following its mission to Panama (14–18 January) [A/HRC/24/52/Add.2], the Working Group concluded that, despite claims that the country was a racial “melting pot” (“crisol de razas”), persistent patterns of racism and racial discrimination against people of African descent prevailed. It recommended enacting comprehensive anti-discrimination legislation, adopting measures to end the structural discrimination affecting people of African descent and ensuring that the benefits of development and economic growth were shared evenly and fairly.

Panama in September submitted its comments [A/HRC/24/52/Add.4] on that report.

Following a visit to Brazil (4–14 December) [A/HRC/27/68/Add.1], the Working Group noted positive developments and implementation gaps that needed to be addressed. The Working Group recommended strengthening policies and institutions for racial equality at the State and municipal level, fully implementing the law criminalizing racism, and ensuring that Afro-Brazilian university students were able to complete their studies without facing obstacles of extra financial burdens, discriminatory attitudes and lack of support.

The United Kingdom in August submitted its comments [A/HRC/24/52/Add.3] on the Working Group’s report on its mission to the country [YUN 2012, p. 628].

In response to Assembly resolution 67/155 [YUN 2012, p. 629], the Secretary-General in October [A/68/564] reported on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the ddpa. The report summarized contributions on the topic received from 23 countries, two UN entities, two regional organizations and one civil society organization. It provided an update on activities undertaken by UN bodies since the submission of the latest report [YUN 2012, p. 628]. It concluded that some progress had been made in combating racism and related phenomena, yet stronger political will and urgent measures were needed to reverse the increasingly hostile racist and xenophobic attitudes and violence. States were encouraged to develop and implement national action plans to combat racial discrimination and related intolerance.

The General Assembly took note of that report on 18 December (decision 68/534).

Human Rights Council action. On 22 March [A/68/53 (res. 22/30)], by a recorded vote of 34 to 1, with 12 abstentions, the Council underlined that the ddpa remained a solid basis and the only instructive outcome of the World Conference; and extended the mandate of the Intergovernmental Working Group on the Effective Implementation of the ddpa for a three-year period.

On the same date [res. 22/34], by a recorded vote of 46 to 0, with 1 abstention, the Council underlined 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. It urged States to adopt laws prohibiting discrimination at all levels of education, and to ensure
safe school environments free from violence and harassment motivated by racism and related phenomena.

On 27 September [A/68/53/Add.1 (res. 24/26)], by a recorded vote of 32 to 2, with 13 abstentions, the Council decided that the Intergovernmental Working Group on the Effective Implementation of the DDPA should convene its twelfth session from 6 to 17 October 2014. It also requested the Secretary-General to resuscitate the work of the five independent eminent experts appointed in 2003 to follow up on the implementation of the DDPA provisions [YUN 2003, p. 698]; and requested the experts to convene a special meeting before 31 December 2013 to appraise the work undertaken and the recommendations made in order to present an update report to the Council’s twenty-fifth (2014) session.

**Sports and combating discrimination**

**Human Rights Council action.** On 26 September [A/68/53/Add.1 (res. 24/1)], the Council welcomed the proclamation by the General Assembly of 6 April as the International Day of Sport for Development and Peace (see p. 1073); encouraged States to promote sport as a means to combat discrimination; called on States to cooperate with the International Olympic Committee and the International Paralympic Committee to use sport as a tool to promote human rights, development, peace, dialogue and reconciliation; and requested the Human Rights Council Advisory Committee to prepare a study on the possibilities of using sport and the Olympic ideal to promote human rights and to strengthen universal respect for them and to report thereon before its twenty-seventh (2014) session.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/68/454], adopted resolution 68/151 by recorded vote (134-11-46) [agenda item 67 (a)].

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling all its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action adopted by the World Conference, and in this regard underlining the imperative need for their full and effective implementation,

Stressing that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance has the same status as the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields,

Recalling the three Decades for Action to Combat Racism and Racial Discrimination previously declared by the General Assembly, and regretting that the Programmes of Action for those Decades were not fully implemented and that their objectives are yet to be attained,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Underlining the intensity, magnitude and organized nature of slavery and the slave trade, including the transatlantic slave trade, and the associated historical injustices, as well as the untold suffering caused by colonialism and apartheid, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples continue to be victims of the cascading effects of those legacies,

Acknowledging the efforts and initiatives undertaken by States to prohibit discrimination and segregation and to engender the full enjoyment of economic, social and cultural as well as civil and political rights,

Emphasizing that, despite efforts in this regard, millions of human beings continue to be victims of racism, racial discrimination, xenophobia and related intolerance, including their contemporary manifestations, some of which take violent forms,

Welcoming the efforts made by civil society in support of the follow-up mechanisms in the implementation of the Durban Declaration and Programme of Action,

Recalling the appointment of the five independent eminent experts on 16 June 2003 by the Secretary-General, pursuant to General Assembly resolution 56/266 of 27 March 2002, with the mandate to follow up on the implementation of the provisions of the Durban Declaration and Programme of Action and to make appropriate recommendations thereon,

Underlining the primacy of the political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance for the successful implementation of the Durban Declaration and Programme of Action,

Recalling its resolution 2142(XXI) of 26 October 1966 by which the General Assembly proclaimed 21 March as the International Day for the Elimination of Racial Discrimination,

Recognizing and affirming that the global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and contemporary forms and manifestations is a matter of priority for the international community,

I

**International Convention on the Elimination of All Forms of Racial Discrimination**

1. Reaffirms the paramount importance of universal adherence to and full and effective implementation of
the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in its resolution 2106(A) (XX) of 21 December 1965, in addressing the scourges of racism and racial discrimination;

2. Expresses grave concern that universal ratification of the Convention has not yet been reached, despite commitments under the Durban Declaration and Programme of Action, and calls upon those States that have not done so to accede to the Convention as a matter of urgency;

3. Underlines, in the above context, that the provisions of the Convention do not respond effectively to contemporary manifestations of racial discrimination, in particular in relation to xenophobia and related intolerance, which is recognized as the rationale behind the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001;

4. Takes note of the acknowledgement by the Human Rights Council and its subsidiary structures of the existence of both procedural and substantive gaps in the aforementioned Convention, which must be filled as a matter of urgency, necessity and priority;

5. Invites the Human Rights Council, in conjunction with its Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, in the execution of its mandate, to continue to elaborate complementary standards in order to fill existing gaps in the Convention, as well as to elaborate new normative standards aimed at combating all forms of contemporary racism, thereby also covering such areas as xenophobia, Islamophobia, anti-Semitism and incitement to national or ethnic and religious hatred;

II

International Decade for People of African Descent

6. Applauds the work undertaken by the Human Rights Council and, in particular, the Working Group of Experts on People of African Descent, during the past 10 years, which culminated in the finalization of the draft programme of action for the International Decade for People of African Descent;

7. Looks forward to the proclamation of the International Decade for People of African Descent during its sixty-eighth session;

8. Acknowledges the guidance and the effective leadership role demonstrated by the Human Rights Council, as well as by United Nations agencies, funds and programmes, with respect to the promotion and protection of the rights of people of African descent, including the restoration of their dignity and the imperative need for their equal treatment in the societies in which they live, and in this regard requests the Council to continue overseeing and guiding the implementation of the activities of the International Decade for People of African Descent;

9. Requests the Chair of the Working Group of Experts on People of African Descent to make a report on its work available to the General Assembly, and in this regard invites the Chair of the Working Group to engage in an interactive dialogue with the Assembly under the item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance” at its sixty-ninth session;

III

Office of the United Nations High Commissioner for Human Rights

10. Recalls paragraph 1 of Human Rights Council resolution 6/22 of 28 September 2007, and calls upon the United Nations High Commissioner for Human Rights to implement the realignment envisaged therein as a matter of urgency, including providing progress reports in this regard to the General Assembly at its sixty-ninth session;

11. Regrets that the High Commissioner omitted to include the historic and landmark World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001 among the twenty major achievements of her Office since the adoption of the 1993 Vienna Declaration and Programme of Action;

12. Commends the High Commissioner for convening a special event on 21 March 2013 in commemoration of the International Day for the Elimination of Racial Discrimination, and in particular for bringing together eminent sports personalities to share their experiences of the dangers of racism in sport, in follow-up to the commemorative event held in 2012, which was addressed by an eminent personality, and encourages the High Commissioner to continue to highlight the issue of racism in sport;

13. Requests the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to fully implement paragraphs 53 and 57 of General Assembly resolution 65/240 of 24 December 2010 with regard to the outreach programme for the follow-up to the commemoration of the 10-year anniversary of the adoption of the Durban Declaration and Programme of Action;

14. Also requests the Secretary-General and the Office of the High Commissioner to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

IV

Group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action

15. Recalls the appointment by the Secretary-General, pursuant to the Durban Declaration and Programme of Action and its resolution 56/266, of five independent eminent experts, on 16 June 2003, with the mandate to follow up on the implementation of the Durban Declaration and Programme of Action and to make appropriate recommendations thereon, and in this regard requests the Secretary-General, in the context of that resolution, to revitalize and reactivate the operational activities of the group of independent eminent experts;

16. Invites the Human Rights Council to ensure the visibility, effective participation and optimal utilization of the vast knowledge and experience of the group of independent eminent experts within its subsidiary structures, charged with the mandate and responsibility for the com-
prehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action;

V

Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination

17. **Recalls** the establishment by the Secretary-General, in 1973, of the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination as a funding mechanism that has been utilized for the implementation of the activities of the three Decades for Action to Combat Racism and Racial Discrimination declared by the General Assembly, and in this regard appreciates the fact that the Trust Fund has also been utilized for the subsequent programmes and operational activities transcending the three Decades.

18. **Requests** the Secretary-General to revitalize the Trust Fund prior to the twenty-fifth session of the Human Rights Council, for the purpose of ensuring the successful implementation of the activities of the International Decade for People of African Descent and enhancing the effectiveness of the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action;

19. **Strongly appeals** to all Governments, intergovernmental and non-governmental organizations and individuals as well as other donors in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, and to that end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

VI

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

20. **Takes note** of the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages the Special Rapporteur, within his mandate, to continue focusing on the issues of racism, racial discrimination, xenophobia and related intolerance and incitement to hatred, which impede peaceful coexistence and harmony within societies, and to present reports in this regard to the Human Rights Council and the General Assembly;

21. **Reiterates** the invitation to the Special Rapporteur to consider examining national models of mechanisms that measure racial equality and their added value in the eradication of racial discrimination and to report on such challenges, successes and best practices in his next report;

VII

Follow-up and implementation activities

22. **Calls upon** the Human Rights Council to develop and adopt a multi-year programme of activities to provide for the renewed and strengthened outreach activities needed to inform and mobilize the global public in support of the Durban Declaration and Programme of Action and to strengthen awareness of the contribution it has made in the struggle against racism, racial discrimination, xenophobia and related intolerance;

23. **Requests** the Secretary-General to submit to the General Assembly at its sixty-ninth session a report on the implementation of the present resolution;

24. **Requests** the President of the General Assembly and the President of the Human Rights Council to convene special meetings of the Assembly and the Council during the commemorations of the International Day for the Elimination of Racial Discrimination and to hold a debate on the state of racial discrimination worldwide, with the participation of the Secretary-General, the United Nations High Commissioner for Human Rights, encouraging eminent personalities active in the field of racial discrimination, Member States and civil society organizations in accordance with the rules of procedure of the General Assembly and the Human Rights Council, respectively;

25. **Decides** to remain seized of this priority matter at its sixty-ninth session under the item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance”.

RECORDED VOTE ON RESOLUTION 68/151:

**In favour:** Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

**Against:** Australia, Canada, Czech Republic, France, Germany, Israel, Marshall Islands, Nauru, Palau, United Kingdom, United States.

**Abstaining:** Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Ukraine.
Contemporary forms of racism

Reports of Special Rapporteur. In March, pursuant to General Assembly resolution 67/154 [YUN 2012, p. 637], the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere (Kenya), submitted a report [A/HRC/23/24] on the implementation of that resolution, addressing the human rights and democratic challenges posed by extremist political parties, movements and groups, including neo-Nazis and skinhead groups and similar extremist ideological movements. He examined the main areas of concern where further efforts were required, including with regard to the protection of vulnerable groups against racist and xenophobic crimes. He also identified good practices developed by States and different stakeholders.

Pursuant to the same resolution [A/68/329], in August the Secretary-General transmitted to the Assembly another report of the Special Rapporteur on the glorification of Nazism and the inadmissibility of practices that contributed to fueling contemporary forms of racism and related phenomena. The report summarized contributions from 16 States and views sent by seven intergovernmental, non-governmental and other organizations. The Rapporteur encouraged States to adopt legislation to combat racism, to raise awareness among young people of the dangers posed by extremist political parties, movements and groups, and to guarantee the right to security and access to justice of vulnerable groups, such as minorities, people of African descent, Roma, migrants, refugees and asylum seekers.

In response to a Human Rights Council request [YUN 2011, p. 660], the Special Rapporteur in April submitted a report [A/HRC/23/56] that summarized his activities from 4 September 2012 to 28 January 2013, presented the international framework relating to racism and education; addressed the issue of equal access to quality education; and considered the contexts that impacted the full enjoyment of the right to education without discrimination. He stressed that education was central to preventing and combating racism, racial discrimination, xenophobia and related intolerance, given its role in creating new values and attitudes. The Rapporteur recommended that States recognize the important role of education in combating racism; ensure equality and non-discrimination with regard to access to education, training and career development; and address obstacles limiting the access of children to education, including through temporary affirmative action programmes.

In August, pursuant to General Assembly resolution 67/155 [YUN 2012, p. 629], the Special Rapporteur submitted a report [A/68/333] focusing on the intersection between poverty and racism. He reviewed national, regional and international legal and policy frameworks; discussed the manifestations of poverty and racism in areas such as education, adequate housing and health care; and addressed other rights affected in the connection between racism and poverty, including the right to work in just conditions, social security, food and water. He also underlined examples of positive measures taken to prevent poverty and discrimination. The Rapporteur recommended that Member States review and redesign policies and programmes which might have a disproportionate effect on vulnerable racial or ethnic minorities, and implement measures to improve the access of such groups to civil, economic and social rights.

Mission reports. Following his visit to Spain (21–28 January) [A/HRC/23/56/Add.2], the Special Rapporteur addressed challenges such as racial profiling and the impact of the economic crisis on the country’s anti-racism framework and on certain groups, including the Roma, migrants, undocumented migrants, refugees and asylum seekers; the persistent racism and intolerance that such groups experienced; ethnic profiling; hate speech and xenophobic discourse among politicians; and racism on the Internet, in the media and in sports. He recommended improving the anti-discrimination legislation, effectively implementing the anti-racism laws, and raising awareness about the anti-discrimination legal framework among the judiciary and law enforcement officials.

In May, Spain submitted its comments [A/HRC/23/56/Add.3] on that report. Following his visit to Mauritania (2–8 September) [A/HRC/26/49/Add.4], the Special Rapporteur noted the progress accomplished by the country towards meeting its human rights obligations and the openness by the Government vis-à-vis the international human rights mechanisms. However, challenges persisted with regard to eliminating ethnic and descent-based discrimination and the marginalization of certain groups. The Rapporteur’s recommendations included basing the national plan of action against racism on a thorough analysis of all the facets of discrimination in the country through the conduct of a baseline study, and streamlining and focusing the various action plans and programmes related to ethnic and descent-based discrimination in order to avoid fragmentation of efforts.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/68/454], adopted resolution 68/150 by recorded vote (135–4–51) [agenda item 67 (a)].

Combating glorification of Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,
Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International
Covenants on Civil and Political Rights, the International Covenant on the Elimination of All Forms of Racial Discrimination and other relevant human rights instruments.


Acknowledging other important initiatives within the General Assembly aimed at raising awareness about the suffering of victims of racism, racial discrimination, xenophobia and related intolerance, including in the historical perspective, in particular regarding commemorations of the victims of the transatlantic slave trade,

Recalling the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized as criminal, inter alia, the SS organization and all its integral parts, including the Waffen SS, through its officially accepted members implicated in or with knowledge of the commission of war crimes and crimes against humanity connected with the Second World War, as well as other relevant provisions of the Charter and the Judgement.

Recalling also the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001, in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action, as well as the relevant provisions of the outcome document of the Durban Review Conference, of 24 April 2009, in particular paragraphs 11 and 54.

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar extremist ideological movements,

Deeply concerned by all recent manifestations of violence and terrorism incited by violent nationalism, racism, xenophobia and related intolerance,

1. Reaffirms the relevant provisions of the Durban Declaration and of the outcome document of the Durban Review Conference, in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. Takes note of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, prepared in accordance with the request contained in General Assembly resolution 67/154;

3. Expresses its appreciation to the United Nations High Commissioner for Human Rights for her commitment to maintaining the fight against racism, racial discrimination, xenophobia and related intolerance as one of the priority activities of her Office, and welcomes in this regard the launch by the Office of the United Nations High Commissioner for Human Rights of the database on practical means to combat racism, racial discrimination, xenophobia and related intolerance;

4. Expresses deep concern about the glorification, in any form, of the Nazi movement, neo-Nazism and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements;

5. Emphasizes the recommendation of the Special Rapporteur that “any commemorative celebration of the Nazi Waffen SS organization and its crimes against humanity, whether official or non-official, should be prohibited by States”;

6. Expresses concern at recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and in this regard urges States to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;

7. Notes with concern the increase in the number of racist incidents worldwide, including the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting, inter alia, persons belonging to national, ethnic, religious or linguistic minorities;

8. Reaffirms that such acts may be qualified to fall within the scope of the International Convention on the Elimination of All Forms of Racial Discrimination, that they may not be justified as exercises of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression, and that they may fall within the scope of article 20 of the International Covenant on Civil and Political Rights and may legitimately be restricted, as set out in articles 19, 21 and 22 of the Covenant;

9. Expresses deep concern at attempts at commercial advertising aimed at exploiting the sufferings of the victims of war crimes and crimes against humanity committed during the Second World War by the Nazi regime;

10. Stresses that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and by those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and may negatively influence children and young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter and is incompatible with the purposes and principles of the Organization;

11. Also stresses that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread of multi-
plication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and in this regard calls for increased vigilance;

12. *Expresses concern* at the human rights and democratic challenges posed by all extremist political parties, movements and groups;

13. *Emphasizes* the need to take the measures necessary to put an end to the practices described above, and calls upon States to take more effective measures in accordance with international human rights law to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

14. *Encourages* States to adopt further measures to provide training to the police and other law enforcement bodies on the ideologies of extremist political parties, movements and groups whose advocacy constitutes incitement to racist and xenophobic violence, to strengthen their capacity to address racist and xenophobic crimes, to fulfill their responsibility of bringing to justice the perpetrators of such crimes and to combat impunity;

15. *Notes* the recommendation of the Special Rapporteur regarding the responsibility of political leaders and parties in relation to messages that incite racial discrimination or xenophobia;

16. *Recalls* the recommendation of the Special Rapporteur to introduce into national criminal law a provision according to which committing an offence with racist or xenophobic motivations or aims constitutes an aggravating circumstance, allowing for enhanced penalties, and encourages those States whose legislation does not contain such provisions to consider that recommendation;

17. *Underlines* that the roots of extremism are multifaceted and must be addressed through adequate measures such as education, awareness-raising and the promotion of dialogue, and in this regard recommends the increase of measures to raise awareness among young people of the dangers of the ideologies and activities of extremist political parties, movements and groups;

18. *Reaffirms*, in this regard, the particular importance of all forms of education, including human rights education, as a complement to legislative measures, as outlined by the Special Rapporteur;

19. *Emphasizes* the recommendation of the Special Rapporteur presented at the sixty-fourth session of the General Assembly, in which he emphasized the importance of history classes in teaching the dramatic events and human suffering which arose out of the adoption of ideologies such as Nazism and Fascism;

20. *Stresses* the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives, which require continued State support;

21. *Calls upon* States to continue to invest in education, in both conventional and non-conventional curricula, inter alia, in order to transform attitudes and correct ideas of racial hierarchies and superiority promoted by extremist political parties, movements and groups and counter their negative influence;

22. *Underlines* the potentially positive role that relevant United Nations entities and programmes, in particular the United Nations Educational, Scientific and Cultural Organization, can play in the aforementioned areas;

23. *Reaffirms* article 4 of the Convention, according to which States parties to that instrument condemn all propaganda and all organizations that are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or that attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to that end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention, inter alia:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and organized and all other propaganda activities, that promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination;

24. *Also reaffirms* that, as underlined in paragraph 13 of the outcome document of the Durban Review Conference, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, that all dissemination of ideas based on racial superiority or hatred, or incitement to racial discrimination, as well as all acts of violence or incitement to such acts, shall be declared offences punishable by law, in accordance with the international obligations of States, and that these prohibitions are consistent with freedom of opinion and expression;

25. *Recognizes* the positive role that the exercise of the right to freedom of opinion and expression, as well as full respect for the freedom to seek, receive and impart information, including through the Internet, can play in combating racism, racial discrimination, xenophobia and related intolerance;

26. *Expresses concern* about the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, and in this regard calls upon States parties to the Covenant to implement fully articles 19 and 20 thereof, which guarantee the right to freedom of expression and outline the grounds on which the exercise of this right can be legitimately restricted;

27. *Recognizes* the need to promote the use of new information and communications technologies, including the Internet, to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance;

28. *Also recognizes* the positive role that the media can play in combating racism, racial discrimination, xenophobia and related intolerance, promoting a culture of tolerance and representing the diversity of a multicultural society;
Chapter II: Protection of human rights

29. Encourages those States that have made reservations to article 4 of the Convention to give serious consideration to withdrawing such reservations as a matter of priority, as stressed by the Special Rapporteur;

30. Notes the importance of strengthening cooperation at the regional and international levels with the aim of countering all manifestations of racism, racial discrimination, xenophobia and related intolerance, in particular regarding issues raised in the present resolution;

31. Stresses the importance of cooperating closely with civil society and international and regional human rights mechanisms in order to counter effectively all manifestations of racism, racial discrimination, xenophobia and related intolerance, as well as extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and other similar extremist ideological movements that incite racism, racial discrimination, xenophobia and related intolerance;

32. Encourages States parties to the Convention to ensure that their legislation incorporates the provisions of the Convention; that incite racism, racial discrimination, xenophobia and related intolerance;

33. Encourages States to adopt the legislation necessary to combat racism while ensuring that the definition of racial discrimination set out therein complies with article 1 of the Convention;

34. Recalls that any legislative or constitutional measures adopted with a view to countering extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements should be in conformity with the relevant international human rights norms, in particular articles 4 and 5 of the Convention and articles 19 to 22 of the Covenant;

35. Also recalls the request of the Commission on Human Rights, in its resolution 2005/5, that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

36. Encourages States to consider including in their reports for the universal periodic review and to treaty bodies information on the steps taken to combat racism, racial discrimination, xenophobia and related intolerance, including with the aim of implementing the provisions of the present resolution;

37. Requests the Special Rapporteur to prepare, for submission to the General Assembly at its sixty-ninth session and to the Human Rights Council at its twenty-sixth session, reports on the implementation of the present resolution, in particular regarding paragraphs 4 to 6, 8 to 10, 19 and 20 above, based on the views collected in accordance with the request of the Commission, as recalled in paragraph 35 above;

38. Expresses its appreciation to those Governments that have provided information to the Special Rapporteur in the course of the preparation of his reports to the General Assembly, and notes the increase in such contributions received from States;

39. Stresses that such information is important for the sharing of experiences and best practices in the fight against extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and other extremist ideological movements that incite racism, racial discrimination, xenophobia and related intolerance;

40. Encourages Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the tasks outlined in paragraph 35 above;

41. Encourages Governments, non-governmental organizations and relevant actors to disseminate, as widely as possible, information regarding the contents of and the principles outlined in the present resolution, including through the media, but not limited to it;

42. Decides to remain seized of the issue.

RECORDED VOTE ON RESOLUTION 68/150:
In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Canada, Kiribati, Palau, United States.

Abstaining: Albania, Andorra, Austria, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Dominica, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tonga, Ukraine, United Kingdom.

Human rights defenders

Reports of Special Rapporteur. The Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya (Uganda), described her activities during the reporting year in her fifth report [A/HRC/22/47] to the Human Rights Council, submitted pursuant to a Council request [YUN 2008, p. 721]. She drew the attention of Member States to the 252 communications that were sent under the mandate during 2012. Focusing on the role of national human rights institutions in promoting and protecting human rights, and highlighting the fact that they
could be considered as human rights defenders, the Rapporteur elaborated on the role that such institutions could play in protecting human rights defenders. She outlined measures taken by institutions in various States which could be replicated in others. The Rapporteur recommended that States establish follow-up mechanisms to recommendations issued by national human rights institutions; refrain from interfering with the independence and autonomy of those institutions; and establish measures to guarantee the security of members and staff of those institutions.


In her sixth and last report to the General Assembly [A/68/262], submitted in accordance with Assembly resolution 66/164 [YUN 2011, p. 664], the Special Rapporteur provided an assessment of her achievements; examined the relationship between large-scale development projects and the activities of human rights defenders; set out a human rights-based approach to development projects that would allow for the meaningful and safe participation of human rights defenders at all stages of those projects; and made recommendations to stakeholders, including in the context of the post-2015 development agenda. The Rapporteur recommended that States oblige those responsible for large-scale development projects to carry out human rights impact assessments and human rights due diligence; refrain from stigmatizing communities affected by large-scale development projects and those defending their rights, and recognize their concerns; and establish measures to guarantee the security of members and staff of those institutions.

An addendum [A/HRC/22/47/Add.4] summarized communications sent to 83 Governments between 1 December 2011 and 30 November 2012 and replies received until 31 January 2013.

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National Conference on Population and Development and the Beijing Declaration and Platform for Action and their review outcomes, as well as the agreed conclusions and resolutions of the Commission on the Status of Women.

Acknowledging the attention given by the Human Rights Council to the importance of women human rights defenders and of ensuring their protection and enabling their work in recent resolutions, and noting the panel discussion on women human rights defenders convened on 26 June 2012;

Acknowledging also that women of all ages who engage in the promotion and protection of all human rights and fundamental freedoms and all people who engage in the defence of the rights of women and gender equality, individually and in association with others, play an important role, at the local, national, regional and international levels, in the promotion and protection of human rights, in accordance with 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.

Noting with deep concern that in many countries persons and organizations engaged in promoting and defending human rights and fundamental freedoms, including women human rights defenders, frequently face threats and harassment and suffer insecurity as a result of those activities, including through the curtailment of freedom of association or expression or the right to peaceful assembly or the abuse of civil or criminal proceedings.

Gravely concerned that women human rights defenders are at risk of and suffer from violations and abuses, including systematic violations and abuses of their fundamental rights to life, liberty and security of person, to physical integrity, to freedom of expression and association, and to freedom of opinion and expression, as well as to freedom of association and peaceful assembly, and in addition can experience gender-based violence, rape and other forms of sexual violence, harassment and verbal abuse and attacks on reputation, online and offline, by State actors, including law enforcement personnel and security forces, and non-State actors, such as those related to family and community, in both public and private spheres.

Deeply concerned that historical and structural inequalities in power relations and discrimination against women, as well as various forms of extremism, have direct implications for the status and treatment of women and that the rights of some women human rights defenders are violated or abused and their work stigmatized owing to discriminatory practices and those social norms or patterns that serve to condone violence against women or perpetuate practices involving such violence.

Gravely concerned that impunity for violations and abuses against women human rights defenders persists owing to factors including a lack of reporting, documentation, investigation and access to justice, social barriers and constraints with regard to addressing gender-based violence, including sexual violence and the stigmatization that may result from such violations and abuses, and a lack of recognition of the legitimate role of women human rights defenders, all of which entrench or institutionalize gender discrimination.

Concerned that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance, can lead to the targeting or vulnerability to violence of women human rights defenders, who are prone to multiple, aggravated or intersecting forms of discrimination, unaware that information-technology-related violations, abuses, discrimination and violence against women, including women human rights defenders, such as online harassment, cyberstalking, violation of privacy, censorship and the hacking of e-mail accounts, mobile phones and other electronic devices, with a view to discrediting them and/or inciting other violations and abuses against them, are a growing concern and can be a manifestation of systemic gender-based discrimination, requiring effective responses compliant with human rights.

Mindful that domestic law and administrative provisions and their application should enable the work of women human rights defenders, including by avoiding any criminalization or stigmatization of the important activities and legitimate role of women human rights defenders and the communities of which they are a part or on whose behalf they work, as well as by avoiding impediments, obstructions, restrictions or selective enforcement thereof contrary to relevant provisions of international human rights law.

Recalling that the primary responsibility for promoting and protecting human rights and fundamental freedoms rests with the State, and reaffirming that national legislation consistent with the Charter and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights defenders, including women human rights defenders, conduct their activities.

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders, including women human rights defenders, or have hindered their work and endangered their safety in a manner contrary to international law.

Recognizing the urgent need to address, and to take concrete steps to prevent and stop, the use of legislation to hinder or limit unduly the ability of human rights defenders, including women 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 States’ obligations and commitments under international human rights law.

Underlining the need for all appropriate measures to be taken to modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customary and other practices based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women, in accordance with States’ obligations and commitments under international human rights law, thereby addressing harmful attitudes, customs, practices and gender stereotypes that underlie and perpetuate violence against women, including women human rights defenders.

Reaffirming that the empowerment, autonomy and advancement of women and the improvement of their political, social, legal and economic status are essential to respect for all human rights, the growth and prosperity of society and the achievement of representative, transparent and accountable government, democratic institutions and sustainable development in all areas of life.

Recognizing the valuable work of human rights defenders, including women human rights defenders, in promot-
ing civil, political, economic, social and cultural rights and the right to development,

Welcoming the opportunity afforded by the post-2015 development agenda for the global community to advance the human rights and fundamental freedoms of all persons, including gender equality and nondiscrimination, as well as real and effective participation, including equal political participation, in decision-making processes,

Welcoming also the steps taken by some States towards the adoption of national policies or legislation for the protection of individuals, groups and organs of society engaged in promoting and defending human rights, including as follow-up to the universal periodic review mechanism of the Human Rights Council.

1. **Calls upon** all States to promote, translate and give full effect to 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, including by taking appropriate, robust and practical steps to protect women human rights defenders;

2. **Takes note with appreciation** of the work of the Special Rapporteur on the situation of human rights defenders, noting the particular attention given to women human rights defenders;

3. **Stresses** 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, and condemns all human rights violations and abuses committed against persons engaged in promoting and defending human rights and fundamental freedoms;

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

5. **Expresses particular concern** about systemic and structural discrimination and violence faced by women human rights defenders of all ages, and calls upon States to take all measures necessary to ensure their protection and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights;

6. **Reiterates strongly** the right of anyone, individually and in association with others, to defend the human rights of women in all their aspects, and stresses the important role of women human rights defenders in promoting and protecting human rights and fundamental freedoms, to which everyone is entitled without distinction of any kind, including in addressing all forms of human rights violations, combating impunity, fighting poverty and discrimination and promoting access to justice, democracy, the full participation of women in society, tolerance, human dignity and the right to development, while recalling that the exercise of these rights carries duties and responsibilities set out in the Declaration;

7. **Urges** States to acknowledge publicly the important and legitimate role of women human rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against women human rights defenders;

8. **Calls upon** States to ensure that human rights defenders, including women 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;

9. **Also calls upon** States to exercise due diligence in preventing violations and abuses against human rights defenders, including through practical steps to prevent threats, harassment, and violence against women human rights defenders, who face particular risks, and in combating impunity by ensuring that those responsible for violations and abuses, including gender-based violence and threats against women human rights defenders, committed by State and non-State actors, including online, are promptly brought to justice through impartial investigations;

10. **Further calls upon** States to ensure that the promotion and protection of human rights are not criminalized or met with limitations in contravention of their obligations and commitments under international human rights law and that women human rights defenders are not prevented from enjoying universal human rights owing to their work, including by ensuring that all legal provisions, administrative measures and policies affecting women human rights defenders, including those aimed at preserving public morals, are clearly defined, determinable, non-retroactive and compatible with relevant provisions of international human rights law;

11. **Underlines** the fundamental principle of the independence of the judiciary and that procedural safeguards must be in place in accordance with States’ obligations and commitments under international human rights law in order to protect women human rights defenders from unwarranted criminal actions and sanctions as a consequence of their work in line with the Declaration;

12. **Also underlines** that women human rights defenders have the right to the lawful exercise of their occupation or profession and that everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics;

13. **Stresses** that, in the exercise of the rights and freedoms referred to in the Declaration, women human rights defenders, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society;

14. **Urges** States to strengthen and implement legal, policy and other measures to promote gender equality,
empower women and promote their autonomy and to promote and protect their equal participation, full involvement and leadership in society, including in the defence of human rights;  
15. Invites leaders in all sectors of society and in their respective communities, including political, military, social and religious leaders and leaders in business and the media, to express public support for the important role of women human rights defenders and the legitimacy of their work;  
17. Strongly calls upon States to refrain from, and ensure adequate protection from, any act of intimidation or reprisal against women human rights defenders who cooperate, have cooperated or seek to cooperate with international institutions, including their family members and associates.  
18. 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 special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms;  
19. Urges States to develop and put in place comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women human rights defenders, including by providing adequate resources for immediate and long-term protection and making sure that these can be mobilized in a flexible and timely manner to guarantee effective physical and psychological protection, while also extending protection measures to their relatives, including children, and otherwise to take into account the role of many women human rights defenders as the main or sole caregivers in their families;  
20. Emphasizes the need for the participation of women human rights defenders in the development of effective policies and programmes related to their protection, recognizing their independence and expertise with regard to their own needs, and the need to create and strengthen mechanisms for consultation and dialogue with women human rights defenders, such as focal points for human rights defenders within the public administration, for example, through national mechanisms for the advancement of women and girls, where they exist, or other mechanisms, depending on the national and local context;  
21. Urges States to adopt and implement policies and programmes that provide women human rights defenders with access to effective remedies, including by ensuring:  
(a) The effective participation of women human rights defenders in all initiatives, including transitional justice processes, to secure accountability for violations and abuses, and also ensuring that the guarantee of non-recurrence incorporates overcoming the root causes of gender-based violations and abuses in everyday life and institutions;  
(b) Adequate access to comprehensive support services for those women human rights defenders who experience violence, including shelters, psychosocial services, counselling, medical care and legal and social services;  
(c) That women human rights defenders who are victims of sexual and other forms of violence are attended to by adequately trained and equipped personnel with gender sensitivity and expertise and are consulted during each step of the process;  
(d) That women human rights defenders are able to avoid situations of violence, including by preventing the occurrence or recurrence of such violence in the exercise of their important and legitimate role in accordance with the present resolution;  
22. Also urges States to promote and support projects to improve and further develop the documentation and monitoring of cases of violations against women human rights defenders, and encourages the provision of adequate support and resources for those working to protect women human rights defenders, such as government agencies, national human rights institutions and civil society, including national and international non-governmental organizations;  
23. Encourages national human rights institutions to support the documentation of violations against women human rights defenders and to integrate a gender dimension into the planning and implementation of all programmes and other interventions related to human rights defenders, including through consultations with the relevant stakeholders;  
24. Encourages regional protection mechanisms, where they exist, to promote projects to improve and further develop the documentation of cases of violations against women human rights defenders and to ensure that programmes for the security and protection of human rights defenders integrate a gender perspective and address the specific risks and security needs of women human rights defenders;  
25. Encourages United Nations bodies, agencies and other entities, within their respective mandates and in cooperation with the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, to address the situation of human rights defenders, including women human rights defenders, in their work and to contribute to the effective implementation of the Declaration;  
26. Requests all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur for the effective fulfilment of her mandate, including in the context of country visits and through suggestions on ways and means of ensuring the protection of women human rights defenders;  
27. Requests the Special Rapporteur to continue to report annually on her activities to the General Assembly and the Human Rights Council, in accordance with her mandate;  
28. Decides to continue its consideration of this matter.
Reprisals for cooperation with human rights bodies

Report of Secretary-General. Pursuant to a Human Rights Council request [YUN 2009, p. 668], the Secretary-General in July [A/HRC/24/29 & Corr.1] submitted a compilation and analysis of information on alleged reprisals against individuals or groups who had cooperated or sought to cooperate with representatives of UN human rights bodies, as well as recommendations on how to address the issues of intimidation and reprisals. The report contained information gathered from 16 June 2012 to 15 June 2013, pertaining to cases in Bahrain, Colombia, the Democratic Republic of the Congo, Iran, Maldives, Morocco, the Philippines, the Russian Federation, Saudi Arabia, the Syrian Arab Republic, Tajikistan and the United Arab Emirates. It also provided follow-up information on cases included in previous reports on Colombia, Iran, Saudi Arabia, Sri Lanka, the Sudan, Uzbekistan and Venezuela. The report noted that it had not been possible to include certain cases, as the risk that public reporting would have entailed for the victims of reprisal was too high. The acts of intimidation or reprisal included in the report therefore represented only a small sample of the cases that were likely to have occurred. Reprisals against persons cooperating with the United Nations and its human rights mechanisms and representatives ranged from smear campaigns, threats, travel bans, harassment, fines, the closing of organizations, sexual violence, arbitrary arrests, prosecutions and prison sentences to torture, ill-treatment and death. The Secretary-General recommended that States adopt appropriate legislation, condemn acts of reprisal and intimidation, ensure accountability, conduct impartial investigations, bring perpetrators to justice and provide victims with remedies.

Human Rights Council action. On 27 September [A/68/53/Add.1 (res. 24/24)], by a recorded vote of 31 to 1, with 15 abstentions, the Council urged States to refrain from acts of intimidation or reprisal against those who sought to cooperate with the United Nations in the field of human rights; requested the Secretary-General to designate a UN-wide senior focal point to promote the prevention of, protection against and accountability for reprisals and intimidation related to cooperation with the United Nations; and invited the Secretary-General to include in his next annual report the activities of the senior focal point; the different measures hampering cooperation with UN human rights mechanisms; and best practices of international, regional and national human rights bodies and institutions that addressed cases of intimidation or reprisal.

Protection of migrants

Reports of Special Rapporteur. In response to a request by the Human Rights Council [YUN 2011, p. 667], the Special Rapporteur on the human rights of migrants, François Crépeau (Canada), in April submitted a report [A/HRC/23/46] covering his activities from 1 June 2012 to 30 April 2013, and the year-long regional study on the management of the external border of the European Union (EU) and its impact on the human rights of migrants. While welcoming the inclusion of migrants’ rights in the EU institutional and policy framework, the Rapporteur remained concerned that the protection of the human rights of migrants, and in particular irregular migrants, was often not implemented. Other challenges included the securitization of migration and border control; the use of detention as a tool in border control; the externalization of border control; and insufficient responsibility-sharing with external border States. The Rapporteur recommended implementing a human rights-based approach to migration and border management; recognizing that sealing the external borders of the EU was impossible and repression of irregular migration was counterproductive; opening up more regular migration channels; and creating a harmonized set of minimum standards of rights for migrants in an irregular situation.

On 21 May [A/HRC/23/G/2], the EU submitted its comments on that report.

In accordance with General Assembly resolution 67/172 [YUN 2012, p. 642], the Secretary-General in August transmitted the Special Rapporteur’s annual report [A/68/283] to the Assembly, covering his activities and a thematic section on global migration governance. The Rapporteur explored the need for a strengthened institutional framework based on human rights; demonstrated how that would benefit States; and explored different proposals for new institutional frameworks for migration within the UN system. The Rapporteur recommended that States establish human rights-based, coherent and comprehensive migration policies; ensure that bilateral agreements related to migrants and regional cooperation mechanisms were transparent, guarantee the rights of migrants and ensure accountability; and recognize the need for a stronger institutional framework for migration at the United Nations; and consider the creation of a new organization dealing with international migration. He also made recommendations in relation to the High-level Dialogue on International Migration and Development (see p. 1025).

The General Assembly took note of that report on 18 December (decision 68/536).

Mission reports. Following his mission to Qatar (3–10 November) [A/HRC/26/35/Add.1], the Special Rapporteur reported that Qatar had the highest proportion of migrants of any country in the world, who outnumbered Qatari nationals by far, which created unique challenges. He concluded that efforts needed to be stepped up to prevent abuses against migrants. Exploitation was frequent and migrants often worked without pay and lived in substandard conditions.
Domestic workers were excluded from the labour law and were vulnerable to abuse. The Rapporteur recommended formalizing the recruitment process for migrants to prevent exploitation, and enforcing legislation to ensure that their rights were respected. The *kafala* (sponsorship) system, which linked a work permit to a single employer, was a source of abuse and exploitation and should be abolished. The Rapporteur also made recommendations to countries that sent migrants to Qatar and the private sector. In April [A/HRC/223/46/Add.5] and May [A/HRC/23/46/Add.6], respectively, Greece and Italy, submitted comments on the Special Rapporteur’s report following his 2012 mission to those countries [YUN 2012, p. 641].

**Report of Secretary-General.** Pursuant to General Assembly resolution 67/172, the Secretary-General in August submitted a report [A/68/292] on the implementation of that resolution, which summarized submissions received from States, intergovernmental organizations and NGOs. The report considered the components of a human rights-based approach to migrants and migration; examined how a human rights perspective could enhance international migration and development policies; and provided examples of practices that integrated a human rights perspective.

The General Assembly took note of that report on 18 December (decision 68/536).

**Human Rights Council action.** On 14 June [A/68/53 (res. 23/20)], the Council called on States and regional and international organizations to promote and protect the human rights of migrants, especially those of women and children, regardless of their immigration status; to adopt measures to prevent violations of the rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints; and to train public officials who worked in those facilities and in border areas to treat migrants respectfully and in accordance with international human rights law.

**Declaration on migration.** On 3 October, the General Assembly adopted resolution 68/4 (see p. 1025) on the Declaration of the High-level Dialogue on International Migration and Development.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/179 without vote [agenda item 69 (b)].

**Protection of migrants**

_The General Assembly,_

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 67/172 of 20 December 2012, as well as its resolutions 66/128 of 19 December 2011 on violence against women migrant workers and 67/185 of 20 December 2012 on promoting efforts to eliminate violence against migrants, migrant workers and their families, and recalling also Human Rights Council resolution 23/20 of 14 June 2013,

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,

Reaffirming also 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,

Recalling the International Covenant on Civil and Political Rights and 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 Convention on the Rights of Persons with Disabilities, the Vienna Convention on Consular Relations and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Acknowledging the relevant contribution of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to the international system for the protection of migrants,

Recalling the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, in which States are called upon to promote and protect effectively the human rights and fundamental freedoms of all migrants regardless of migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants and avoiding approaches that might aggravate their vulnerability,

Recalling also the provisions concerning migrants contained in the outcome documents of major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development, which recognizes that migrant workers are among the most affected and vulnerable in the context of financial and economic crises,

Recalling further Commission on Population and Development resolutions 2006/2 of 10 May 2006 and 2009/1 of 3 April 2009, and its resolution 2013/1 of 26 April 2013 on new trends in migration: demographic aspects,

Taking note of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Arena and Other Mexican Nationals* and the Judgment of the Court of 19 January 2009 regarding the request for interpretation of the *Arena* Judgment, and recalling the obligations of States reaffirmed in both decisions,
Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

Recognizing that women represent almost half of all international migrants, and in this regard recognizing also that women migrant workers are important contributors to social and economic development in countries of origin and destination, and underlining the value and dignity of their labour, including the labour of domestic workers,

Recognizing also the importance of the second High-level Dialogue on International Migration and Development, held on 3 and 4 October 2013, which recognized the important contribution of migration in realizing the Millennium Development Goals and recognized that human mobility is a key factor for sustainable development, which should receive due consideration in the elaboration of the post-2015 development agenda,

Bearing in mind the seventh meeting of the Global Forum on Migration and Development, to be held in Sweden in May 2014, whose main theme will be “Unlocking the potential of migration for inclusive development” and which will take into consideration the results of the second High-level Dialogue on International Migration and Development,

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges that migration poses to countries of origin, transit and destination, especially in the light of the impact of the financial and economic crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of all migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of continued security concerns,

Bearing in mind the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants and to investigate and punish perpetrators, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

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,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Stressing the importance of regulations and laws regarding irregular migration, at all levels of government, being in accordance with the obligations of States under international law, including international human rights law,

Stressing also the obligation of States to protect the human rights of migrants regardless of their migration status, including when implementing their specific migration and border security policies, and expressing its concern at measures which, 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, and in this regard recalling that sanctions and the treatment given to irregular migrants should be commensurate with their offences,

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,

Recognizing the contributions of young migrants to countries of origin and destination, and in that regard encouraging States to consider the specific circumstances and needs of young migrants,

Concerned about the large and growing number of migrants, especially women and children, including those unaccompanied or separated from their parents, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Recognizing the importance of having a comprehensive and balanced approach to international migration, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

Recognizing also the obligations of countries of origin, transit and destination under international human rights law,

Underlining the importance of States, in cooperation with civil society, including non-governmental organizations, workers’ organizations and the private sector, among other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, risks and rights in the event of migration in order to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. Calls upon States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants and avoiding approaches that might aggravate their vulnerability;

2. Expresses its concern about the impact of financial and economic crises and natural disasters on international migration and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, in particular migrant workers and their families;

3. Reaffirms the rights set forth in the Universal Declaration of Human Rights and the obligations of States under the International Covenants on Human Rights, and in this regard:

YUN 2013—3rd proof—6 November 2017
Chapter II: Protection of human rights

(a) Strongly condemns the acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce the existing laws when hate crimes, xenophobic or intolerant acts, manifestations or expressions against migrants occur in order to eradicate impunity for those who commit those acts;

(b) Expresses concern about legislation adopted by some States that results in measures and practices that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(c) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(d) Calls upon States that have not 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;

(e) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its seventeenth and eighteenth sessions;

4. Also reaffirms the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their migration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(a) Calls upon all States 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, including measures that have been successfully implemented by some States;

(b) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(c) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, and train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law;

(d) Calls upon States 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 the country of origin to the country of destination and vice versa, including transit across national borders;

(e) Recognizing the particular vulnerability of migrants in transit situations, including through national borders, and the need to ensure full respect for their human rights also in these circumstances;

(f) Recognizes the importance of coordinated efforts of the international community to assist and support migrants stranded in vulnerable situations;

(g) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(h) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations, in particular with regard to the right of all foreign nationals, regardless of their migration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(i) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers’ labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(j) Invites Member States to consider ratifying relevant conventions of the International Labour Organization, including Convention No. 189 on decent work for domestic workers;

(k) Encourages all States to remove unlawful obstacles, where they exist, that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation and agreements, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(l) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. Emphasizes the importance of protecting persons in vulnerable situations, and in this regard:

(a) Expresses its concern about the increase in the activities of transnational and national organized crime entities and others who profit from crimes against migrants, especially women and children, without regard for dangerous and inhuman conditions and in flagrant violation of national laws and international law and contrary to international standards;

(b) Also expresses its concern about the high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime entities and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

(c) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;
calls upon States that have not already done so to provide for the protection of the human rights of women migrant workers, to promote fair labour conditions and to ensure that all women, including care workers, are legally protected against violence and exploitation;

(e) Encourages States to implement gender-sensitive policies and programmes for women migrant workers, to provide safe and legal channels that recognize the skills and education of women migrant workers and, as appropriate, to facilitate their productive employment, decent work and integration into the labour force, including in the fields of education and science and technology;

(f) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the necessary measures to better protect women and girls against dangers and abuse during migration;

(g) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

(h) Encourages all States to prevent and eliminate discriminatory policies and legislation at all levels of government that deny migrant children access to education and, while taking into account the best interests of the child as a primary consideration, to foster the successful integration of migrant children into the education system and the removal of barriers to their education in host countries and countries of origin;

(i) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child and family reunification;

(j) Urges States parties to the United Nations Convention against Transnational Organized Crime and the supplementing protocols thereto to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

6. Encourages States to take into account the conclusions and recommendations of the study of the Office of the High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration when designing and implementing their migration policies;

7. Also encourages States to protect migrant victims of national and transnational organized crime, including kidnapping and trafficking and, in some instances, smuggling, including through the implementation of programmes and policies that guarantee protection and access to medical, psychosocial and legal assistance, where appropriate;

8. Encourages Member States that have not already done so to enact national legislation and to take further effective measures to combat trafficking in persons and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude, exploitation, debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to prevent, investigate and combat such trafficking and smuggling;

9. Stresses the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, transit and destination, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(b) Encourages States to take the measures necessary to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

(c) Also encourages States to cooperate effectively in protecting witnesses in cases of smuggling of migrants;

(d) Further encourages States to cooperate effectively in protecting witnesses and victims in cases of trafficking in persons, regardless of their migration status;

(e) Calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrants in countries of origin, transit and destination and to assist Member States in their capacity-building efforts in this regard;

10. Encourages giving appropriate consideration to the issue of migration and development in the preparation of the post-2015 development agenda through, inter alia, integrating a human rights perspective and mainstreaming a gender perspective, and therefore:

(a) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights, the Special Rapporteur of the Human Rights Council on the human rights of migrants, the Special Representative of the Secretary-General on International Migration and Development and the International Organization for Migration and other members of the Global Migration Group, to give due consideration to international migration in the elaboration of the post-2015 development agenda;

(b) Recognizes the importance of the contribution of the High Commissioner, the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Special Rapporteur, as well as other key actors, to the discussion on international migration;

11. Encourages States, relevant international organizations, civil society, including non-governmental organizations, and the private sector to continue and to enhance their dialogue in relevant international meetings with a view to strengthening and making more inclusive public policies aimed at promoting and respecting human rights, including those of migrants;
12. Requests Governments and international organizations to take appropriate measures to give due consideration to the declaration of the High-level Dialogue on International Migration and Development, held on 3 and 4 October 2013, which reaffirmed the need to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants and avoiding approaches that might aggravate their vulnerability;

13. Invites the Chair of the Committee to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its sixty-ninth session, under the item entitled “Promotion and protection of human rights”, as a way to enhance communication between the Assembly and the Committee;

14. Invites the Special Rapporteur to submit his report to the General Assembly and to engage in an interactive dialogue at its sixty-ninth session, under the item entitled “Protection of human rights”,

15. Takes note of the report of the Special Rapporteur submitted to the General Assembly at its sixty-eighth session in accordance with resolution 67/172;

16. Requests the Secretary-General to submit to the General Assembly at its sixty-ninth session a report on the implementation of the present resolution and to include in that report an analysis on ways and means to promote and protect the rights of migrant children that ensure that the best interest of the child is a primary consideration, particularly in the case of unaccompanied migrant children and children separated from their families.

**Discrimination against minorities**

**Reports of Independent Expert.** Pursuant to a Human Rights Council request [YUN 2011, p. 671], the Independent Expert on minority issues, Rita Izsák (Hungary), in her annual report to the Council [A/HRC/22/49], summarized her activities since her previous report [YUN 2012, p. 646]; provided an update on the work of the Forum on Minority Issues following its fifth session [ibid.]; and presented a discussion on the rights of linguistic minorities. Challenges to the enjoyment of the rights of linguistic minorities existed in all regions, including restrictions on opportunities to learn and receive education for their children in minority languages, and limitations on the use of minority languages in public life and the media. Globally, many minority languages were under threat of decline or disappearance due to the dominance of national and international languages, assimilation, and decline in minority-language users. The Independent Expert recommended providing a reasonable degree of accommodation of smaller and lesser-used languages; using cost-effective methods such as the translation of key information and web-based resources targeted at minorities; and using minority mediators to improve communication with minorities.

In accordance with General Assembly resolution 66/166 [YUN 2011, p. 672], the Secretary-General in August transmitted the Independent Expert’s report [A/68/268] to the Assembly, which focused on a rights-based approach to the protection and promotion of the rights of religious minorities. In all regions, religious minorities faced discrimination, social exclusion, marginalization, harassment, persecution and violence. The Independent Expert recommended that States implement the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities [YUN 1992, p. 722] with due attention to the situation of religious minorities present in the country; reflect attention to religious minorities in institutional frameworks for human rights protection; review legislation to ensure that it did not contain discriminatory provisions; and ensure that the national educational environment was welcoming and non-discriminatory for members of religious minorities.

**Mission report.** Following her mission to Cameroon (2–11 September) [A/HRC/25/56/Add.1], the Independent Expert said that there were more than 250 ethnic groups speaking many different languages and representing different faiths in the country. While challenges remained, the Government was open to involve minorities in shaping solutions. In that context, the Independent Expert urged the Government to record and gather regular disaggregated social and economic data, including in the census, to map the country’s diversity and reveal challenges facing minority groups. The problems faced by the Pygmy and Mboloro pastoralist communities, who identified as indigenous minorities and who were among the poorest in the country, required solutions taking into account their unique cultures, traditions and lifestyles.

**Report of Secretary-General.** Pursuant to Assembly resolution 66/166, the Secretary-General in August submitted a report [A/68/304] on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Independent Expert on minority issues and UN entities, as well as by States, to mark the twentieth anniversary (2012) of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including the establishment of the United Nations network on racial discrimination and the protection of minorities. The report reviewed activities undertaken to promote the Declaration’s implementation and raise awareness of its provisions. The activities highlighted effective practices and challenges in strengthening national, regional and international implementation.

**Forum on Minority Issues.** The sixth session of the Forum on Minority Issues (Geneva, 26–27 November) focused on measures aimed at guaranteeing...
the rights of religious minorities. The more than 500 participants, including representatives of Governments, minority communities, UN entities, regional intergovernmental bodies, national human rights institutions and civil society, addressed the challenges faced by religious minorities; provided information about legislation, policies and practices for protecting their rights; and presented proposals for addressing problems. The Forum issued recommendations [A/HRC/25/66] on implementation of international standards in domestic legislation; policies and programmes; consultation and participation; education; training and awareness-raising; research and data; prevention of violence and protection of the security of religious minorities; and interfaith dialogue, consultation and exchange.

**Human Rights Council action.** On 21 March [A/68/53 (res. 22/4)], the Council urged States to ensure that persons belonging to national or ethnic, religious and linguistic minorities were aware of and able to exercise their rights and to develop mechanisms for participation of and consultation with persons belonging to minorities in order to take into account their views. It also took note of the establishment of the UN network on racial discrimination and the protection of minorities; and requested the High Commissioner for Human Rights to report annually on developments in UN work, including activities that contributed to the promotion of and respect for the Declaration’s provisions.

On 27 September [A/68/53/Add.1 (dec. 24/118)], the Council requested the Secretary-General to establish a special fund for the participation of civil society and other stakeholders in the Social Forum, the Forum on Minority Issues and the Forum on Business and Human Rights, to be administered by OHCHR.

**Report of High Commissioner.** Pursuant to requests of the Human Rights Council [YUN 2010, p. 680] and resolution 22/4 (see above), the High Commissioner submitted a report [A/HRC/25/30] on developments in the work of UN human rights entities, as well as OHCHR, regarding the rights of minorities. Activities focused on strengthening system-wide engagement and advocacy through knowledge-sharing, the use of mechanisms, and the commitment to protect.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/172 without vote [agenda item 69 (b)].

**Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities**

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, by which it adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities annexed to that resolution, and bearing in mind article 27 of the International Covenant on Civil and Political Rights as well as other relevant existing international standards and national legislation,

Recalling also its subsequent resolutions on the effective promotion of the Declaration, as well as Human Rights Council resolutions 6/15 of 28 September 2007 and 19/23 of 23 March 2012, by which the Council established and renewed the mandate of the Forum on Minority Issues, 16/6 of 24 March 2011 on the mandate of the Independent Expert on minority issues, 18/3 of 29 September 2011 on the panel to commemorate the twentieth anniversary of the adoption of the Declaration and 22/4 of 21 March 2013 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Affirming that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and dialogue between these minorities and the rest of society, as well as the constructive and inclusive development of practices and institutional arrangements to accommodate diversity within societies, contribute to political and social stability and the prevention and peaceful resolution of conflicts involving the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Expressing concern at the frequency and severity of disputes and conflicts involving persons belonging to national or ethnic, religious and linguistic minorities in many countries and their often tragic consequences, and that such persons often suffer disproportionately from the effects of conflicts resulting in the violation of their human rights and are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Emphasizing the important role that national institutions can play in the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as well as in early warning and awareness-raising measures to address problems regarding minority situations,

Emphasizing also 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 economic and social conditions and marginalization, as well as to end any type of discrimination against them,

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

Emphasizing the fundamental importance of human rights education, training and learning as well as of dialogue, including intercultural and interfaith dialogue, and interaction among all relevant stakeholders and members of society on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including the sharing of best practices such as for the promotion of mutual understanding of minority issues, managing diversity by recognizing plural identities and promoting inclusive and stable societies as well as social cohesion therein,
Acknowledging that the United Nations has an important role to play regarding 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, and recalling the paragraphs in its resolution 67/292 of 24 July 2013 on multilingualism relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities and recognizing that multilingualism is a means of preserving the diversity of languages and cultures globally,

Affirming that the twentieth anniversary of the adoption of the Declaration, in 2012, 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, on achievements, best practices and challenges with regard to implementation of the Declaration, on the diverse ways in which it has been used and implemented in practice at the national, regional and international levels and on the impact that it has had on national legislation, institutional mechanisms and their activities and programmes to advance the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Acknowledging the various activities undertaken by States, regional intergovernmental bodies, civil society, including non-governmental organizations, and the United Nations system to commemorate the anniversary, in particular the regional expert workshops organized by the Office of the United Nations High Commissioner for Human Rights,

Welcoming the guide for advocates on promoting and protecting minority rights published by the Office of the High Commissioner, which provides information on main actors working on the rights of persons belonging to national or ethnic, religious and linguistic minorities in the United Nations and in key regional organizations and which constitutes a valuable tool for advocates working on this issue worldwide,

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

1. Reaffirms the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, as proclaimed in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and draws attention to the relevant provisions of the Durban Declaration and Programme of Action, including the provisions on forms of multiple discrimination;

2. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the encouragement of conditions for the promotion of their identity, the provision of adequate education and the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, without discrimination, and to apply a gender perspective while doing so;

3. Urges States to take all appropriate measures, inter alia, constitutional, legislative, administrative and other measures, for the promotion and implementation of the Declaration, and appeals to States to cooperate bilaterally and multilaterally, in particular on the exchange of best practices and lessons learned, in accordance with the Declaration, in order to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

4. Also 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;

5. Recommends that States and other relevant actors ensure to the fullest extent possible that the Declaration is translated into all minority languages and disseminated widely;

6. Calls upon States, while bearing in mind the theme of the fifth session of the Forum on Minority Issues, and with a view to enhancing the implementation of the Declaration and to ensuring the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, to take appropriate measures by, inter alia:

(a) Reviewing any legislation, policy or practice that has a discriminatory or disproportionately negative effect on persons belonging to national or ethnic, religious and linguistic minorities with a view to considering its amendment;

(b) Developing awareness-raising and training initiatives, including for public officials, judges, prosecutors and law enforcement officials, on the rights contained in the Declaration;

(c) Dedicated departments, sections or focal points within existing institutions or considering the establishment of specialized national institutions or agencies to address the rights of persons belonging to national or ethnic, religious and linguistic minorities;

7. 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;

8. Calls upon States to give special attention to the situation and specific needs of women, children and persons with disabilities belonging to minorities while promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities;

9. Encourages States, in their follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to include aspects relating to persons belonging to national or ethnic, religious and linguistic minorities in their national plans of action and, in this context, to take forms of multiple discrimination fully into account;

10. Calls upon States to integrate the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as effective non-discrimination and equality for all, into strategies for the prevention and resolution of conflicts involving these minorities, while ensuring their full and effective participation in the design, implementation and evaluation of such strategies;

11. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including in the context of the
prevention and resolution of disputes, to assist in resolving existing or potential situations involving minorities;

12. Welcomes the reports of the Independent Expert on minority issues and their special focus on institutional attention to the rights of persons belonging to national or ethnic, religious and linguistic minorities within governmental organs, national human rights institutions and other relevant national bodies as a means of promoting their rights and on rights-based approaches to the promotion and protection of the rights of persons belonging to religious minorities;

13. Commends the Independent Expert for the work that has been done and the important role 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 preparations for and the work of the Forum, which contributes to efforts to improve cooperation and coordination among all United Nations mechanisms relating to the rights of persons belonging to minorities;

14. Invites the Independent Expert to report annually to the General Assembly;

15. Calls upon all States to cooperate with and assist the Independent Expert in the performance of the tasks and duties mandated to her, to provide her with all the necessary information requested and to seriously consider responding promptly and favourably to the requests of the Independent Expert to visit their countries in order to enable her to fulfil her duties effectively;

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

17. Expresses its appreciation for the successful completion, in November 2012, of the fifth session of the Forum, which addressed the implementation of the Declaration and which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on these topics and, as part of its outcome, identified in its recommendations achievements, best practices and challenges for the further implementation of the Declaration, and encourages States to take into consideration the relevant recommendations of the Forum;

18. Invites States, United Nations mechanisms, bodies, specialized agencies, funds and programmes, regional, intergovernmental and non-governmental organizations and national human rights institutions as well as academics and experts on minority issues to continue to participate actively in the sessions of the Forum;

19. Welcomes the report of the Secretary-General on activities undertaken by the Office of the United Nations High Commissioner for Human Rights, the Independent Expert and relevant United Nations entities, as well as by Member States, to mark the twentieth anniversary of the adoption of the Declaration;

20. 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 that anniversary;

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

22. 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 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;

23. Takes note with appreciation of the note by the Secretary-General on racial discrimination and protection of minorities providing guidance for the United Nations system on how to address racial discrimination and the protection of persons belonging to national or ethnic, religious and linguistic minorities and aimed at, inter alia, integrating their rights into the work of the United Nations system at the global, regional and country levels, including through coordination mechanisms;

24. Requests the United Nations High Commissioner for Human Rights to continue her efforts to improve coordination and cooperation among United Nations agencies, funds and programmes on activities related to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and to take the work of relevant regional organizations active in the field of human rights into account in her endeavours;

25. Calls upon the High Commissioner to continue to promote, within her mandate, the implementation of the Declaration, and to engage in a dialogue with Governments for that purpose and regularly update and disseminate widely the United Nations Guide for Minorities;

26. Invites the High Commissioner to continue to seek voluntary contributions to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to national or ethnic, religious and linguistic minorities, in particular those from developing countries, in minority-related activities organized by the United Nations, in particular the activities of its human rights bodies and of the Forum, and in doing so to give particular attention to ensuring the participation of young people and women;

27. Welcomes, in this regard, the decision of the Human Rights Council to establish a special fund for the participation of civil society and other relevant stakeholders in, inter alia, the Forum on Minority Issues, aiming to facilitate the broadest possible participation of civil society representatives and other relevant stakeholders, with particular attention being paid to participants from least developed countries, and calls upon States to support the participation of civil society and other relevant stakeholders in the Forum on Minority Issues and, to that end, to make voluntary contributions to the special fund;
28. 

Invites the human rights treaty bodies, as well as special procedures of the Human Rights Council, to continue to give attention, within their respective mandates, to situations 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;

29. 

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, in that regard calls upon States to effectively follow up on accepted universal periodic review recommendations related 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;

30. 

Encourages the United Nations, the Secretary-General, the Independent Expert, the Office of the High Commissioner, the Independent Expert, governmental and non-governmental organizations, as well as various intergovernmental bodies, to promote greater attention to the rights of persons belonging to national or ethnic, religious and linguistic minorities and the Declaration into their work, considering the creation of thematic and/or special mechanisms on this issue;

31. 

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, actively raising awareness of and promoting the Declaration in their work, considering the implementation at the national level and the creation of thematic and/or special mechanisms on this issue;

32. 

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

33. 

Requests the Secretary-General to submit to the General Assembly at its seventy-first session a report on the implementation of the present resolution, including information on activities undertaken by Member States, the Office of the High Commissioner, the Independent Expert, relevant United Nations entities and other relevant stakeholders 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;

34. 

Decides to continue consideration of the question at its seventy-first session under the item entitled “Promotion and protection of human rights”.

Freedom of religion or belief

Reports of Special Rapporteur. Pursuant to a Human Rights Council request [YUN 2010, p. 681], the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt (Germany), submitted a report [A/HRC/22/51] that reviewed his activities and focused on the need to respect and protect freedom of religion or belief of persons belonging to religious minorities. He pointed out that the rights of such persons could not be confined to the members of certain predefined groups and should be open to all persons who lived de facto in the situation of a minority and were in need of special protection. He also described patterns of violations of those freedoms perpetrated by States and non-State actors that showed the need for concerted action. The Rapporteur recommended that those engaged in protecting religious minorities consistently base their activities on universal human rights norms and refrain from demonizing minorities on the basis of religion; and that States prohibit the advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility or violence.

In accordance with General Assembly resolution 67/179 [YUN 2012, p. 648], the Secretary-General in August [A/68/290] transmitted to the Assembly the Special Rapporteur’s interim report, which reviewed activities since the previous report [YUN 2012, p. 647] and focused on the face of complicated conflicts in their interplay, on the relationship between freedom of religion or belief and equality between men and women, with the purpose of contributing to a systematic clarification. The Rapporteur reported that the impression was widely shared that those two human rights norms were essentially contradictory, which caused serious protection gaps. Efforts to create synergies between freedom of religion or belief and gender equality were sometimes ignored or discouraged. Moreover, the antagonistic misconstruction of the relationship between those two norms failed to do justice to millions of individuals, whose needs and experiences fell into the intersection of both human rights—a problem disproportionately affecting women from religious minorities. The Rapporteur therefore emphasized the need to uphold all human rights as universal, indivisible, interdependent and interrelated, and, on that basis, formulated recommendations to States and other stakeholders.

Mission reports. Following his visit to Sierra Leone (30 June–5 July) [A/HRC/25/58/Add.1], the Special Rapporteur appreciated the admirable culture of inter- and intra-religious openness cherished in families, neighborhoods, schools and public life. People from the country’s two main religions—Islam and Christianity—lived together in peace, and that tolerant attitude generally extended to adherents of traditional African spirituality. He also identified a number of challenges, including harassment and persecution of persons suspected of “witchcraft” and harmful practices such as female genital mutilation that were inflicted in the name of “tradition”, “custom”, “culture” and sometimes “religion”. He called on religious leaders to speak out publicly against harmful practices. In his conclusions, the Rapporteur drew attention to the recommendations made by Sierra Leone’s Truth and Reconciliation Commission [YUN 2004, p. 219]. He also recommended that States,
Freedom of religion or belief

The General Assembly,
Recalling its resolution 36/55 of 25 November 1981, by which it 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 its previous resolutions on freedom of religion or belief and on the elimination of all forms of intolerance and of discrimination based on religion or belief, including resolution 67/179 of 20 December 2012 and Human Rights Council resolution 22/20 of 22 March 2013,
Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of freedom of religion or belief,
Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief, as a universal human right, should be fully respected and guaranteed,
Deeply concerned at continuing acts of intolerance and violence based on religion or belief against individuals and members of religious communities and religious minorities around the world and at the limited progress that has been made in the elimination of all forms of intolerance and of discrimination based on religion or belief, and believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, as well as at the Durban Review Conference, held in Geneva from 20 to 24 April 2009,
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,
Concerned that official authorities sometimes tolerate or encourage acts of violence, or credible threats of violence, against persons belonging to religious communities and religious minorities,
Concerned also at the increasing number of laws and regulations that limit the freedom of thought, conscience and religion or belief and at the implementation of existing laws in a discriminatory manner,
Convinced of the need to address the rise in various parts of the world of religious extremism that affects the rights of individuals, the situations of violence and discrimination that affect many women and other individuals on the basis or in the name of religion or belief or in accordance with cultural and traditional practices and the misuse of religion or belief for ends inconsistent with the principles set out in the Charter of the United Nations and in other relevant instruments of the United Nations,
Seriously concerned about all attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, including any deliberate destruction of relics and monuments,
**Chapter II: Protection of human rights**

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies, the media and civil society as a whole have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief.

Underlining the importance of education, including human rights 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 own 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. **Also stresses** that the right to freedom of thought, conscience and religion or belief applies equally to all persons, regardless of their religion or belief and without any discrimination as to their equal protection by the law;

3. **Strongly condemns** violations of freedom of thought, conscience and religion or belief as well as all forms of intolerance, discrimination and violence based on religion or belief;

4. **Recognizes with deep concern** the overall rise in instances of discrimination, intolerance and violence, regardless of the actors, directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia and prejudices against persons of other religions or beliefs;

5. **Reaffirms** that terrorism cannot and should not be associated with any religion or belief as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned;

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

7. **Recalls** that States have an obligation to 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. **Emphasizes** that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses the role that these rights can play in the fight against all forms of intolerance and of discrimination based on religion or belief;

9. **Strongly condemns** any advocacy of hatred based on religion or belief that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

10. **Expresses concern** at the persistence of institutionalized social intolerance and discrimination practised against many on the grounds of religion or belief, and emphasizes that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one’s religion or belief and that such procedures, when legally required at the national or local level, should be nondiscriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief, either individually or in community with others and in public or private;

11. **Recognizes with concern** the situation of persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum seekers and internally displaced persons, children, persons belonging to national or ethnic, religious and linguistic minorities and migrants, as regards their ability to freely exercise their right to freedom of thought, conscience and religion or belief;

12. **Emphasizes** that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one’s religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others, are non-discriminatory and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion or belief;

13. **Expresses deep concern** at emerging obstacles to the enjoyment of the right to freedom of religion or belief as well as the continued existence of instances of intolerance, discrimination and violence based on religion or belief, including:

   (a) The increasing number of acts of violence and intolerance directed against individuals, including persons belonging to religious minorities and other communities 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 hatred, discrimination, intolerance and violence based on religion or belief, which may be associated with or manifested by the derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief;

   (d) Attacks on or destruction of religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, as they have more than material significance for the dignity and lives of members of communities holding spiritual or religious beliefs;

   (e) Instances, both in law and practice, that constitute violations of the human 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;

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

14. **Urges** States to step up their efforts to protect and promote 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, inter alia, by providing 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 choose and practise one’s religion is violated;

(b) To implement all accepted universal periodic review recommendations related 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 and 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 appropriate measures modifying or abolishing existing laws, regulations, customs and practices that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief, and to foster practical ways to ensure equality between men and women;

(e) To ensure that existing legislation is not implemented in a discriminatory manner or does not result in discrimination based on religion or belief, that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits and 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 based on 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 persons 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 persons to worship, assemble or teach in connection with a religion or belief, their right to establish and maintain places for these purposes and the right of all persons 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 persons and members of groups 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 they receive all necessary and appropriate awareness-raising, education or training on respect for freedom of religion or belief;

(k) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world;

(l) To promote, through education 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 the diversity of 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;

15. Welcomes and encourages initiatives by the media to promote tolerance and respect for religious and cultural diversity and the universal promotion and protection of human rights, including freedom of religion or belief;

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

17. Welcomes and encourages the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, 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, in highlighting cases of religious intolerance, discrimination and persecution and in promoting religious tolerance;

18. Recommends that States, the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in as many different languages as possible, and promote its implementation;

19. Welcomes the work and the interim report of the Special Rapporteur of the Human Rights Council on freedom of religion or belief;

20. Urges all Governments to cooperate fully with the Special Rapporteur, to respond favourably to his requests to visit their countries and to provide all information and follow-up necessary for the effective fulfilment of his mandate;

21. Requests the Secretary-General to ensure that the Special Rapporteur receives the resources necessary to fully discharge his mandate;

22. Requests the Special Rapporteur to submit an interim report to the General Assembly at its sixty-ninth session;

23. Decides to consider the question of the elimination of all forms of religious intolerance at its sixty-ninth session under the item entitled “Promotion and protection of human rights”.

YUN 2013—3rd proof—6 November 2017
Combating intolerance, negative stereotyping and incitement to violence

**Human Rights Council action.** On 22 March [A/68/53 (res. 22/31)], the Council called on States to take actions to foster a domestic environment of religious tolerance, peace and prosperity, as well as to ensure that public functionaries did not discriminate against an individual on the basis of religion or belief; to promote the ability of members of all religious communities to manifest their religion; and to counter religious profiling, understood as the invidious use of religion as a criterion in conducting questionings, searches and other law-enforcement investigative procedures. It also requested the High Commissioner to submit a report on implementation of the resolution to the Council’s twenty-fifth (2014) session.

**Report of Secretary-General.** In accordance with General Assembly resolution 67/178 [YUN 2012, p. 651], the Secretary-General in October submitted a report [A/68/546] summarizing information received from 26 States and one observer on steps taken to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/169 without vote [agenda item 69 (b)].

**Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief**

The General Assembly,

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 the obligation of States to prohibit discrimination and violence on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

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

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 one’s choice and freedom, either alone or in community with others and in public or private, to manifest one’s 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 reaffirming further 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 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,

Welcoming Human Rights Council resolutions 16/18 of 24 March 2011 and 22/31 of 22 March 2013 and General Assembly resolution 67/178 of 20 December 2012,

Deeply concerned about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world,

Deploiring any advocacy of discrimination or violence on the basis of religion or belief,

Strongly deploiring 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,

Strongly deploiring further, all attacks on and in religious places, sites and shrines in violation of international law, in particular human rights law and international humanitarian law, including any deliberate destruction of relics and monuments,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Expressing deep concern at the instances of intolerance, discrimination and acts of violence occurring in 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 manifestations of intolerance based on religion or belief which can generate hatred and violence among individuals from and within different nations and which 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 interreligious, 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,

Underlining the fact that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

Underlining also the importance of raising awareness about different cultures and religions or beliefs and of edu-
cation in the promotion of tolerance, which involves the acceptance by the public of and its respect for religious and cultural diversity, including with regard to religious expression, and underlining further 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.

Recognizing that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interreligious, interfaith and intercultural efforts and expand human rights education is an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

Welcoming the leading role of the United Nations Educational, Scientific and Cultural Organization in promoting intercultural dialogue, as well as the work of the United Nations Alliance of Civilizations, the Anna Lindh Foundation and the work of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue in Vienna, established on the basis of the purposes and principles enshrined in the Universal Declaration of Human Rights, and acknowledging the important role that the Centre is playing as a platform for the enhancement of interreligious and intercultural dialogue,

Welcoming also, 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.

Welcoming further the continuation of the organization of workshops and meetings in the framework of the Istanbul Process to discuss the implementation of Human Rights Council resolution 16/18,

1. Takes note of the report of the Secretary-General on combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief;

2. Expresses deep concern at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, as well as programmes and agendas pursued by extremist individuals, organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

3. Expresses concern that the number of incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief, continues to rise around the world, which may have serious implications at the national, regional and international levels, 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 and consistent with their obligations under international human rights law, to address and combat such incidents;

4. Condemns 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. Recognizes that the open public debate of ideas, as well as interreligious, 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 expresses its conviction that a continuing dialogue on these issues can help to overcome existing misperceptions;

6. Also recognizes the strong need for global awareness about the possible serious implications of incitement to discrimination and violence, which may have serious implications at the national regional and international levels, and urges all Member States to make renewed efforts to develop educational systems that promote all human rights and fundamental freedoms that enhance tolerance for religious and cultural diversity, which is fundamental to promoting tolerant, peaceful and harmonious multicultural societies;

7. Calls upon all States to take the following actions, as called for by the Secretary-General of the Organization of Islamic Cooperation, 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 serving 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 developing strategies to counter those 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 the negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-raising;

(h) Recognizing that the open, constructive and respectful debate of ideas, as well as interreligious, interfaith and intercultural dialogue at the local, national, regional and international levels, can play a positive role in combating religious hatred, incitement and violence;

8. Also 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 or belief, in all sectors of society;

YUN 2013—3rd proof—6 November 2017
(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 questioning, searches and other investigative law enforcement procedures;

9. \textit{Further calls upon} all 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 protective measures in cases where they are vulnerable to vandalism or destruction;

10. \textit{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;

11. \textit{Encourages} all States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the United Nations High Commissioner for Human Rights, and in this respect requests the United Nations High Commissioner for Human Rights to include those updates in her reports to the Human Rights Council;

12. \textit{Requests} the Secretary-General to submit to the General Assembly at its sixty-ninth session a report that includes information provided by the High Commissioner on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief, as set forth in the present resolution.

\section*{Right to self-determination}

\textbf{Report of Secretary-General.} In response to General Assembly resolution 67/157 [YUN 2012, p. 659], the Secretary-General in August submitted a report [A/68/318] on the universal realization of the right of peoples to self-determination. The report summarized developments relating to the consideration of that subject by the Human Rights Council, including by its special procedures, and outlined the related jurisprudence of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the treaty-based human rights norms relating to the realization of that right.

\textbf{GENERAL ASSEMBLY ACTION}

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/455], adopted \textbf{resolution 68/153} without vote [agenda item 68].

\textbf{Universal realization of the right of peoples to self-determination}

The General Assembly, \textit{Reaffirming} the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514(XV) of 14 December 1960,

\textit{Welcome}ing the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

\textit{Deeply concerned} at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

\textit{Expressing grave concern} that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

\textit{Recalling} the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixty-first and previous sessions,

\textit{Reaffirming} its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 67/157 of 20 December 2012,

\textit{Reaffirming} also its resolution 55/12 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation,

\textit{Taking note} of the report of the Secretary-General on the right of peoples to self-determination,

\begin{enumerate}
  \item \textit{Reaffirms} that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;
  \item \textit{Declares its firm opposition} to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;
  \item \textit{Calls upon} those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;
  \item \textit{Deplores} the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and with honour;
  \item \textit{Requests} the Human Rights Council to continue to give special attention to violations of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;
  \item \textit{Requests} the Secretary-General to report on the question to the General Assembly at its sixty-ninth session under the item entitled "Right of peoples to self-determination".
\end{enumerate}

\section*{Right of Palestinians to self-determination}

During the year, the General Assembly reaffirmed the right of the Palestinian people to self-determination, including the right to their independent State of Palestine, as well as the right of all States
in the region to live in peace within secure and internationally recognized borders. States and UN system bodies were urged to assist Palestinians in the early realization of that right.

**Human Rights Council action.** On 22 March [A/68/53 (res. 22/27)], by a recorded vote of 46 to 1, with no abstentions, the Council urged Member States and UN system bodies to support and assist the Palestinian people in the early realization of their right to self-determination.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/455], adopted resolution 68/154 by recorded vote (178-7-4) [agenda item 68].

**The right of the Palestinian people to self-determination**

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625(XXV) of 24 October 1970, entitled “Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations”,

Bearing in mind 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 the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,

Recalling also the United Nations Millennium Declaration,

Recalling further 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 noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right erga omnes,

Recalling the conclusion of the Court, 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,

Welcoming the resumption of negotiations within the Middle East peace process, based on the relevant resolutions of the United Nations, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, aiming for the achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides within the agreed time frame of nine months,

Stressing the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard its resolution 58/292 of 6 May 2004, Recalling its resolution 67/158 of 20 December 2012, Taking note of its resolution 67/19 of 29 November 2012, Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. **Reaffirms** the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. **Urges** all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

**RECORDED VOTE ON RESOLUTION 68/154:**

**In favour:** Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovak Republic, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

**Against:** Canada, Israel, Marshall Islands, Micronesia, Nauru, Palau, United States.

**Abstaining:** Cameroon, Paraguay, Tonga, Vanuatu.

**Mercenaries**

**Reports of Working Group.** In a July report [A/HRC/24/45], the Working Group on the use of mercenaries as a means of violating human rights andimpeding the exercise of the right of peoples to self-determination described the activities undertaken since its last report [YUN 2012, p. 654] and presented the findings of its ongoing survey of national laws and
regulations relating to private military and/or security companies (PMSCs), including examining the situation in 13 African countries and discussing trends and differences in regulatory approaches. The Working Group found that, while there were common elements in the laws of those countries, the diverse national contexts affected the way in which PMSCs were regulated. The Working Group reiterated the need for effective regulations of the activities of PMSCs, adding that its study on national legislation aimed to identify trends and good practices and to develop guidance for States in exercising oversight of PMSC activities. It reiterated that a comprehensive, legally binding international regulatory instrument was the best way to ensure protection of human rights.

In response to a Human Rights Council request [YUN 2012, p. 655] and Assembly resolution 67/159 [Ibid.], the Secretary-General in August transmitted the Working Group’s report [A/68/339], which provided an update on trends related to mercenaries and PMSCs. The activities of PMSCs had continued to evolve, with contractors involved worldwide in an expanding range of activities. The Working Group reviewed efforts made by States to regulate PMSCs and presented its conclusions related to the first phase of the national legislation survey. It noted that gaps remained regarding the transparency and accountability of PMSCs and reiterated the need for an international regulatory framework to monitor their activities.

Mission report. Following its visit to Honduras (18–22 February) [A/HRC/24/45/Add.1], the Working Group noted a number of positive developments, such as the accession in 2008 to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries [YUN 1989, p. 825] and the adoption of the Organic Law of the National Police and the Regulations for the Control of Private Security Services. Nonetheless, the domestic law had not been amended to define and prohibit mercenaries and there had been little progress in regulating and monitoring the activities of PMSCs, which continued to operate beyond the State’s control, had grown exponentially, and had acted in some situations with impunity. The Working Group recommended amending laws and regulations to strengthen the criteria for granting a licence to PMSCs; building the institutional capacity of the Ministry of Security to properly administer the licensing and registration processes for PMSCs; and enhancing the capacity of the police and public prosecutors to investigate and prosecute crimes committed by private security guards.

Working Group activities. 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 PMSCs, established in 2010 [YUN 2010, p. 690], did not hold its third session, scheduled for 9 to 13 December 2013, owing to the passing of Nelson Mandela on 5 December. The session was rescheduled to July 2014.

Human Rights Council action. On 22 March [A/68/53 (res. 22/33)], by a recorded vote of 31 to 11, with 5 abstentions, the Council extended the mandate of the open-ended intergovernmental working group for a two-year period, and requested it to present its recommendations to the Council’s thirtieth (2015) session.

On 26 September [A/68/53/Add.1 (res. 24/13)], by a recorded vote of 31 to 15, with 1 abstention, the Council urged States to take steps against the threat posed by the activities of mercenaries, and to ensure that their territories were not used by mercenaries for activities designed to overthrow the Government of any State. The Council renewed the mandate of the Working Group on mercenaries for a three-year period and requested it to report at the sixty-ninth (2014) session of the General Assembly and the twenty-seventh (2014) session of the Council.

International Convention

As at 31 December, the number of States parties to the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries rose to 33, with Venezuela becoming party in 2013. The Convention was adopted by the Assembly in resolution 44/34 [YUN 1989, p. 825] and entered into force in 2001 [YUN 2001, p. 632].

GENERAL ASSEMBLY ACTION

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/455], adopted resolution 68/152 by recorded vote (128-55-8) [agenda item 68].

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,
Recalling all of its previous resolutions on the subject, including resolution 67/159 of 20 December 2012, and Human Rights Council resolutions 15/12 of 30 September 2010, 15/26 of 1 October 2010, 18/4 of 29 September 2011, 21/8 of 27 September 2012 and 24/13 of 26 September 2013, as well as all resolutions adopted by the Commission on Human Rights in this regard,
Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Con-
vitation for the elimination of mercenarism in Africa, as well as by the African Union,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and noninterference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Welcoming the establishment of the open-ended intergovernmental working group of the Human Rights Council with the mandate of considering the possibility of elaborating an international regulatory framework, including the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies,

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries in various parts of the world, in particular in areas of conflict,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from international criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in some developing countries in various parts of the world, including in areas of armed conflict, and the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form that they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. Acknowledges with appreciation the work and contributions of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, including its research activities, and takes note with appreciation of its latest report;

2. Reaffirms that the use of mercenaries and their recruitment, financing, protection and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. Recognizes that armed conflict, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries on the global market;

4. Urges once again all States to take the steps necessary and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training, protection or transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. Requests all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. Encourages States that import the military assistance, consultancy and security services provided by private companies to establish regulatory national mechanisms for the registering and licensing of those companies in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. Emphasizes its utmost concern about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

8. Calls upon all States that have not yet done so to consider taking the action necessary to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

9. Welcomes the cooperation extended by those countries that received a visit by the Working Group and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. Condemns recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination, and stresses the importance for the Working Group of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

11. Calls upon States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with national law and applicable bilateral or international treaties;

12. Condemns any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

13. Calls upon Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;
14. **Recalls** the holding of the second session of 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; expresses satisfaction at the participation of experts,
including of the members of the Working Group on the use of mercenaries, as resource persons at the above-mentioned
session, and requests the Working Group and other experts to continue their participation during the third session of
the open-ended intergovernmental working group, from 16 to 20 December 2013;

15. **Requests** the Working Group on the use of mercenaries to continue the work already done by previous
special rapporteurs on the use of mercenaries on the strengthening of the international legal framework for the
prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the pro-
posal for a new legal definition of a mercenary drafted by the Special Rapporteur on the use of mercenaries as a
means of violating human rights and impeding the exercise of the right of peoples to self-determination in his report to
the Commission on Human Rights at its sixtieth session;

16. **Requests** the Office of the United Nations High Commissioner for Human Rights, as a matter of priority,
to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when
requested and where necessary, to render advisory services to States that are affected by those activities;

17. ** Recommends** that all Member States, including those confronted with the phenomenon of private mili-
tary and security companies, as contracting States, States of operations, home States or States whose nationals are
employed to work for a private military and security company, contribute to the work of the open-ended inter-
governmental working group, taking into account the initial work done by the Working Group on the use of
mercenaries:

18. **Urges** all States to cooperate fully with the Working Group on the use of mercenaries in the fulfilment of
its mandate;

19. **Requests** the Secretary-General and the United Nations High Commissioner for Human Rights to con-
tinue to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate,
both professional and financial, including through the promotion of cooperation between the Working Group and other
components of the United Nations system that deal with countering mercenary-related activities, in order to meet
the demands of its current and future activities;

20. **Requests** the Working Group to consult States and intergovernmental and non-governmental organiza-
tions in the implementation of the present resolution and to report, with specific recommendations, to the General
Assembly at its sixty-ninth session its findings on the use of mercenaries to undermine the enjoyment of all human
rights and to impede the exercise of the right of peoples to self-determination;

21. **Decides** to consider at its sixty-ninth session the question of the use of mercenaries as a means of violat-
ing human rights and impeding the exercise of the right of peoples to self-determination under the item entitled
“Right of peoples to self-determination”.

**RECORDED VOTE ON RESOLUTION 68/152:**

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bah-
rain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso,
Burundi, Cabo Verde, Cambodia, Cameroon, Chad, Chile, China, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Demo-
cratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador,
Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea,
Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyz-
stan, Lao People’s Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mauritius,
Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua
New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint
Vincen and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore,
Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic,
Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab
Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Afghanistan, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech
Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Ja-
pan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia, Monaco, Monteneg-
ro, Nauru, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania,
San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine,
United Kingdom, United States.

Abstaining: Colombia, Kenya, Liberia, Mali, Mauritania, Mexico, Switzerland, Tonga.

**Rule of law, democracy and human rights**

**Administration of justice**

**Reports of Secretary-General.** Pursuant to General Assembly resolution 67/166 [YUN 2012, p. 658],
the Secretary-General in August submitted a report [A/66/261] on human rights in the administration of
justice, which analysed the international legal and institutional framework for the protection of all persons
deprived of their liberty, and identified major challenges in that regard. It concluded that, while a comprehensive
framework for the protection of those persons existed, the main challenges lay in domestic implementation.

Pursuant to Assembly resolution 67/166, a note by the Secretariat [A/HRC/24/28] referred the Human Rights Council to the Secretary-General’s report.

The Assembly took note of that report on 18 December (decision 68/536).

**Report of High Commissioner.** Pursuant to a Human Rights Council request [YUN 2012, p. 621], the
High Commissioner in January submitted a report [A/HRC/22/29 & Corr.1, 2] that provided information on activities undertaken by eight UN entities and three regional organizations to support efforts by States to strengthen their judiciary system and the administration of justice.

**Human Rights Council action.** On 26 September [A/68/53/Add.1 (res. 24/12)], the Council called on States to ensure that persons deprived of their liberty had prompt access to a competent court; urged States to ensure that neither capital punishment nor life imprisonment were imposed for offences committed by persons under 18 years of age; decided to convene at its twenty-seventh (2014) session a panel discussion on the protection of the human rights of persons deprived of their liberty; requested the Office of the High Commissioner to present a summary report on the outcome of the panel discussion at the Council’s twenty-eighth (2015) session; and requested the High Commissioner to submit a report to the Council’s thirtieth (2015) session on the human rights implications of over-incarceration and overcrowding.

**Rule of law**

**Report of High Commissioner.** In response to a Human Rights Council request [YUN 2012, p. 661], the High Commissioner presented a study [A/HRC/22/29] on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective, and on lessons learned and best practices in the engagement of the State with the international community to support such processes. Several States provided input. The study concluded that securing democracy is a continuous exercise and that challenges can arise in both settled democracies and States transitioning towards democracy. Those challenges could be manifested by the absence, interruption or abridgement of democratic rules and processes. The High Commissioner recommended that States strive to respect the principles of the rule of law, in particular, the separation of powers, the independence of the judiciary, the independence and accountability of Parliament and institutional checks and balances, as guarantors of protection against impunity, corruption and abuse of power. In addition, democracy assistance should revolve around building States’ capacities to undertake comprehensive reforms.

**Panel discussion.** Pursuant to Human Rights Council resolution 19/36 [YUN 2012, p. 661], a panel discussion on challenges facing States in securing democracy and the rule of law, as well as on lessons learned and best practices was held on 11 June, at the Council’s twenty-third (2013) session. The High Commissioner in August submitted a summary report on the outcome of the discussion [A/HRC/24/54].

**Truth, justice, reparation and non-recurrence**

**Reports of Special Rapporteur.** Pursuant to a Human Rights Council request [YUN 2011, p. 686], the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff (Colombia), in August submitted a report [A/HRC/24/42] that analysed challenges faced by truth commissions in transitional periods, and proposed responses to strengthen the effectiveness of truth-seeking mechanisms. He urged States to meet their responsibility of implementing a truth commission’s recommendations; civil society to be vigilant and involved; and the international community to increase the incentives for Governments to implement commission recommendations.

In accordance with a Human Rights Council request [YUN 2011, p. 686], in August, the Secretary-General transmitted the Special Rapporteur’s report [A/68/345] focusing on the relevance of justice and rights considerations to sustainable development. The Rapporteur noted that transitional justice measures in the aftermath of repression or conflict contributed to mitigating some of the developmental blockages by providing recognition of rights, fostering individual and institutional trust and building positive social capital. Efforts to guarantee non-recurrence of conflict by strengthening the capacity of security and justice services did have universal developmental application. The Rapporteur urged States to avoid actions that reduced justice to developmental programmes; renounce strategies that postponed justice; and refrain from postponing justice under the excuse of achieving economic growth first.

The General Assembly took note of that report on 18 December (decision 68/536).

**Mission report.** Following his visit to Uruguay (30 September–4 October) [A/HRC/27/56/Add.2], the Special Rapporteur noted that few countries had made as much progress in investigating, trying and punishing high-ranking government officials, including former presidents and ministers, for the human rights violations committed during the dictatorship (1973–1985) and the period that immediately preceded it. While taking note of the initiatives that had made it possible to document the reality of disappearances, the Rapporteur regretted that more attention had not been paid to the victims of arbitrary detention and torture or to child abduction or sexual violence. He recommended establishing an archival policy and an official mechanism for determining the truth, among other measures.

**GENERAL ASSEMBLY ACTION**

On 18 December (meeting 70), the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/165 without vote [agenda item 69 (b)].
Chapter II: Protection of human rights

Right to the truth

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, and other relevant instruments of international human rights law and international humanitarian law, as well as the Vienna Declaration and Programme of Action,

Recalling article 32 of Additional Protocol I to the Geneva Conventions of 1949 relating to the protection of victims of international armed conflicts, which recognizes the right of families to know the fate of their relatives, and article 33 of Additional Protocol I, which provides that the parties to an armed conflict shall search for the persons who have been reported missing, as soon as circumstances permit,

Recalling also its resolution 60/147 of 16 December 2005, in which it 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,

Recognizing the universality, indivisibility, interdependence and interrelatedness of civil, political, economic, social and cultural rights,


Welcoming the creation of the mandate of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence of the Human Rights Council by its resolution 18/7 of 29 September 2011, and the appointment of a mandate holder by the Council at its nineteenth session,

Taking into account Human Rights Council resolutions 10/26 of 27 March 2009 and 15/5 of 29 September 2010 on forensic genetics and human rights, in which the Council recognized the importance of the utilization of forensic genetics to deal with the issue of impunity within the framework of investigations relating to gross human rights violations and serious violations of international humanitarian law.

Recalling General Assembly resolution 65/196 of 21 December 2010, in which it proclaimed the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims,

Recalling also the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in its resolution 61/177 of 20 December 2006, in particular article 24, paragraph 2, thereof, which sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and the results of the investigation and the fate of the disappeared person, article 24, paragraph 3, which sets forth State party obligations to take appropriate measures in this regard, and the preamble, which reaffirms the right to freedom to seek, receive and impart information to that end, and welcoming the entry into force of the Convention on 23 December 2010,

Noting that the Human Rights Committee and the Working Group on Enforced or Involuntary Disappearances have recognized the right of the victims of gross violations of human rights and their relatives to the truth about the events that have taken place, including the identification of the perpetrators of the acts that gave rise to such violations,

Recalling the set of principles for the protection and promotion of human rights through action to combat impunity, and taking note with appreciation of the updated version of those principles,

Stressing that adequate steps should also be taken to identify victims in situations that do not amount to armed conflict, especially in cases of massive or systematic violations of human rights,

Convinced that States should preserve archives and other evidence concerning gross violations of human rights and serious violations of international humanitarian law to facilitate knowledge of such violations, the investigation of allegations and the provision for victims of access to an effective remedy in accordance with international law,

Recalling that a specific right to the truth may be characterized differently in some legal systems as the right to know or the right to be informed or to freedom of information,

Acknowledging, in cases of gross violations of human rights and serious violations of international humanitarian law, the need to study the interrelationships among the right to the truth and the right to access to justice, the right to obtain effective remedy and reparation and other relevant human rights,

Emphasizing that the public and individuals are entitled to have access, to the fullest extent practicable, to information regarding the actions and decision-making processes of their Governments, within the framework of the national legal system of each State,

Recognizing the fundamental role of civil society, through its engagement, advocacy and participation in decision-making processes, in promoting and achieving respect for the right to the truth,

1. Recognizes the importance of respecting and ensuring the right to the truth so as to contribute to ending impunity and to promote and protect human rights;

2. Welcomes the establishment in several States of specific judicial mechanisms and non-judicial mechanisms, such as truth and reconciliation commissions, that complement the justice system, to investigate violations of human rights and violations of international humanitarian law, and appreciates the elaboration and publication of the reports and decisions of these bodies;

3. Encourages the States concerned to disseminate, implement and monitor the implementation of the recommendations of non-judicial mechanisms, such as truth and reconciliation commissions, and to provide information regarding compliance with the decisions of judicial mechanisms;

4. Encourages other States to consider establishing specific judicial mechanisms and, where appropriate, truth and reconciliation commissions to complement the justice system to investigate and address gross violations of human rights and serious violations of international humanitarian law;

5. Encourages States and international organizations to provide requesting States with necessary and appropriate assistance regarding the right to the truth by means of, among other actions, technical cooperation and the exchange of information concerning administrative, legislative and judicial and non-judicial measures, as well as experiences and best practices that have as a purpose the
protection, promotion and implementation of this right, including practices regarding the protection of witnesses and the preservation and management of archives.

6. **Also encourages States and international organizations to acknowledge the important role of civil society in monitoring the implementation of recommendations of truth commissions, and encourages donors to make the training, support and strengthening of civil society organizations a priority within a comprehensive transitional justice approach.**

7. **Urge** States that have not done so to consider signing, ratifying or acceding to the International Convention for the Protection of All Persons from Enforced Disappearance;

8. **Calls upon** States to work in cooperation with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in accordance with his mandate, including by extending invitations to the Special Rapporteur;

9. **Welcome** the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to the Human Rights Council at its twenty-fourth session on selected challenges faced by truth commissions in transitional periods, and takes note of the recommendations contained in the report;

10. **Encourage** States that have not yet done so to establish a national archival policy that ensures that all archives pertaining to human rights are preserved and protected and to enact legislation that declares that the documentary heritage of the nation is to be retained and preserved and that creates a framework for managing State records from their creation to their destruction or preservation, and takes note in this regard of ongoing efforts by the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization, regional organizations and other stakeholders to systematize existing standards in the area of access to information, the protection and preservation of records and the management of archives;

11. **Request** the Office of the United Nations High Commissioner for Human Rights to continue to invite, from within existing resources, Member States, United Nations organs, intergovernmental organizations, national human rights institutions and non-governmental organizations to provide information on good practices in the establishment, preservation and provision of access to national archives on human rights, and to make the information received publicly available in an online database;

12. **Invite** special procedures and other mechanisms of the Human Rights Council, within the framework of their mandates, to take into account, as appropriate, the issue of the right to the truth;

13. **Encourage** United Nations agencies, Member States and civil society organizations to exchange experiences and good practices on the subject of the right to the truth, with a view to improving the effectiveness of relevant mechanisms and procedures empowered to seek information, assert facts and effectively reveal the truth about what has happened in the aftermath of gross human rights violations and serious violations of international humanitarian law;

14. **Request** the Secretary-General to organize an event in observance of the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims, subject to availability of resources, in order to exchange experiences and good practices on the subject of the right to the truth, with the participation of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

### Independence of judges and lawyers

**Reports of Special Rapporteur.** In accordance with a Human Rights Council request [YUN 2011, p. 687], the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul (Brazil), in March submitted a report [A/HRC/23/43 & Corr.1] that focused on providing legal aid to individuals who had come into contact with the law but could not afford the costs of legal advice, counsel and representation. The report aimed at encouraging States to develop and implement legal aid schemes to enable individuals to enjoy the rights to a fair trial and to an effective remedy. The Rapporteur’s recommendations, which sought to assist States and other stakeholders in strengthening access to legal aid in their systems of administration of justice, addressed legislation on legal aid; the establishment of a national legal aid system; the funding of legal aid schemes; and legal aid for women, children and groups with special needs.

In accordance with a Human Rights Council request [YUN 2011, p. 687], the Secretary-General transmitted in August the Special Rapporteur’s report [A/68/285] that focused on the administration of justice through military tribunals. In many countries, the use of such tribunals raised concerns in terms of access to justice, impunity for past human rights abuses perpetrated by military regimes, the independence and impartiality of the judiciary and respect for fair trial guarantees for the defendant. The Rapporteur stressed that the jurisdiction of military tribunals should be restricted to offences of a military nature committed by military personnel. States that established military justice systems should guarantee the independence and impartiality of military tribunals, as well as the enjoyment of the rights to a fair trial and to an effective remedy.

The General Assembly took note of that report on 18 December (decision 68/536).

**Mission reports.** Following her mission to Maldives (17–24 February) [A/HRC/23/43/Add.3], the Special Rapporteur expressed concern about gaps in the legal system, the misinterpretation of the concepts of independence of the judiciary and accountability, the selection and appointment procedures of judges, the lack of protection for judicial actors, the precarious situation of women in the justice system, the effects of impunity for past human rights violations on the justice system, and the lack of public trust in the judicial system. She recommended conducting a constitutional review; adopting essential pieces of legislation, such as the Penal Code, the Criminal Procedure Code and the Civil Procedure Code; establishing a proper
judicial career; and investigating allegations of misconduct in the judiciary, including corruption.

Following her visit to the Russian Federation (15–25 April) [A/HRC/26/32/Add.1], the Special Rapporteur focused on challenges such as the independence and impartiality of judges, shortcomings in the administration of justice, accountability and disciplinary proceedings for judges, problems related to a fair trial and judicial proceedings, and issues regarding access to justice. She expressed concern about allegations of threats to, and improper influence, interference and pressure on the judiciary, and threats, intimidation, attacks, groundless prosecution and, in the gravest cases, murder of lawyers. She recommended implementing the 2013–2020 government justice reform plan, taking measures to safeguard the justice system and protect judges, and strengthening efforts to modernize the courts.

**Human Rights Council action.** On 13 June [A/68/55 (res. 23/6)], the Council called on States to guarantee the independence of judges and lawyers and the objectivity, and impartiality of prosecutors, including by taking legislative, law enforcement and other measures that enabled them to carry out their functions without interference, harassment, threats or intimidation. It encouraged States to promote diversity in the composition of the members of the judiciary, including by taking into account a gender perspective.

**Right to a nationality**

**Report of Secretary-General.** As requested by the Human Rights Council [YUN 2012, p. 668], the Secretary-General in December submitted a report [A/HRC/25/28] that examined legislative and administrative measures that might lead to deprivation of nationality, paying particular attention to situations where persons affected might be left stateless. Considering information collected from 33 States and 22 UN entities and NGOs, the report emphasized the importance of safeguards to ensure that statelessness was prevented when loss or deprivation of nationality was provided for in legislation. The report also addressed the fundamental right of every child to a nationality and the importance of measures for the acquisition of nationality by a child who would otherwise be stateless; reminded States of the necessity of providing an effective remedy in the context of decisions on nationality; and emphasized the importance of ensuring access to documentation attesting nationality.

**OHCHR report.** Pursuant to a Human Rights Council request [YUN 2012, p. 664], OHCHR in March submitted a report [A/HRC/23/23] on discrimination against women on nationality-related matters, including the impact on children. According to the report, many nationality laws still discriminated against women. Women in certain countries did not enjoy equal rights with men to acquire, change and retain their nationality and were also not allowed to transfer nationality to their children or spouses on the same basis, which often resulted in statelessness. The report highlighted best practices and other measures to eliminate such discrimination.

**Equal political participation**

**Human Rights Council action.** On 26 September [A/68/53/Add.1 (res. 24/8)], the Council urged States to ensure the participation of all citizens in political and public affairs on an equal basis, including by eliminating laws, regulations and practices that discriminated against citizens in their right to political participation on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, or on the basis of disability, and by eliminating barriers that prevented citizens—in particular women, persons belonging to marginalized groups or minorities, and persons in vulnerable situations—from participating in political and public affairs. The Council also requested OHCHR to present to the Council’s twenty-seventh (2014) session, a report on factors impeding equal political participation and steps to overcome those challenges.

**Electoral processes**

**Report of Secretary-General.** Pursuant to General Assembly resolution 66/163 [YUN 2011, p. 688], the Secretary-General in August submitted a report [A/68/301] describing trends and issues in electoral assistance provided to Member States by the UN system over the previous two years. Assistance was provided to 59 countries and territories, 12 of them on the basis of a Security Council mandate. The report discussed the activities of the UN system in promoting the political participation of women, noting that although there had been a steady increase in the share of women in parliaments worldwide, the global rate of elected women remained low. It also noted that elections conducted during the previous two years had highlighted the complex relationship between the sophistication of the technology used in an election and the level of confidence in the electoral process. New technologies were best introduced on a case-by-case basis in accordance with national needs and financial capacities. In countries emerging from conflict, the objective of UN electoral assistance was to support genuine elections that furthered peace and stability. Such assistance was most effective when it was part of a package of investments in good governance.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/164 without vote [agenda item 69 (6)].
Strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization

The General Assembly,
Reaffirming that democracy is a universal value based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,
Reaffirming also that, while democracies share common features, there is no single model of democracy and that democracy does not belong to any country or region, and reaffirming further the necessity of due respect for sovereignty and the right to self-determination,
Stressing that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing,
Reaffirming that Member States are responsible for organizing, conducting and ensuring free and fair electoral processes and that Member States, in the exercise of their sovereignty, may request that international organizations provide advisory services or assistance for strengthening and developing their electoral institutions and processes, including sending preliminary missions for that purpose,
Recognizing the importance of fair, periodic and genuine elections, including in new democracies and countries undergoing democratization, in order to empower citizens to express their will and to promote successful transition to long-term sustainable democracies,
Recognizing also that Member States are responsible for ensuring free and fair elections, free of intimidation, coercion and tampering of vote counts, and that all such acts are sanctioned accordingly,
Recalling its previous resolutions on the subject, in particular resolution 66/163 of 19 December 2011,
Recalling also all relevant Human Rights Council resolutions on the topic, including resolutions 19/11 of 22 March 2012, 19/36 of 23 March 2012, 22/10 of 21 March 2013 and 24/8 of 26 September 2013,
Reaffirming that United Nations electoral assistance and support for the promotion of democratization are provided only at the specific request of the Member State concerned,
Noting with satisfaction that increasing numbers of Member States are using elections as a peaceful means of discerning the will of the people, which builds confidence in representational governance and contributes to greater national peace and stability, and which may contribute to regional stability,
Recalling the Universal Declaration of Human Rights, adopted on 10 December 1948, in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, as well as the right freely to choose representatives through periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors,
Reaffirming also 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,
Stressing the importance, generally and in the context of promoting fair and free elections, of respect for the freedom to seek, receive and impart information, in accordance with the International Covenant on Civil and Political Rights, and noting in particular the fundamental importance of access to information and media freedom,
Recognizing the need for strengthening democratic processes, electoral institutions and national capacity-building in requesting countries, including the capacity to administer fair elections, promote voter education, the development of electoral expertise and technology and the participation of women on equal terms with men, provide the necessary conditions to ensure the effective and full participation of all persons with disabilities on an equal basis with others, increase citizen participation and provide civic education, including to youth, in requesting countries in order to consolidate and regularize the achievements of previous elections and support subsequent elections,
Noting the importance of ensuring orderly, open, fair and transparent democratic processes that protect the rights to peaceful assembly, association and freedom of expression and opinion,
Noting also that the international community can contribute to the creation of conditions which could foster stability and security throughout the pre-election, election and post-election periods in transitional and post-conflict situations,
Reiterating that transparency is a fundamental basis for free and fair elections, which contribute to the accountability of Governments to their citizens, which, in turn, is an underpinning of democratic societies,
Acknowledging, in this regard, the importance of international observation of elections for the promotion of free and fair elections and its contribution to enhancing the integrity of election processes in requesting countries, to promoting public confidence and electoral participation and to mitigating the potential for election-related disturbances,
Acknowledging also that extending invitations regarding international electoral assistance and/or observation is the sovereign right of Member States, and welcoming the decisions of those States that have requested such assistance and/or observation,
Welcoming the support provided by Member States to the electoral assistance activities of the United Nations, inter alia, through the provision of electoral experts, including electoral commission staff, and observers, as well as through contributions to the United Nations Trust Fund for Electoral Assistance, the Democratic Governance Thematic Trust Fund of the United Nations Development Programme and the United Nations Democracy Fund,
Recognizing that electoral assistance, particularly through appropriate, sustainable and cost-effective ele-
toral technology, supports the electoral processes of developing countries,

Recognizing also the coordination challenges posed by the multiplicity of actors involved in electoral assistance both within and outside the United Nations,

Welcoming the contributions made by international and regional organizations and also by non-governmental organizations to enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization,

Recognizing that the importance of the links that exist between development, peace, human rights, the rule of law and democratic governance, including the holding of free and fair elections, should be given due consideration in the elaboration of the post-2015 development agenda,

1. Welcomes the report of the Secretary-General;

2. Commends the electoral assistance provided upon request to Member States by the United Nations, and requests that such assistance continue on a case-by-case basis in accordance with the evolving needs and legislation of requesting countries to develop, improve and refine their electoral institutions and processes, recognizing that the responsibility for organizing free and fair elections lies with Governments;

3. Reaffirms that the electoral assistance provided by the United Nations should continue to be carried out in an objective, impartial, neutral and independent manner;

4. Requests the Under-Secretary-General for Political Affairs, in his role as United Nations focal point for electoral assistance matters, to continue to regularly inform Member States about the requests received and the nature of any assistance provided;

5. Requests that the United Nations continue its efforts to ensure, before undertaking to provide electoral assistance to a requesting State, that there is adequate time to organize and carry out an effective mission providing such assistance, including the provision of long-term technical cooperation, that conditions exist to allow a free and fair election and that the results of the mission will be reported comprehensively and consistently;

6. Notes the importance of adequate resources for the administration of efficient and transparent elections at the national and local levels, and recommends that Member States provide adequate resources for those elections, including considering the possibility of establishing internal funding, where feasible;

7. Reaffirms the obligation of all States to take all appropriate measures to ensure that every citizen has the effective right and opportunity to participate in elections on an equal basis;

8. Calls upon all States to enhance the political participation of women, accelerate the achievement of equality between men and women and, in all situations, promote and protect the human rights of women with respect to voting in elections and public referendums and being eligible for election to publicly elected bodies on equal terms with men;

9. Recommends that, throughout the timespan of the entire electoral cycle, including before and after elections, as appropriate, on the basis of a needs assessment and in accordance with the evolving needs of requesting Member States, bearing in mind sustainability and cost-effectiveness, the United Nations continue to provide technical advice and other assistance to requesting States and electoral institutions in order to help strengthen their democratic processes, also bearing in mind that the relevant office may provide additional assistance in the form of mediation and good offices upon the request of Member States;

10. Notes with appreciation the additional efforts being made to enhance cooperation with other international, governmental and non-governmental organizations in order to facilitate more comprehensive and needs-specific responses to requests for electoral assistance, encourages those organizations to share knowledge and experience in order to promote best practices in the assistance they provide and in their reporting on electoral processes, and expresses its appreciation to those Member States, regional organizations and non-governmental organizations that have provided observers or technical experts in support of United Nations electoral assistance efforts;

11. Acknowledges the aim of harmonizing the methods and standards of the many intergovernmental and non-governmental organizations engaged in observing elections, and in this regard expresses appreciation for the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers, which elaborate guidelines for international electoral observation;

12. Recalls the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Assistance, and, bearing in mind that the Fund is currently close to depletion, calls upon Member States to consider contributing to the Fund;

13. Encourages the Secretary-General, through the United Nations focal point for electoral assistance matters and with the support of the Electoral Assistance Division of the Department of Political Affairs of the Secretariat, to continue responding to the evolving nature of requests for assistance and the growing need for specific types of medium-term expert assistance aimed at supporting and strengthening the existing capacity of the requesting Government, in particular by enhancing the capacity of national electoral institutions;

14. Requests the Secretary-General to provide the Electoral Assistance Division with adequate human and financial resources to allow it to carry out its mandate, including to enhance the accessibility and diversity of the roster of electoral experts and the Organization’s electoral institutional memory, and to continue to ensure that the Office of the United Nations High Commissioner for Human Rights is able to respond, within its mandate and in close coordination with the Division, to the numerous and increasingly complex and comprehensive requests from Member States for advisory services;

15. Reiterates the need for ongoing comprehensive coordination, under the auspices of the United Nations focal point for electoral assistance matters, between the Electoral Assistance Division, the United Nations Development Programme, the Department of Peacekeeping Operations and the Department of Field Support of the Secretariat and the Office of the High Commissioner to ensure coordination and coherence and avoid duplication of United Nations electoral assistance;

16. Requests the United Nations Development Programme to continue its democratic governance assistance programmes in cooperation with other relevant organiza-
tions, in particular those that promote the strengthening of democratic institutions and linkages between civil society and Governments;

17. Reiterates the role of civil society and the importance of its active engagement in the promotion of democratization, and invites Member States to facilitate the full participation of civil society in electoral processes;

18. Also reiterates the importance of reinforced coordination within and outside the United Nations system, and reaffirms the clear leadership role within the United Nations system of the United Nations focal point for electoral assistance matters, including in ensuring system-wide coherence and consistency and in strengthening the institutional memory and the development, dissemination and issuance of United Nations electoral assistance policies;

19. Requests the Secretary-General to report to the General Assembly at its seventieth session on the implementation of the present resolution, in particular on the status of requests from Member States for electoral assistance, and on his efforts to enhance support by the Organization for the democratization process in Member States.

Civil society space

Human Rights Council action. On 27 September [A/68/53/Add.1 (res. 24/21)], the Council urged States to create and maintain a safe and enabling environment in which civil society could operate free from hindrance and insecurity. States were urged to engage with civil society to enable it to participate in the public debate on decisions that would contribute to the promotion and protection of human rights and the rule of law. The Council also decided to organize, at its twenty-fifth (2014) session, a panel discussion on the importance of the promotion and protection of civil society space; and requested OHCHR to present a summary report on the panel discussion to the Council’s twenty-seventh (2014) session.

Freedom of expression

Reports of Special Rapporteur. Pursuant to a Human Rights Council request [YUN 2011, p. 690], the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (Guatemala), in April submitted a report [A/HRC/23/40 & Corr.1] which described his activities and analysed the implications of States’ surveillance of communications on the exercise of the human rights to privacy and to freedom of opinion and expression. The Rapporteur underlined the need to study new modalities of surveillance and to revise laws regulating those practices in line with human rights standards. His recommendations concerned updating and strengthening laws and legal standards; facilitating private, secure and anonymous communications; increasing public access to information, understanding and awareness of threats to privacy; regulating the commercialization of surveillance technology; and furthering the assessment of relevant international human rights obligations.

In accordance with a Human Rights Council request [YUN 2011, p. 690], the Secretary-General in September transmitted the Special Rapporteur’s report [A/68/362] that focused on the right to access information. He discussed the permissible limitations to access to information, in particular the exceptions justified by national security concerns. He called on States to adopt a normative framework that established the right to access information held by public bodies in the broadest possible terms, with legislation grounded by the principle of maximum disclosure.

The General Assembly took note of that report on 18 December (decision 68/536).

Mission reports. Following his visit to Montenegro (11–17 June) [A/HRC/26/30/Add.1], the Special Rapporteur noted that although the country had enhanced its legal framework, implementation of the normative framework had been unsatisfactory at times. He also expressed concern about reports of violence and threats against journalists and the media, often targeting those investigating corruption and criminal activity. He recommended ensuring the protection of journalists and the media against violence; ensuring that the courts applied international standards regarding defamation; preventing government interference in the media; enhancing access to information; and ensuring responses to all forms of incitement to hatred.

Following his visit to the former Yugoslav Republic of Macedonia (18–21 June) [A/HRC/26/30/Add.2], the Special Rapporteur noted that despite the existence of a national legal framework, mostly in line with international standards, recent incidents indicated a deterioration of the space for freedom of expression. He expressed concern at cases of alleged intimidation by the authorities, through legal procedures, of media and journalists critical of them, as well as at allegations regarding interference by government authorities with the independence of regulatory bodies and the judicial system. The Rapporteur recommended ensuring the enforcement of norms protecting the freedom and independence of the media; investing in the promotion of the right to access information; revising legislation concerning the surveillance of communications; and ensuring respect for diversity and non-discrimination.

Following his visit to Italy (11–18 November) [A/HRC/26/30/Add.3], the Special Rapporteur indicated his concerns regarding the continued criminalization of defamation, the vulnerability of the press to frivolous litigation, the unreasonable protection from insult given to public authorities, the existence of threats against some journalists and the deteriorating working conditions of journalists. He recommended decriminalizing defamation, promoting a culture of
tolerance regarding criticism of public officials and other influential figures and promoting media diversity and pluralism by preventing cross-ownership of print and broadcast media.

In March [A/HRC/23/40/Add.3], Honduras submitted its comments on the Special Rapporteur’s 2012 visit to the country [YUN 2012, p. 664].

Human Rights Council action. On 13 June [A/68/53 (res. 23/2)], the Council called on States to promote, respect and ensure women’s exercise of freedom of opinion and expression; to ensure that women and girls exercising their right to freedom of opinion and expression were not discriminated against; and to facilitate the participation and communication of women at all levels of decision-making. The Council also invited the Special Rapporteur 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.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/167 without vote [agenda item 69 (b)].

The right to privacy in the digital age

The General Assembly,
Reaffirming the purposes and principles of the Charter of the United Nations,
Reaffirming also the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,
Reaffirming further the Vienna Declaration and Programme of Action,
Noting that the rapid pace of technological development enables individuals all over the world to use new information and communication technologies and at the same time enhances the capacity of governments, companies and individuals to undertake surveillance, interception and data collection, which may violate or abuse human rights, in particular the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, and is therefore an issue of increasing concern,
Reaffirming the human right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, and recognizing that the exercise of the right to privacy is important for the realization of the right to freedom of expression and to hold opinions without interference, and is one of the foundations of a democratic society,

Stressing the importance of the full respect for the freedom to seek, receive and impart information, including the fundamental importance of access to information and democratic participation,

Welcoming the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, submitted to the Human Rights Council at its twenty-third session, on the implications of State surveillance of communications on the exercise of the human rights to privacy and to freedom of opinion and expression,

Emphasizing that unlawful or arbitrary surveillance and/or interception of communications, as well as unlawful or arbitrary collection of personal data, as highly intrusive acts, violate the rights to privacy and to freedom of expression and may contradict the tenets of a democratic society,

Noting that while concerns about public security may justify the gathering and protection of certain sensitive information, States must ensure full compliance with their obligations under international human rights law,

Deeply concerned at the negative impact that surveillance and/or interception of communications, including extraterritorial surveillance and/or interception of communications, as well as the collection of personal data, in particular when carried out on a mass scale, may have on the exercise and enjoyment of human rights,

Reaffirming that States must ensure that any measures taken to combat terrorism are in compliance with their obligations under international law, in particular international human rights, refugee and humanitarian law,

1. Reaffirms the right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights;

2. Recognizes the global and open nature of the Internet and the rapid advancement in information and communication technologies as a driving force in accelerating progress towards development in its various forms;

3. Affirms that the same rights that people have offline must also be protected online, including the right to privacy;

4. Calls upon all States:
   (a) To respect and protect the right to privacy, including in the context of digital communication;
   (b) To take measures to put an end to violations of those rights and to create the conditions to prevent such violations, including by ensuring that relevant national legislation complies with their obligations under international human rights law;
   (c) To review their procedures, practices and legislation regarding the surveillance of communications, their interception and the collection of personal data, including mass surveillance, interception and collection, with a view to upholding the right to privacy by ensuring the full and effective implementation of all their obligations under international human rights law;
   (d) To establish or maintain existing independent, effective domestic oversight mechanisms capable of ensuring transparency, as appropriate, and accountability for State surveillance of communications, their interception and the collection of personal data;
5. Requests the United Nations High Commissioner for Human Rights to submit a report on the protection and promotion of the right to privacy in the context of domestic and extraterritorial surveillance and/or the interception of digital communications and the collection of personal data, including on a mass scale, to the Human Rights Council at its twenty-seventh session and to the General Assembly at its sixty-ninth session, with views and recommendations, to be considered by Member States;

6. Decides to examine the question at its sixty-ninth session, under the sub-item entitled “Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms” of the item entitled “Promotion and protection of human rights”.

Safety of journalists

OHCHR report. Pursuant to a Human Rights Council request [YUN 2012, p. 665], OHCHR in July submitted a report [A/HRC/24/23] on the safety of journalists, which included a compilation of good practices in the protection of journalists, the prevention of attacks and the fight against impunity for attacks committed against journalists. The report reviewed the situation facing journalists, applicable law and initiatives taken by States, UN entities and other organizations for the safety of journalists. It then identified good practices that could assist in creating a safe environment in which journalists were able to exercise freely their profession.

Human Rights Council action. On 26 September [A/68/53/Add.1 (dec. 24/116)], the Council decided to convene, at its twenty-sixth (2014) session, a panel discussion on the safety of journalists, with a focus on discussing the findings of the OHCHR report. It requested OHCHR to report on the panel discussion to the Council’s twenty-seventh (2014) session.

Communication. On 16 July [S/2013/422], Austria, Poland and Switzerland conveyed the recommendations elaborated on the basis of the international conference “The Safety of Journalists - Current Challenges” (Warsaw, Poland, 23–24 April), attended by representatives of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Organization for Security and Cooperation in Europe, the Council of Europe, Governments, civil society, the media and academia.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/163 without vote [agenda item 69 (b)].

The safety of journalists and the issue of impunity

The General Assembly,

Guided by the purposes and principles 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 and the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the Geneva Conventions of 1949 and the Additional Protocols thereto,

Recalling the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, endorsed by the United Nations System Chief Executives Board for Coordination on 12 April 2012, in which United Nations agencies, funds and programmes were invited to work with Member States towards a free and safe environment for journalists and media workers in both conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide,


Taking note of the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on extrajudicial, summary or arbitrary executions, submitted to the Human Rights Council at its twentieth session,

Commending the role and the activities of the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization with regard to the safety of journalists and the issue of impunity,

Taking note with appreciation of the report of the Office of the High Commissioner for Human Rights on good practices concerning the safety of journalists, submitted to the Human Rights Council at its twenty-fourth session,

Noting with appreciation the international conference on the safety of journalists, held in Warsaw on 23 and 24 April 2013, and its specific recommendations,

Acknowledging that journalism is continuously evolving to include inputs from media institutions, private individuals and a range of organizations that seek, receive and impart information and ideas of all kinds, online as well as offline, in the exercise of freedom of opinion and expression, in accordance with article 19 of the International Covenant on Civil and Political Rights, thereby contributing to shape public debate,

Recognizing the relevance of freedom of expression and of free media in building inclusive knowledge societies and democracies and in fostering intercultural dialogue, peace and good governance,

Recognizing also that the work of journalists often puts them at specific risk of intimidation, harassment and violence,

Taking note of the good practices of different countries aimed at the protection of journalists, as well as, inter alia, those designed for the protection of human rights defenders that can, where applicable, be relevant to the protection of journalists,

Recognizing that the number of people whose lives are influenced by the way information is presented is significant and that journalism influences public opinion,
Chapter II: Protection of human rights

Freedom of peaceful assembly and association

Reports of Special Rapporteur. Pursuant to a Human Rights Council request [YUN 2012, p. 665], the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (Kenya), in April submitted a report [A/HRC/23/39] describing his activities and addressing two issues—the funding of associations and the holding of peaceful assemblies. The Rapporteur called on States to ensure that associations could seek, receive and use funding and other resources without prior authorization or other undue impediments; establish in law a presumption in favour of holding peaceful assemblies; and facilitate and protect such assemblies.

An addendum [A/HRC/23/39/Add.2] listed communications sent by the Special Rapporteur to 71 States between 16 March 2012 and 28 February 2013, as well as responses received until 28 April 2013.

In accordance with a Human Rights Council request [YUN 2012, p. 665], the Secretary-General transmitted in August the Special Rapporteur’s report [A/68/299] that focused on the exercise of the rights to freedom of peaceful assembly and of association in the context of elections. The Rapporteur expressed concern about increasing human rights violations committed in several parts of the world against those who sought to exercise such rights in the context of elections. In his recommendations, he called upon States in time of elections to recognize that such rights played a decisive role in democratic systems; ensure that such rights were enjoyed by everyone; and ensure that no one was criminalized or subject to threats for exercising such rights.

The General Assembly took note of that report on 18 December (decision 68/536).

Mission report. Following his visit to the United Kingdom (14–23 January) [A/HRC/23/39/Add.1], the Special Rapporteur detailed positive measures by authorities, as well as problematic issues in relation to freedom of peaceful assembly. While noting that the freedom of association was generally enjoyed in the country, he identified concerns in relation to counter-terrorism measures and trade unionism. The Rapporteur called on the authorities to adopt a positive law on the right to freedom of peaceful assembly whose purpose was to facilitate and protect such right; and ensure that measures taken by the State or by third parties in the context of counter-terrorism met international human rights standards, in particular the principle of non-discrimination.

In May, the United Kingdom submitted its comments on the report [A/HRC/23/39/Add.3].

Report of High Commissioner. Pursuant to a Human Rights Council request [YUN 2012, p. 665] the High Commissioner in January submitted a report [A/HRC/22/28] on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests. Based on in-
put from 22 States, two regional organizations, nine national human rights institutions and several NGOs, the report outlined examples of effective measures and best practices to promote and protect human rights in the context of peaceful protests.

**Human Rights Council action.** On 21 March [A/68/53 (res. 22/10)], the Council called on 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 legislation and procedures were in conformity with their international human rights obligations. It also urged States to facilitate peaceful protests by providing protestors with access to public space and protecting them; and requested OHCHR to organize a seminar on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests, and to report on the seminar at the Council’s twenty-fifth (2014) session.

On 26 September [A/68/53/Add.1 (res. 24/5)], the Council extended the mandate of the Special Rapporteur for a three-year period; and requested the Rapporteur to report annually to the Council and to the General Assembly.

**OHCHR seminar.** As requested by the Council [res. 22/10] (see above), OHCHR organized a seminar (Geneva, 2 December) [A/HRC/25/32 & Corr.1] that examined the human rights law dimension of peaceful protest; protests and participation in the conduct of public affairs; and management of peaceful assemblies.

### Civilians in armed conflict

**Human Rights Council action.** On 27 September [A/68/53/Add.1 (res. 24/5)], the Council, by a recorded vote of 42 to 1, with 4 abstentions, recalled the principles and provisions contained in the Arms Trade Treaty adopted by the General Assembly by resolution 67/234 B of 2 April (see p. 508), as well as in other instruments. It expressed concern that arms transfers to those involved in armed conflicts might seriously undermine the human rights of civilians and could have a negative impact, in particular on the human rights of women and girls, who might be disproportionately affected by the widespread availability of arms, as it might increase the risk of sexual and gender-based violence. The Council urged States to refrain from transferring arms to those involved in armed conflicts when said States assessed that such arms were sufficiently likely to be used to commit violations of international humanitarian or human rights law.

### Other issues

#### Capital punishment

**Report of Secretary-General.** Pursuant to a Human Rights Council request [YUN 2011, p. 691], the Secretary-General in July submitted a report on the question of the death penalty [A/HRC/24/18], which indicated that the international community as a whole was moving towards the abolition of the death penalty in law or in practice. Nevertheless, a small number of States had continued to use the death penalty, and in many instances international standards guaranteeing the protection of the rights of those facing the death penalty were not fully respected. According to the report, which covered the period from June 2012 to May 2013, more than 150 of the 193 UN Member States had abolished the death penalty or introduced a moratorium, either in law or in practice; and 174 Member States were reportedly execution-free in 2012.

**Human Rights Council action.** On 21 March [A/68/53 (res. 22/11)], the Council decided to convene, at its twenty-fourth (2013) session, a panel discussion on the human rights of children of parents sentenced to the death penalty or executed, with a focus on ways to ensure the full enjoyment of their rights. It requested OHCHR to report on the panel discussion to the Council’s twenty-fifth (2014) session.

On the same date [dec. 22/117], by a recorded vote of 28 to 10, with 9 abstentions, the Council decided to convene, at its twenty-fifth (2014) session, a high-level panel discussion on the question of the death penalty to exchange 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. The Council requested OHCHR to report on the panel discussion.

**Report of High Commissioner.** Pursuant to Council resolution 22/11 (see above), OHCHR convened at its twenty-fourth (2013) session a panel discussion on the human rights of children of parents sentenced to the death penalty or executed (Geneva, 11 September) and submitted a summary report [A/HRC/25/33] on its outcome. The panelists emphasized that the best option would be to abolish the death penalty. However, where that was not yet the case, it was important to develop measures to minimize the harm suffered by the children of parents sentenced to death or executed. All States must ensure that children’s rights were taken into consideration during sentencing.

### Disappearance of persons

**Working Group activities.** The five-member Working Group on Enforced or Involuntary Disappearances held three sessions in 2013: its ninety-ninth (Geneva, 11–15 March), 100th (New York, 15–19 July) and 101st (Geneva, 4–13 November) [A/HRC/27/49]. In addition to its core mandate to assist families in determining the fate or whereabouts of family members who had reportedly disappeared and to act as a communi-
cation channel between families and the Government concerned, the Group monitored compliance by States with the 1992 Declaration on the Protection of All Persons from Enforced Disappearance [YUN 1992, p. 744].

During the year [A/HRC/WGEID/99/1, A/HRC/ WGEID/100/1, A/HRC/WGEID/101/1], the Working Group adopted or reviewed general allegations concerning specific countries and clarified cases in a number of countries. It also transmitted to States cases under its urgent action procedure; transmitted communications under its prompt intervention procedure; transmitted newly reported cases of enforced disappearance; and transmitted urgent appeals concerning persons who had been arrested, detained, abducted or otherwise deprived of their liberty or who had forcibly disappeared or were at risk of disappearance.

On 8 November, the Working Group held an expert consultation on enforced disappearances and economic, social and cultural rights.

**Mission reports.** Following its visit to Spain (23–30 September) [A/HRC/27/49/Add.1], the Working Group noted the significant, if tentative, steps taken to secure truth, justice and reparation, and to preserve memory in the context of the enforced disappearances committed during the Civil War (1936–1939) and the dictatorship (1939–1975). It noted remaining challenges, including the limited scope of the Historical Memory Act; the lack of a budget to implement the Act; the continued applicability of the 1977 Amnesty Act as interpreted by the courts; impunity in all the cases of enforced disappearance; the fact that there was no separate offence of enforced disappearance; the lack of any law on access to information; the difficulty in accessing the archives; and the lack of any national plan on the search for disappeared persons. The Working Group’s recommendations aimed at addressing such challenges.

In January [A/HRC/22/45/Add.4], Chile submitted its comments on the Working Group’s report on its 2012 visit to the country [YUN 2012, p. 667].

In March [A/HRC/22/45/Add.3], the Working Group submitted a follow-up report to the recommendations it had made following its missions to El Salvador [YUN 2007, p. 747] and Morocco [YUN 2009, p. 690].

**Extralegal executions**

**Reports of Special Rapporteur.** Pursuant to a Human Rights Council request [YUN 2011, p. 693], the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns (South Africa), in April submitted an report [A/HRC/23/47] covering his activities and focusing on lethal autonomous robotics (LARS)—weapon systems that, once activated, could select and engage targets without further human intervention. They raised far-reaching concerns about the protection of life during war and peace, including the question of the extent to which they could be programmed to comply with the requirements of international humanitarian law and the standards protecting life under international human rights law. Beyond that, their deployment might be unacceptable because no adequate system of legal accountability could be devised, and because robots should not have the power of life and death over human beings. The Rapporteur recommended that States establish national moratoriums on certain aspects of LARS and called for establishing a high-level panel on LARS to articulate an international policy.

A 27 May addendum [A/HRC/23/47/Add.5] contained observations by the Special Rapporteur on 158 communications to 54 States and other actors sent between 16 March 2012 and 28 February 2013, and responses received between 1 May 2012 and 30 April 2013. These included 100 urgent appeals and 58 allegation letters concerning attacks or killings (48), the death penalty (54), excessive use of force (13), death threats (32), deaths in custody (12), impunity (1), expulsion (1) and other (4). The Rapporteur received responses to 72 communications.

In September, pursuant to General Assembly resolution 67/168 [YUN 2012, p. 671], the Secretary-General transmitted the Special Rapporteur’s report [A/68/382 & Corr.1] focusing on the use of lethal force through armed drones from the perspective of protection of the right to life. Although drones were not illegal weapons, they could make it easier for States to deploy deadly and targeted force on the territories of other States. As such, they risked undermining the protection of life. If the right to life was to be secured, it was imperative that the limitations posed by international law on the use of force were not weakened by broad justifications of drone strikes. The Rapporteur examined the ways in which international law regulated the use of armed drones. He cautioned against wide and permissive interpretations of international rules and standards, and underlined the centrality of transparency and accountability.

The General Assembly took note of that report on 18 December (decision 68/536).

**Mission reports.** Following his visit to Mexico (22 April–2 May) [A/HRC/24/66/Add.1], the Special Rapporteur noted that the Government had taken a number of positive initiatives to improve human rights protection of vulnerable groups. Nevertheless, violations of the right to life directed against vulnerable groups continued to take place at an alarmingly high rate. Impunity remained a concern. To end impunity, there was a need to decrease the involvement of the military in policing; ensure that civilian and not military courts try members of the military who were accused of human rights violations; and establish clear standards on the use of force by law-enforcement officials. The right to life was under threat, and a heavy-handed military approach was unlikely to improve the situation. What was called for was systematic strengthening of the
rule of law, a critical element of which was ensuring accountability for abuses. The Rapporteur concluded the report with recommendations.

The Special Rapporteur submitted follow-up reports [A/HRC/23/47/Add.3, 4] to the recommendations made by the previous mandate-holder following his 2010 visits to Ecuador [YUN 2010, p. 703] and Albania [ibid.].

In May, Turkey [A/HRC/23/47/Add.6] and India [A/HRC/23/47/Add.7] submitted their comments on the Special Rapporteur’s reports on his visits to those countries [YUN 2012, p. 670].

**Torture and cruel treatment**

**Reports of Special Rapporteur.** Pursuant to a Human Rights Council request [YUN 2011, p. 694], the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez (Argentina), in February submitted a report [A/HRC/22/53] covering his activities and focusing on certain forms of abuse in health-care settings that might cross a threshold of mistreatment that was tantamount to torture or cruel, inhuman or degrading treatment or punishment. Examples included compulsory detention for drug users, reproductive rights violations and denial of pain treatment. By illustrating abusive practices in health-care settings, the report shed light on often undetected forms of such practices. The report identified the scope of States’ obligations to regulate, control and supervise health-care practices with a view to preventing mistreatment. In conclusion, the Rapporteur pointed out the significance of categorizing abuses in health-care settings as torture and ill-treatment; and called on States to enforce the prohibition of torture in all health-care institutions, both public and private, and provide human rights education and information to health-care personnel.

In a 12 March addendum [A/HRC/22/53/Add.4], the Special Rapporteur provided observations on communications sent to 62 Governments between 1 December 2011 and 30 November 2012, as well as on responses received until 31 January 2013.

In accordance with General Assembly resolution 67/161 [YUN 2012, p. 675], the Secretary-General in August transmitted the Special Rapporteur’s interim report [A/68/295] focusing on the Standard Minimum Rules for the Treatment of Prisoners, approved by Economic and Social Council resolutions 663C(XXIV) [YUN 1957, p. 254] and 2076(LXII) [YUN 1977, p. 668], which were considered to be among the most important soft-law instruments for interpreting various aspects of the rights of prisoners. Some of the provisions of the Rules, however, were dated. As the Rules were being reviewed by the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners (see p. 1255), the Rapporteur offered procedural standards and safeguards from the perspective of the prohibition of torture or other ill-treatment that should be applied to all cases of deprivation of liberty.

**Mission reports.** Following his visit to Ghana (8–14 November) [A/HRC/25/60/Add.1], the Special Rapporteur noted critical issues in the criminal justice system and mental health-care practices. He made recommendations to strengthen legal safeguards and improve the living conditions of those deprived of their liberty in places of detention, including medical facilities and prayer camps. Recommendations included incorporating clear legal provisions into the Constitution and national laws to the effect that the prohibition of torture was absolute and non-derogable; ensuring prompt registration of all persons deprived of their liberty; and establishing an independent mechanism to investigate allegations of torture or ill-treatment.

In February [A/HRC/22/53/Add.3], the Special Rapporteur submitted a report on follow-up to the recommendations the previous mandate holder had made following his visit to Uruguay in 2009 [YUN 2009, p. 692].

**Communication.** In March [A/HRC/22/53/Add.5], Morocco submitted its comments on the Special Rapporteur’s report on his mission to the country in 2012 [YUN 2012, p. 674].

**Human Rights Council action.** On 22 March [A/68/53 (res. 22/21)], the Council called on States to provide redress for victims of torture and other cruel, inhuman or degrading treatment or punishment encompassing effective remedy and adequate and prompt reparation; and urged States to establish and maintain rehabilitation centres where victims could receive treatment.

**Voluntary fund for torture victims**

**Reports of Secretary-General.** In his annual report [A/68/282] to the General Assembly on the status of the United Nations Voluntary Fund for Victims of Torture, the Secretary-General provided information on the policy decisions of the Fund’s Board of Trustees at its thirty-seventh session (Geneva, 4–8 March). The Board agreed on a new funding formula that would include increased support for new projects, training and capacity-building projects; and a better and proactive response of the Fund to emerging situations. Contributions received from 21 countries, the Holy See, and four private and public donors from 13 July 2012 to 12 July 2013 amounted to $8,229,551, while pledges from two countries totalled $375,059.

The General Assembly took note of that report on 18 December (decision 68/536).

The Secretary-General reported [A/HRC/25/25] on the Board’s thirty-eighth session (Geneva, 30 September–4 October), at which the Board recommended for a grant 229 ongoing projects amounting to $6,223,000; 30 new projects amounting to $585,800; and four grants for new training and seminars projects amount-
torture contained in article 1 of the Convention, or punishment and of abiding strictly by the definition of torture and other cruel, inhuman or degrading treatment and implementing the obligations of States with respect to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment committed against persons exercising their rights of peaceful assembly and freedom of expression in all regions of the world.

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 and non-derogable 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. **Welcomes** the establishment of national preventive mechanisms to prevent torture and other cruel, inhuman or degrading treatment or punishment, urges States to consider establishing, appointing, maintaining or enhancing independent and effective mechanisms that have experts with the required capabilities and professional knowledge to undertake monitoring visits to places of detention, inter alia, with a view to preventing acts of torture or other cruel, inhuman or degrading treatment or punishment, and calls upon States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to fulfill their obligation to designate or establish national preventive mechanisms that are truly independent, properly resourced and effective;

4. **Emphasizes** the importance of States ensuring proper follow-up to the recommendations and conclusions of the relevant treaty bodies and mechanisms, including the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, national preventive mechanisms and the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treat-
ment or punishment, while recognizing the important role
of the universal periodic review, national human rights in-
stitutions and other relevant national or regional bodies in
preventing torture and other cruel, inhuman or degrading
treatment or punishment;

5. **Condemns** any action or attempt by States or public
officials to legalize, authorize or acquiesce in torture and
other cruel, inhuman or degrading treatment or punish-
ment under any circumstances, including on grounds of
national security and counter-terrorism or through judicial
decisions, and urges States to ensure accountability of those
responsible for all such acts;

6. **Encourages** States to consider establishing or main-
taining appropriate national processes to record allegations
of torture and other cruel, inhuman or degrading treatment
or punishment and to ensure that such information is ac-
cessible in accordance with applicable law;

7. **Stresses** that an independent, competent domestic
authority must promptly, effectively and impartially investi-
gate 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, in-
cluding 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;

8. **Recalls**, in this respect, the Principles on the Effecti-
ve Investigation and Documentation of Torture and Other
Cruel, Inhuman or Degrading Treatment or Pun-
ishment (the Istanbul Principles) as a valuable tool in ef-
forts to prevent and combat torture and the updated set
of principles for the protection and promotion of human
rights through action to combat impunity;

9. **Calls upon** all States to implement effective mea-
ures to prevent torture and other cruel, inhuman or degrad-
ing treatment or punishment, particularly in places of de-
tention and other places where persons are deprived of their
liberty, including legal and procedural safeguards, as well as
education and training of personnel who may be involved
in the custody, interrogation or treatment of any individual
subjected to any form of arrest, detention or imprisonment;

10. **Urge States, as an important element in prevent-
ign and combating torture and other cruel, inhuman or
degrading treatment or punishment, to ensure that no
authority or official orders, applies, permits or tolerates
any sanction, reprisal, intimidation or other prejudice against
any person, group or association, including persons depriv-
ed of their liberty, for contacting, seeking to contact or
having been in contact with any national or international
monitoring or preventive body active in the prevention and
combating of torture and other cruel, inhuman or degrad-
ing treatment or punishment;

11. **Also urges** States to ensure accountability for any
act of sanction, reprisal, intimidation or other form of un-
lawful prejudicial conduct against any person, group or as-
association, including persons deprived of their liberty, for
cooperating, seeking to cooperate or having cooperated
with any national or international monitoring or prevent-
ive body active in the prevention and combating of tor-
ture and other cruel, inhuman or degrading treatment or
punishment by ensuring impartial, prompt, independent
and thorough investigations of any alleged act of sanction,
reprisal, intimidation or other form of unlawful prejudicial
conduct; to bring the perpetrators to justice; to provide ac-
cess to effective remedies for victims, in accordance with
their international human rights obligations and commit-
tments; and to prevent any recurrence;

12. **Calls upon** all States to adopt a victim-oriented
approach in the fight against torture and other cruel, inhu-
man or degrading treatment or punishment, paying spe-
cial attention to the views and needs of victims in policy
development and other activities relating to rehabilitation,
prevention and accountability for torture;

13. **Also calls upon** all States to adopt a gender-sensitive
approach in the fight against torture and other cruel, inhu-
man or degrading treatment or punishment, paying special
attention to gender-based violence;

14. **Calls upon** States to ensure that the rights of per-
sons with disabilities, bearing in mind the Convention on
the Rights of Persons with Disabilities, are fully integrated
into torture prevention and protection, and welcomes the
efforts of the Special Rapporteur in this regard;

15. **Encourages** States to ensure that persons con-
victed of torture or other cruel, inhuman or degrading
treatment or punishment have no subsequent involvement
in the custody, interrogation or treatment of any person un-
der arrest, detention, imprisonment or other deprivation of
liberty and that persons charged with torture or other cruel,
inhuman or degrading treatment or punishment have no
involvement in the custody, interrogation or treatment of
any person under arrest, detention, imprisonment or other
depression of liberty while such charges are pending;

16. **Emphasizes** that acts of torture in armed conflict
are serious violations of international humanitarian law
and in this regard constitute war crimes, that acts of tor-
ture can constitute crimes against humanity and that the
perpetrators of all acts of torture must be prosecuted and
punished, and in this regard notes the efforts of the Inter-
national Criminal Court to end impunity by seeking to
ensure accountability and punishment of perpetrators of
such acts, in accordance with the Rome Statute, bearing
in mind its principle of complementarity, and encourages
States that have not yet done so to consider ratifying or ac-
ceding to the Rome Statute;

17. **Strongly urges** States to ensure that no statement
that is established to have been made as a result of torture
is invoked as evidence in any proceedings, except against
a person accused of torture as evidence that the statement
was made, encourages States to extend that prohibition to
statements made as a result of cruel, inhuman or degrad-
ing treatment or punishment, and recognizes that adequate
corroboration of statements, including confessions, used as
evidence in any proceedings constitutes one safeguard for
the prevention of torture and other cruel, inhuman or de-
grading treatment or punishment;

18. **Stresses** that States must not punish personnel for
not obeying orders to commit or conceal acts amounting
to torture or other cruel, inhuman or degrading treatment
or punishment;

19. **Urges** States not to expel, return (“refouler”), extra-
dite or in any other way transfer a person to another State
where there are substantial grounds for believing that the
person would be in danger of being subjected to torture,
Chapter II: Protection of human rights

stresses the importance of effective legal and procedural safeguards in this regard, and recognizes that diplomatic assurances, where given, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

20. Recalls that, for the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights;

21. Calls upon States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to fulfil their obligation to submit for prosecution or extradite those alleged to have committed acts of torture, and encourages other States to do likewise, bearing in mind the need to fight impunity;

22. Stresses that national legal systems must ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment have effective access to justice and obtain redress without suffering any retribution for bringing complaints or giving evidence;

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

24. Urges States to ensure that appropriate rehabilitation services are promptly available to all victims without discrimination of any kind and without limitation in time until the fullest rehabilitation possible is achieved, 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 dependants of the victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization;

25. Also 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;

26. Recalls its resolution 43/173 of 9 December 1988 on the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and in this context stresses that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person and permitting prompt and regular medical care and legal counsel throughout all stages of detention, as well as visits by family members and independent monitoring mechanisms, are effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

27. Reminds all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished;

28. Emphasizes that conditions of detention must respect the dignity and human rights of persons deprived of their liberty, highlights the importance of reflecting on this in efforts to promote respect for and protection of the rights of persons deprived of their liberty, calls upon States to address and prevent detention conditions that amount to torture or cruel, inhuman or degrading treatment or punishment, and notes in this regard concerns about solitary confinement, which may amount to torture or other cruel, inhuman or degrading treatment or punishment;

29. Encourages States to take effective measures to address overcrowding in detention facilities, which may impact the dignity and human rights of persons deprived of their liberty, including through enhancing the use of alternatives to pretrial detention and custodial sentences and reducing pretrial detention, by, inter alia, adopting and effectively implementing both new and existing legislative and administrative measures and policies on its preconditions, limitations, duration and alternatives and by taking measures aimed at the implementation of existing legislation, as well as by ensuring access to justice and legal advice and assistance, and invites States to make use of technical assistance offered by the relevant United Nations entities and programmes in order to strengthen national capacities and infrastructures in this regard;

30. Calls upon all States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export, import and use of equipment that has no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment;

31. Urges all States that have not yet done so to become parties to the Convention and to give early consideration to signing and ratifying the Optional Protocol thereto as a matter of priority;

32. Urges all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention concerning inter-State and individual communications, to consider the possibility of withdrawing their reservations to article 20 and to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18, with a view to enhancing the effectiveness of the Committee as soon as possible;

33. Urges States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles and persons with disabilities when submitting reports to the Committee;

34. Welcomes the work of the Committee and of the Subcommittee and their reports, recommends that they continue to include information on the follow-up by States parties to their recommendations, and supports the Committee and the Subcommittee in their efforts to further improve the effectiveness of their working methods;

35. Invites the Chairs of the Committee and the Subcommittee to present oral reports on the work of the committees and to engage in an interactive dialogue with the General Assembly at its sixty-ninth and seventieth sessions under the sub-item entitled "Implementation of human
rights instruments” of the item entitled “Promotion and protection of human rights”;

36. **Calls upon the United Nations High Commissioner for Human Rights, in conformity with her mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to continue to provide, at the request of States, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to the Committee and for the establishment and operation of national preventive mechanisms, as well as technical assistance for the development, production and distribution of teaching material for this purpose, and to provide the support necessary to enable the Subcommittee to provide advice and assistance to States parties to the Optional Protocol;**

37. **Welcomes the interim report of the Special Rapporteur, and encourages him to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations;**

38. **Notes the work of the open-ended intergovernmental expert group on the revision of the Standard Minimum Rules for the Treatment of Prisoners, reiterating that any changes should not lower any existing standards but should improve them so that they reflect recent advances in correctional science and best practices as well as international human rights obligations and commitments, and in this regard acknowledges that the expert group can benefit from the expertise of United Nations entities and other relevant stakeholders;**

39. **Requests the Special Rapporteur to continue to consider including in his report information on the follow-up by States to his recommendations, visits and communications, including progress made and problems encountered, and on other official contacts;**

40. **Calls upon all States to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to fully and expeditiously respond to and follow up on his urgent appeals, to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries as well as with respect to the follow-up to his recommendations;**

41. **Stresses the need for the continued regular exchange of views among the Committee, the Subcommittee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations crime prevention and criminal justice programme, with regional organizations and mechanisms, as appropriate, and with civil society organizations, including non-governmental organizations, with a view to enhancing further their effectiveness and cooperation on issues relating to the prevention and eradication of torture, inter alia, by improving their coordination;**

42. **Recognizes the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, appeals to all States and organizations to contribute annually to the Fund, preferably with a substantial increase in the level of contributions, welcome and encourages contributions to the Special Fund established by the Optional Protocol to support the implementation of the recommendations made by the Subcommittee as well as education programmes of the national preventive mechanisms;**

43. **Requests the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds and to include the Funds, on an annual basis, among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;**

44. **Also requests the Secretary-General to submit to the Human Rights Council, and to the General Assembly at its sixty-ninth and seventieth sessions, a report on the operations of the Funds;**

45. **Further requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in preventing and combating torture and assisting victims of torture or other cruel, inhuman or degrading treatment or punishment, including, in particular, the Committee, the Subcommittee and the Special Rapporteur, commensurate with the strong support expressed by Member States for preventing and combating torture and assisting victims of torture, in order to enable them to discharge their mandates in a comprehensive, sustained and effective manner and taking fully into account the specific nature of their mandates;**

46. **Calls upon all States, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and civil society organizations, including non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;**

47. **Decides to consider at its sixty-ninth and seventieth sessions the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol, the report of the Committee, the report of the Subcommittee and the interim report of the Special Rapporteur;**

48. **Also decides to give its full consideration to the subject matter at its seventieth session.**

### Arbitrary detention

**Working Group activities.** The five-member Working Group on Arbitrary Detention held its sixty-sixth (29 April–3 May), sixty-seventh (26–30 August) and sixty-eighth (13–22 November) sessions in Geneva [A/HRC/27/48]. The Working Group adopted 60 opinions concerning the detention of 431 persons in 39 countries. It transmitted 110 urgent appeals to 37 States concerning 680 individuals. States informed the Working Group that they had taken measures to remedy the situation of detainees: in some cases, detainees had been released; in other cases, the Working Group was assured that the detainees concerned would be guaranteed a fair trial. The Working Group engaged in continuous dialogue with countries that it visited, particularly concerning its recommendations. Infor-
formation on the implementation of recommendations made by the Working Group was received from Georgia and Senegal. The Working Group recommended that States enforce the protection of every person’s right to liberty: ensure that guarantees and safeguards were extended to all forms of deprivation of liberty; and ensure that persons were not held in pretrial detention for periods longer than those prescribed by law, and were promptly brought before a judge.


**Mission reports.** Following its visit to Greece (21–31 January) [A/HRC/27/48/Add.2], the Working Group commended the Government on positive initiatives, including legislative reforms and developments in the area of migration and asylum. It noted with concern, however, the Government’s policy of systematically detaining all irregular migrants. It recommended that the Government reform the judicial system to guarantee that all persons in pretrial detention received a fair and speedy trial; decriminalize certain offences, reduce prison sentences and apply non-custodial measures to combat the overcrowding in prisons; end the policy of systematic detention of migrants in an irregular situation; improve detention conditions and procedural safeguards; and develop appropriate regulations for all detention facilities.

Following its mission to Brazil (18–28 March) [A/HRC/27/48/Add.3], the Working Group observed amendments made in 2011 to the Criminal Procedure Code stipulating consideration of preventive detention as a last resort and applicable to those who had committed crimes with more than four years imprisonment. The Group, nonetheless, expressed concern at the excessive use of deprivation of liberty in the country, which had one of the world’s largest prison populations. It recommended that the Government reform military jurisdiction and reorganize the police; strengthen the community police (policia comunitária) and the proximity police (policia de proximidade); and ensure that deprivation of liberty was only used as a last resort and for the shortest possible time.

Following its mission to Hungary (23 September–2 October) [A/HRC/27/48/Add.4], the Working Group noted the challenges the country had been facing, to which it had responded with legislative changes and reforms. However, the Group observed with concern the high number of pretrial detainees. It called on the authorities to ensure that all detained persons had access to a lawyer from the very outset of their deprivation of liberty. It recommended that the Government assure that decisions on expulsion, return or extradition follow the due process of the law; make certain that detention of asylum seekers and other non-citizens was only used in exceptional circumstances; and ensure that persons under the age of 18 were only deprived of liberty as a last resort.

Following its visit to Morocco (9–18 December) [A/HRC/27/48/Add.5], the Working Group noted the ongoing government efforts to establish and consolidate a culture of human rights in the country, including structural reforms and the establishment of the National Human Rights Council as an independent entity for the protection and promotion of human rights. It also found that in cases related to State security, such as those involving terrorism, membership in Islamist movements or supporters of independence for Western Sahara, there was a pattern of torture and ill-treatment by police officers. The Group recommended that the Government ensure, through amendments to legislation, that access to lawyers of a suspect’s own choosing was granted from the moment of apprehension; make certain that all suspects had the right to be examined by an independent physician, to contact a relative or friend, to be informed of their rights and the charges against them, and to be brought before a judge without delay; and amend the Anti-Terrorism Act to remedy the vague definition of the crime of terrorism.

**Communication.** In February [A/HRC/22/44/Add.3], El Salvador submitted its comments on the Working Group’s report on its 2012 visit to the country [YUN 2012, p. 678].

**Human Rights Council action.** On 26 September [A/68/53/Add.1 (res. 24/7)], the Council encouraged States to respect the right of anyone arrested or detained on a criminal charge to be brought promptly before a judge, and to be entitled to trial within a reasonable time, or to release. It extended the mandate of the Working Group for a three-year period.

**Economic and Social Council action.** On 25 July, in resolution 2013/35 (see p. 1256), the Economic and Social Council encouraged States to improve conditions in detention consistent with the Standard Minimum Rules for the Treatment of Prisoners [YUN 2012, p. 1259] and recommended that States endeavor to reduce overcrowding and pretrial detention.

**Conscientious objection to military service**

**Report of High Commissioner.** In accordance with a Human Rights Council request [YUN 2012, p. 679], the High Commissioner in June submitted a report on conscientious objection to military service [A/HRC/23/22], which set out the international legal framework, and provided information on best practices and remaining challenges in law and practice at the national level. In conclusion, the High Commissioner noted that there had been significant developments in recognition of conscientious objection to military service at the international and regional levels, yet problems remained, as some States continued to not to recognize it. She recommended that States that had not done so should provide information to conscripts.
and persons serving voluntarily in the armed services about the right to conscientious objection.

**Human Rights Council action.** The Council on 27 September [A/68/53/Add.1 (res. 24/17)] urged States with a system of compulsory military service to provide for conscientious objectors various forms of alternative service; and called on States to consider releasing individuals imprisoned or detained solely on the basis of the conscientious objection to military service.

**Terrorism**

**Reports of Special Rapporteur.** Pursuant to a Human Rights Council request [YUN 2012, p. 680], the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson (United Kingdom), in April submitted an annual report [A/HRC/22/52 & Corr.1], which covered his activities from 3 April 2012 to 9 January 2013 and focused thematically on framework principles for securing the right to truth and the principle of accountability for gross or systematic human rights violations committed by public officials while countering terrorism. In his recommendations, the Rapporteur called on States, and in particular those States credibly alleged to have facilitated the use of their airspace and landing facilities for rendition flights by the Central Intelligence Agency of the United States, to review their law and practice in order to bring them into conformity with the principles described in the report.

In accordance with General Assembly resolution 66/171 [YUN 2011, p. 700], the Secretary-General in September transmitted the Special Rapporteur’s annual report [A/68/389] covering his activities from 10 January to 8 August and featuring an interim report to the Assembly on the use of remotely piloted aircraft, or drones, in counter-terrorism operations. The Rapporteur intended to submit a final report on the subject to the Human Rights Council in 2014. He identified a number of legal questions on which there was no clear international consensus, and stressed the need to seek agreement between States on those issues. To that end, he was consulting States to clarify their position, and urged them to respond as comprehensively as possible.

**Mission reports.** Following his visit to Burkina Faso (8–12 April) [A/HRC/25/59/Add.1], the Special Rapporteur observed that the country recognized the international nature of measures to counter terrorism, and therefore supported regional and subregional efforts in that regard. The Rapporteur encouraged the country to support such cooperation and, in particular, to ensure that human rights promotion and protection were incorporated into all efforts to counter terrorism. He recommended that the Government implement its national justice policy (2010–2019) in order to create a justice system that was credible, fair, independent, transparent and accessible to all.

Following his visit to Chile (17–30 July) [A/HRC/25/59/Add.2], the Special Rapporteur focused on the use of anti-terrorism legislation in connection with protests by Mapuche activists aimed at reclaiming their ancestral lands and asserting their right to collective recognition as an indigenous people. The Rapporteur urged the Government to adopt a national strategy addressing the Mapuche question. Such a strategy should include the constitutional recognition of the right of the Mapuche to exist as an indigenous people within Chile, together with the creation of a ministry for indigenous affairs.

**Human Rights Council action.** On 21 March [A/68/53 (res. 22/8)], the Council extended the mandate of the Special Rapporteur for a three-year period in the same terms as provided for by Council resolution 15/15 [YUN 2010, p. 714].

**Report of Secretary-General.** Pursuant to Assembly resolution 66/171, the Secretary-General in July submitted a report [A/68/298] reviewing recent developments within the UN system in relation to human rights and counter-terrorism, including in support of the implementation of the United Nations Global Counter-Terrorism Strategy [YUN 2006, p. 66].

**Terrorist hostage-taking**

**Advisory Committee report.** As requested by the Human Rights Council [YUN 2012, p. 680], the Human Rights Council Advisory Committee in July submitted a report [A/HRC/24/47] that addressed conceptual issues, the impact of terrorist hostage-taking on human rights and the role of regional and international cooperation. Various records showed that the phenomenon of terrorist hostage-taking in general and hostage-taking for ransom in particular had increased in recent years. For decades, the phenomenon of hostage-taking had been a part of day-to-day life in certain parts of the world, such as a number of Latin American countries. The relatively recent proliferation of incidents of hostage-taking for ransom in Northern, West and East Africa showed that the phenomenon was proving to be a booming enterprise for terrorist groups. Although the global community of States had adopted a wide range of instruments aimed at preventing or combating specific aspects of terrorism, global, regional or national instruments on combating terrorism hardly addressed the needs and entitlements of various categories of direct and indirect individual or collective victims of terrorist acts, including terrorist hostage-taking. The report concluded with a number of recommendations.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/178 without vote [agenda item 69 (6)].
Protection of human rights and fundamental freedoms while countering terrorism

The General Assembly,
Reaffirming the purposes and principles of the Charter of the United Nations,
Reaffirming also the Universal Declaration of Human Rights,
Reaffirming further the Vienna Declaration and Programme of Action,
Reaffirming the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,
Reaffirming also that States are under the obligation to protect all human rights and fundamental freedoms of all persons,
Reaffirming further that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,
Reiterating the important contribution of measures taken at all levels against terrorism, consistent with international law, in particular international human rights, refugee and humanitarian law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights and fundamental freedoms, as well as the need to continue this fight, including through strengthening international cooperation and the role of the United Nations in this respect,
Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,
Deeply deploiring the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as violations of international refugee and humanitarian law,
Noting with concern measures that can undermine human rights and the rule of law, such as the detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, the trial of suspects without fundamental judicial guarantees, the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, and the return of suspects to countries without individual assessment of the risk of there being substantial grounds for believing that they would be in danger of submission to torture, and limitations to effective scrutiny of counter-terrorism measures,
Stressing that all measures used in the fight against terrorism, including the profiling of individuals and the use of diplomatic assurances, memorandums of understanding and other transfer agreements or arrangements, must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law,
Stressing also that a criminal justice system based on respect for human rights and the rule of law, including due process and fair trial guarantees, is one of the best means for effectively countering terrorism and ensuring accountability,

Recalling article 30 of the Universal Declaration of Human Rights, and reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,
Recognizing that respect for all human rights, respect for democracy and respect for the rule of law are interrelated and mutually reinforcing,
Emphasizing the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment and of abiding strictly by the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the fight against terrorism,
Recalling its resolution 67/99 of 14 December 2012, Human Rights Council resolution 19/19 of 23 March 2012 and other relevant resolutions and decisions as stated in the preamble to General Assembly resolution 65/221 of 21 December 2012, and welcoming the efforts of all relevant stakeholders to implement those resolutions,
Recalling also its resolution 60/288 of 8 September 2006, by which it adopted the United Nations Global Counter-Terrorism Strategy, and its resolution 66/282 of 29 June 2012 on the review of the Strategy, reaffirming that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism,
Recalling further Human Rights Council resolution 22/8 of 21 March 2013, by which the Council decided to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,
Recalling its resolution 64/115 of 16 December 2009 and the annex thereto entitled “Introduction and implementation of sanctions imposed by the United Nations”, in particular the provisions of the annex regarding listing and delisting procedures,
1. Reaffirms that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;
2. Deeply deplores the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them, and stresses the importance of providing them with assistance and other appropriate measures to protect, respect and promote their human rights;
3. Expresses serious concern at the occurrence of violations of human rights and fundamental freedoms, as well as of international refugee and humanitarian law, committed in the context of countering terrorism;
4. Reaffirms that all counter-terrorism measures should be implemented in accordance with their obligations under international law, including international human rights, refugee and humanitarian law, thereby taking into full con-
consideration the human rights of all, including persons belonging to national or ethnic, religious and linguistic minorities, and in this regard must not be discriminatory on grounds such as race, colour, sex, language, religion or social origin;

5. Also reaffirms the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights, to respect certain rights as non-derogable in any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, underlines the exceptional and temporary nature of any such derogations, and in this regard calls upon States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

6. Urges States, while countering terrorism:

(a) To fully comply with their obligations under international law, in particular international human rights, refugee and humanitarian law, with regard to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To take all steps necessary to ensure that persons deprived of liberty, regardless of the place of arrest or detention, benefit from the guarantees to which they are entitled under international law, including the review of the detention and other fundamental judicial guarantees;

(c) To ensure that no form of deprivation of liberty places a detained person outside the protection of the law, and to respect the safeguards concerning the liberty, security and dignity of the person, in accordance with international law, including international human rights and humanitarian law;

(d) To take all steps necessary to ensure the right of anyone arrested or detained on a criminal charge to be brought promptly before a judge or other officer authorized by law to exercise judicial power and the entitlement to trial within a reasonable time or release;

(e) To treat all prisoners in all places of detention in accordance with international law, including international human rights and humanitarian law;

(f) To respect the right of persons to equality before the law, courts and tribunals and to a fair trial as provided for in international law, including international human rights law, such as the International Covenant on Civil and Political Rights, and international humanitarian and refugee law;

(g) To safeguard the right to privacy in accordance with international law, in particular international human rights law, and to take measures to ensure that interferences with or restrictions on that right are not arbitrary, are adequately regulated by law and are subject to effective oversight and appropriate redress, including through judicial review or other means;

(h) To protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of these rights;

(i) To ensure that guidelines and practices in all border control operations and other pre-entry mechanisms are clear and fully respect their obligations under international law, particularly international refugee and human rights law, towards persons seeking international protection;

(j) To fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

(k) To refrain from returning persons, including in cases related to terrorism, to their countries of origin or to a third State whenever such transfer would be contrary to their obligations under international law, in particular international human rights, humanitarian and refugee law, including in cases where there are substantial grounds for believing that they would be in danger of subject to torture, or where their life or freedom would be threatened, in violation of international refugee law, on account of their race, religion, nationality, membership of a particular social group or political opinion, bearing in mind obligations that States may have to prosecute individuals not returned, and in that case to adhere to the principle of extradite or prosecute;

(l) To ensure that the interrogation methods used against terrorism suspects are consistent with their international obligations and are reviewed on a regular basis to prevent the risk of violations of their obligations under international law, including on racial, ethnic and/or religious grounds;

(m) To ensure that their laws criminalizing acts of terrorism are accessible, formulated with precision, non-retroactive and in accordance with international law, including human rights law;

(n) To not resort to profiling based on stereotypes founded on grounds of discrimination prohibited by international law, including on racial, ethnic and/or religious grounds;

(o) To ensure that the obligations under international law are reviewed on a regular basis to prevent the risk of violations of their obligations under international law, including international human rights and refugee and humanitarian law;

(p) To ensure that any person who alleges that his or her human rights or fundamental freedoms have been violated has access to a fair procedure for seeking full, effective and enforceable remedy within a reasonable time and that where such violations have been established, victims receive adequate, effective and prompt reparation, which should include, as appropriate, restitution, compensation, rehabilitation and guarantees of non-recurrence, including where the violation constitutes a crime under international or national law, to ensure accountability for those responsible for such violations;

(q) To ensure due process guarantees, consistent with all relevant provisions of the Universal Declaration of Human Rights, and their obligations under the International Covenant on Civil and Political Rights, the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, and the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto in their respective fields of applicability;

(r) To shape, review and implement all counter-terrorism measures in accordance with the principles of gender equality and non-discrimination;

(s) To ensure that any measures taken or means employed to counter terrorism, including the use of remotely piloted aircraft, comply with their obligations under international law, including the Charter of the United Nations,
human rights law and international humanitarian law, in particular the principles of distinction and proportionality;

7. *Also urges* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to give due consideration to the recommendations of the special procedures and mechanisms of the Human Rights Council and to the relevant comments and views of United Nations human rights treaty bodies;

8. *Recognizes* the importance of the International Convention for the Protection of All Persons from Enforced Disappearance, the implementation of which will make a significant contribution in support of the rule of law in countering terrorism, including by prohibiting places of secret detention, and encourages all States that have not yet done so to consider signing, ratifying or acceding to the Convention;

9. *Urges* all States that have not yet done so to sign, ratify or accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and encourages States to consider ratifying as a matter of priority the Optional Protocol thereto, the implementation of which will make a significant contribution in support of the rule of law in countering terrorism;

10. *Calls upon* the United Nations entities involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism;

11. *Recognizes* the need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomes and encourages the ongoing efforts of the Security Council in support of these objectives, including by supporting the enhanced role of the office of the ombudsperson and continuing to review all the names of individuals and entities in the regime, while emphasizing the importance of these sanctions in countering terrorism;

12. *Urges* States, while ensuring full compliance with their international obligations, to ensure the rule of law and to include adequate human rights guarantees in their national procedures for the listing of individuals and entities with a view to combating terrorism;

13. *Requests* the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to make recommendations, in the context of his mandate, with regard to preventing, combating and redressing violations of human rights and fundamental freedoms in the context of countering terrorism, and to continue to report and engage in interactive dialogues on an annual basis with the General Assembly and the Human Rights Council in accordance with their programmes of work;

14. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals of the Special Rapporteur and providing the information requested, and to give serious consideration to responding favourably to his requests to visit their countries, as well as to cooperate with other relevant procedures and mechanisms of the Human Rights Council regarding the promotion and protection of human rights and fundamental freedoms while countering terrorism;

15. *Welcomes* the work of the United Nations High Commissioner for Human Rights to implement the mandate given to her by the General Assembly in its resolution 60/158 of 16 December 2005, and requests her to continue her efforts in this regard;

16. *Takes note with appreciation* of the report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism;

17. *Also takes note with appreciation* of the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, which refers, inter alia, to the use of remotely piloted aircraft, and notes the recommendations, including on the urgent and imperative need to seek agreement among Member States on legal questions pertaining to remotely piloted aircraft operations;

18. *Encourages* States, while countering terrorism, to undertake prompt, independent and impartial fact-finding inquiries whenever there are plausible indications of possible breaches to their obligations under international human rights law, with a view to ensuring accountability;

19. *Takes note with appreciation* of the report of the Special Rapporteur referring to the compatibility of the mandate of the office of the ombudsperson, established by Security Council resolution 1904(2009), with international human rights norms;

20. *Requests* the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, including by raising awareness, inter alia, through regular dialogue, about the need to respect human rights and the rule of law while countering terrorism and support the exchange of best practices to promote and protect human rights, fundamental freedoms and the rule of law in all aspects of counter-terrorism, including, as appropriate, those identified by the Special Rapporteur in his report submitted to the Human Rights Council pursuant to Council resolution 15/15;

21. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its respective bodies, namely, the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate, with the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and the Counter-Terrorism Committee to strengthen the links, cooperation and dialogue with relevant human rights bodies, in particular with the Office of the High Commissioner, the Special Rapporteur, other relevant special procedures and mechanisms of the Human Rights Council and relevant treaty bodies, giving due regard to the promotion and protection of human rights and the rule of law in their ongoing work relating to counter-terrorism;

22. *Calls upon* States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy, which, inter alia, reaffirms respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism;

23. *Requests* the Counter-Terrorism Implementation Task Force to continue its efforts to ensure that the United Nations can better coordinate and enhance its support to Member States in their efforts to comply with their obligations under international law, including international hu-
man rights and refugee and humanitarian law, while countering terrorism, and to encourage the Working Groups of the Task Force to incorporate a human rights perspective into their work;

24. Encourages relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those participating in the Counter-Terrorism Implementation Task Force, which provide technical assistance, upon request, consistent with their mandates, related to the prevention and suppression of terrorism, to step up their efforts to ensure respect for international human rights and refugee and humanitarian law, as well as the rule of law, as an element of technical assistance, including in the adoption and implementation of legislative and other measures by States;

25. Urges relevant United Nations bodies and entities and international, regional and subregional organizations, including the United Nations Office on Drugs and Crime, within its mandate related to the prevention and suppression of terrorism, to step up their efforts to provide, upon request, technical assistance for building the capacity of Member States in the development and implementation of programmes of assistance and support for victims of terrorism in accordance with relevant national legislation;

26. Calls upon international, regional and subregional organizations to strengthen information-sharing, coordination and cooperation in promoting the protection of human rights, fundamental freedoms and the rule of law while countering terrorism;

27. Requests the Secretary-General to submit a report on the implementation of the present resolution to the Human Rights Council and to the General Assembly at its seventieth session;

28. Decides to continue the consideration of the question at its seventieth session under the item entitled “Promotion and protection of human rights”.

**Right to peace**

**Working Group activities.** The Human Rights Council in 2012 [YUN 2012, p. 680] established the Open-ended Intergovernmental Working Group on a draft United Nations declaration on the right to peace, with the mandate of negotiating a draft on the basis of the one submitted by the Human Rights Council Advisory Committee [ibid.]. At the end of the meeting (Geneva, 18–21 February) [A/HRC/WG.13/1/2], the Chairperson-Rapporteur recommended to the Council that a second session of the Working Group be held before the Council’s twenty-fifth (2014) session; that permission be given to him for holding informal consultations with Governments, regional groups and stakeholders in the intersessional period; that he be entrusted 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 and present the text before the second session of the Working Group.

**Human Rights Council action.** On 13 June [A/68/53 (res. 23/16)], the Council, by a recorded vote of 30 to 9, with 8 abstentions, decided that the Working Group should hold its second session before the Council’s twenty-fifth (2014) session. It requested the Chairperson-Rapporteur to conduct informal consultations before the second session of the Working Group, prepare a new text on the basis of the discussions held during the first session and on the basis of the intersessional informal consultations, and present it prior to the second session of the Working Group for consideration and further discussion. It requested the Working Group to submit a progress report to the Council’s twenty-sixth (2014) session.

**Traditional values**

**Report of High Commissioner.** In response to a Human Rights Council request [YUN 2012, p. 682], the High Commissioner in June presented a report [A/HRC/24/22 & Corr.1, 2] which summarized information from the EU, 16 Member States and other stakeholders on best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity.

**Economic, social and cultural rights**

**Realizing economic, social and cultural rights**

**Human Rights Council action.** On 21 March [A/68/53 (res. 22/5)], the Council called on States to implement Council resolution 19/5 [YUN 2012, p. 683] with a view to improving the realization of economic, social and cultural rights, and to sign and ratify the International Covenant on Economic, Social and Cultural Rights [YUN 1966, p. 419] and its Optional Protocol, which would enter into force on 5 May (see p. 600). The Secretary-General was requested to continue to submit an annual report on the realization, in all countries, of economic, social and cultural rights, with a special focus on access to justice relating to violations of those rights.

**Report of Secretary-General.** Pursuant to Council resolution 22/5 (see above), the Secretary-General in December submitted a report [A/HRC/25/31] that presented an overview of the scope of and applicable standards relative to the right to access to justice and to an effective remedy for violations of economic, social and cultural rights. The report summarized the interpretation of that right by UN treaty bodies and special procedures mandate holders as an indispensable right for the realization of economic, social and cultural rights, focusing on its essential elements and the specific obligations to which it gave rise, and drawing on examples from regional human rights mechanisms.

**Report of High Commissioner.** Pursuant to General Assembly resolution 48/141 [YUN 1993, p. 906],
the High Commissioner in May submitted a report [E/2013/82] that considered the impact of austerity measures on economic, social and cultural rights, in particular on the right to work and the right to social security, with a focus on women, migrants and older persons. The report laid out the criteria States should apply when considering the adoption of austerity measures.

The Economic and Social Council took note of that report on 25 July (decision 2013/253).

**Human rights in post-disaster and post-conflict situations**

**Human Rights Council action.** On 21 March [A/68/53 (res. 22/16)], the Council acknowledged that the human rights and fundamental freedoms of millions of people around the world were affected in different ways by humanitarian crises, and requested the Human Rights Council Advisory Committee to prepare a research-based report on best practices and main challenges in the promotion and protection of human rights in post-disaster and post-conflict situations, presenting a progress report to the Council’s twenty-sixth (2014) session and the final report to the Council’s twenty-eighth (2015) session.

**Right to development**

**Working Group activities.** The Working Group on the Right to Development, at its fourteenth session (Geneva, 13–17 May) [A/HRC/24/37/Rev.1], focused on the first reading of the draft right to development operational subcriteria proposed by the High-level Task Force on the implementation of the right to development [YUN 2004, p. 746]. The Working Group recommended to continue, at its fifteenth (2014) session, its work on the consideration of the draft operational subcriteria with the first reading of the remaining operational subcriteria, and to invite the Chairperson-Rapporteur to hold informal consultations with Governments, groups of Governments, regional groups and other stakeholders in preparation for the fifteenth session of the Working Group.

**Report of Secretary-General and High Commissioner.** Pursuant to General Assembly resolution 67/171 [YUN 2012, p. 684], the Secretary-General and the High Commissioner in June submitted a consolidated report [A/HRC/24/27] which reviewed the activities of OHCHR and UN human rights mechanisms relating to the promotion and realization of the right to development between July 2012 and May 2013. The report provided information on advocacy, outreach and communications work by OHCHR. It recounted events and initiatives in support of Human Rights Council mechanisms and the integration of the right to development in the global partnership for development.

In July, a note by the Secretariat [A/68/185] informed the Assembly of the report. The Assembly took note of that note on 18 December (decision 68/536).

**Human Rights Council action.** On 26 September [A/68/53/Add.1 (res. 24/4)], the Council, by a recorded vote of 46 to 1, with no abstentions, decided to ensure that its agenda led to raising the right to development to the same level and on a par with all other human rights; that the criteria and corresponding operational subcriteria, once endorsed by the Working Group, should be used to elaborate a set of standards for implementing the right to development; and that the Working Group should ensure respect for and practical application of such standards, which could evolve into a basis for an international binding legal standard. The Council endorsed the Working Group’s recommendations and requested OHCHR to continue to submit an annual report on its activities.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/158 by recorded vote (158-4-28) [agenda item 69 (6)].

**The right to development**

The General Assembly,

Guided by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom and, to that end, to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling the Universal Declaration of Human Rights, as well as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also the outcomes of all the major United Nations conferences and summits in the economic and social fields,

Recalling further the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, which confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and that the individual is the central subject and beneficiary of development,

Stressing that 2013 marks the twentieth anniversary of the World Conference on Human Rights in Vienna, and that the Vienna Declaration and Programme of Action reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development,

Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,

Deeply concerned that the majority of indigenous peoples in the world live in conditions of poverty, and recognizing the critical need to address the negative impact of poverty
and inequity on indigenous peoples by ensuring their full and effective inclusion in development and poverty eradication programmes,

Reaffirming the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development,

Expressing deep concern over the lack of progress in the trade negotiations of the World Trade Organization, and reaffirming the need for a successful outcome of the Doha Development Round in key areas such as agriculture, market access for non-agricultural products, trade facilitation, development and services,

Recalling the outcome of the twelfth session of the United Nations Conference on Trade and Development, held in Accra from 20 to 25 April 2008, on the theme “Addressing the opportunities and challenges of globalization for development”,

Recalling also all its previous resolutions, Human Rights Council resolution 21/32 of 28 September 2012, previous resolutions of the Council and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998 on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Recalling further the outcome of the eleventh session of the Working Group on the Right to Development of the Human Rights Council, held in Geneva from 26 to 30 April 2010, as contained in the report of the Working Group and as referred to in the report of the Secretary-General and the United Nations High Commissioner for Human Rights,

Recalling the Sixteenth Conference of Heads of State or Government of Non-Aligned Countries, held in Tehran from 26 to 31 August 2012, and the previous summits and conferences at which the States members of the Movement of Non-Aligned Countries stressed the need to operationalize the right to development as a priority,

Reiterating its continuing support for the New Partnership for Africa’s Development as a development framework for Africa,

Expressing its appreciation for the efforts of the Chair-Rapporteur of the Working Group on the Right to Development of the Human Rights Council and the members of the high-level task force on the implementation of the right to development in completing the 2008–2010 three-phase road map established by the Council in its resolution 4/4 of 30 March 2007,

Deeply concerned about the negative impacts of the global economic and financial crises on the realization of the right to development,

Recognizing that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights,

Recognizing also that Member States should cooperate with each other in ensuring development and eliminating obstacles to development, that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development and that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Recognizing further that poverty is an affront to human dignity,

Recognizing that extreme poverty and hunger are one of the greatest global threats and require the collective commitment of the international community for its eradication, pursuant to Millennium Development Goal 1, and therefore calling upon the international community, including the Human Rights Council, to contribute towards achieving that goal,

Recognizing also that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

Stressing that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the Millennium Development Goal of halving, by 2015, the proportion of the world’s people whose income is less than one United States dollar a day and the proportion of people who suffer from hunger,

1. Takes note of the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights, which provides information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights relating to the promotion and realization of the right to development;

2. Recognizes the significance of all the events held to commemorate the twenty-fifth anniversary of the Declaration on the Right to Development, including the panel discussion on the theme “The way forward in the realization of the right to development: between policy and practice”, held during the eighteenth session of the Human Rights Council;

3. Supports the realization of the mandate of the Working Group on the Right to Development, as renewed by the Human Rights Council in its resolution 9/3 of 24 September 2008, with the recognition that the Working Group may convene annual sessions of five working days and submit its reports to the Council;

4. Endorses the recommendations adopted by the Working Group at its fourteenth session, and, while reaffirming them, calls for their immediate, full and effective implementation by the Office of the High Commissioner for Human Rights and other relevant actors, noting also the efforts under way within the framework of the Working Group with a view to completing the tasks entrusted to it by the Council in its resolution 4/4;

5. Emphasizes the relevant provisions of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council, and in this regard calls upon the Council to implement the agreement to continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals, and also in this regard to lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the
same level as and on a par with all other human rights and fundamental freedoms;

6. **Welcomes** the launching, in the Working Group, of the process for considering, revising and refining the draft right-to-development criteria and corresponding operational subcriteria, with the first reading of the draft criteria and operational subcriteria;

7. **Stresses** that the above-mentioned compilations of views, criteria and corresponding operational subcriteria, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

8. **Emphasizes** the importance of the Working Group taking appropriate steps to ensure respect for and practical application of the above-mentioned standards, which could take various forms, including the elaboration of guidelines on the implementation of the right to development, and evolve into a basis for the consideration of an international legal standard of a binding nature through a collaborative process of engagement;

9. **Stresses** the importance of the core principles contained in the conclusions of the Working Group at its third session, congruent with the purpose of international human rights instruments, such as equality, nondiscrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

10. **Also stresses** that it is important that the Chair-Rapporteur and the Working Group, in the discharge of their mandates, take into account the need:

(a) To promote the democratization of the system of international governance in order to increase the effective participation of developing countries in international decision-making;

(b) To also promote effective partnerships such as the New Partnership for Africa’s Development and other similar initiatives with the developing countries, particularly the least developed countries, for the purpose of the realization of their right to development, including the achievement of the Millennium Development Goals;

(c) To strive for greater acceptance, operationalization and realization of the right to development at the international level, while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms, and also urging all States to expand and deepen mutually beneficial cooperation in ensuring development and eliminating obstacles to development in the context of promoting effective international cooperation for the realization of the right to development, bearing in mind that lasting progress towards the implementation of the right to development requires effective development policies at the national level and a favourable economic environment at the international level;

(d) To consider ways and means to continue to ensure the operationalization of the right to development as a priority;

(e) To mainstream the right to development in the policies and operational activities of the United Nations and the specialized agencies, funds and programmes, as well as in the policies and strategies of the international financial and multilateral trading systems, bearing in mind in this regard that the core principles of the international economic, commercial and financial spheres, such as equity, non-discrimination, transparency, accountability, participation and international cooperation, including effective partnerships for development, are indispensable in achieving the right to development and preventing discriminatory treatment arising from political or other noneconomic considerations in addressing the issues of concern to the developing countries;

11. **Encourages** the Human Rights Council to continue considering how to ensure follow-up to the work of the former Subcommission on the Promotion and Protection of Human Rights on the right to development, in accordance with the relevant provisions of the resolutions adopted by the General Assembly and the Commission on Human Rights and in compliance with decisions to be taken by the Council;

12. **Invites** Member States and all other stakeholders to participate actively in future sessions of the Social Forum, while recognizing the strong support extended to the Forum at its first four sessions by the Subcommission on the Promotion and Protection of Human Rights;

13. **Reaffirms** the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set in those outcome documents;

14. **Also reaffirms** that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action, which regards all human rights as universal, indivisible, interdependent and interrelated, places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

15. **Stresses** that the primary responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

16. **Reaffirms** the primary responsibility of States to create national and international conditions favourable to the realization of the right to development, as well as their commitment to cooperate with each other to that end;

17. **Also reaffirms** the need for an international environment that is conducive to the realization of the right to development;

18. **Stresses** the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels, and calls upon all States to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms;

19. **Emphasizes** the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and international levels;
20. **Affirms** that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable.

21. **Recognizes** that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that most of the developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

22. **Expresses its deep concern**, in this regard, about the negative impact on the realization of the right to development due to the further aggravation of the economic and social situation, in particular of developing countries, as a result of the ongoing international energy, food and financial crises, as well as the increasing challenges posed by global climate change and the loss of biodiversity, which have increased vulnerabilities and inequalities and have adversely affected development gains, in particular in developing countries;

23. **Underlines** the fact that the international community is far from meeting the targets set in the United Nations Millennium Declaration of halving the number of people living in poverty by 2015, reaffirms the commitment made to meet that target, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

24. **Urges** developed countries that have not yet done so to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help to meet development goals and targets;

25. **Recognizes** the need to address market access for developing countries, including in the sectors of agriculture, services and non-agricultural products, in particular those of interest to developing countries;

26. **Calls once again for** the implementation of a desirable pace of meaningful trade liberalization, including in areas under negotiation in the World Trade Organization, the implementation of commitments on implementation-related issues and concerns, a review of special and differential treatment provisions, with a view to strengthening them and making them more precise, effective and operational, the avoidance of new forms of protectionism, and capacity-building and technical assistance for developing countries as important issues in making progress towards the effective implementation of the right to development;

27. **Recognises** the important link between the international economic, commercial and financial spheres and the realization of the right to development, stresses in this regard the need for good governance and for broadening the base of decision-making at the international level on issues of development concern and the need to fill organizational gaps, as well as to strengthen the United Nations system and other multilateral institutions, and also stresses the need to broaden and strengthen the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting;

28. **Also recognizes** that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

29. **Further recognizes** the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between the education of women and their equal participation in the civil, cultural, economic, political and social activities of the community and the promotion of the right to development;

30. **Stresses** the need for the integration of the rights of children, girls and boys alike, in all policies and programmes and for ensuring the promotion and protection of those rights, especially in areas relating to health, education and the full development of their capacities;

31. **Recalls** the Political Declaration on HIV and AIDS: Intensifying Our Efforts to Eliminate HIV and AIDS, adopted on 10 June 2011 at the high-level meeting of the General Assembly on HIV and AIDS, stresses that further and additional measures must be taken at the national and international levels to fight HIV and AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

32. **Welcomes** the political declaration of the high-level meeting of the General Assembly on the prevention and control of non-communicable diseases, adopted on 19 September 2011, with its particular focus on development and other challenges and social and economic impacts, particularly for developing countries;

33. **Recalls** the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”;

34. **Also recalls** the Convention on the Rights of Persons with Disabilities, which entered into force on 3 May 2008, and stresses the need to take into consideration the rights of persons with disabilities and the importance of international cooperation in support of national efforts in the realization of the right to development;

35. **Stresses its commitment** to indigenous peoples in the process of the realization of the right to development, reaffirms the commitment to promote their rights in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security, in accordance with recognized international human rights obligations and taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007, and in this regard looks forward to the World Conference on Indigenous Peoples, to be held in 2014;

36. **Recognizes** the need for strong partnerships with civil society organizations and the private sector in pursuit...
of poverty eradication and development, as well as for corporate social responsibility;

37. **Emphasizes** the urgent need for taking concrete and effective measures to prevent, combat and criminalize all forms of corruption at all levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery, consistent with the principles of the United Nations Convention against Corruption, particularly chapter V thereof; stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify the Convention as soon as possible and States parties to implement it effectively;

38. **Also emphasizes** the need to strengthen further the activities of the Office of the High Commissioner for Human Rights in the promotion and realization of the right to development, including by ensuring effective use of the financial and human resources necessary to fulfill its mandate, and calls upon the Secretary-General to provide the Office of the High Commissioner with the necessary resources;

39. **Reaffirms** the request to the High Commissioner for Human Rights, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development among Member States, development agencies and the international development, financial and trade institutions and to reflect those activities in detail in her next report to the Human Rights Council;

40. **Calls upon** the United Nations funds and programs, as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives;

41. **Requests** the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

42. **Also requests** the Secretary-General to submit a report to the General Assembly at its sixty-ninth session and an interim report to the Human Rights Council on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invites the Chair-Rapporteur of the Working Group to present an oral report and to engage in an interactive dialogue with the Assembly at its sixty-ninth session.

**RECORDED VOTE ON RESOLUTION 68/158**

*In favour:* Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Cyprus, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, France, Gabon, Gambia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovenia, Solomon Islands, Somalia, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:* Canada, Israel, United Kingdom, United States.

*Abstaining:* Albania, Australia, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Hungary, Iceland, Japan, Latvia, Lithuania, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Republic of Moldova, Romania, Samoa, Slovakia, Sweden, the former Yugoslav Republic of Macedonia, Ukraine.

**Human rights and international solidarity**

**Reports of Independent Expert.** Pursuant to a Human Rights Council request [YUN 2012, p. 689], the Independent Expert on human rights and international solidarity, Virginia Dandan (Philippines), in March submitted a report [A/HRC/23/45] summarizing her activities and work on a draft declaration on the right of peoples and individuals to international solidarity. She had continued to consolidate information and research materials, closing data gaps where required, in the process of preparing a preliminary text, which she expected to complete by August. Following her workplan, she would solicit input from States, civil society organizations and other stakeholders on the preliminary text and conduct country visits to seek best practices.

In accordance with a Human Rights Council request [YUN 2012, p. 689], the Independent Expert in July submitted a report [A/68/176] covering her activities and providing an introduction to the mandate, including an overview of how the methodology and approach to the mandate had been developed since it was created in 2005. The report summarized many of the elements that would inform the draft declaration.

The General Assembly took note of that report on 18 December (decision 68/536).

**Human Rights Council action.** On 13 June [A/68/53 (res. 23/12)], the Council, by a recorded vote of 32 to 15, with no abstentions, reaffirmed the recognition set forth in the Millennium Declaration [YUN 2000, p. 49] of the fundamental value of solidarity to international relations in stating that global chal-

YUN 2013—3rd proof—6 November 2017
lenges should be managed in a way that distributed costs and burdens fairly, in accordance with the principles of equity and social justice; called on the international community to promote international solidarity and cooperation to help overcome the negative effects of the economic, financial and climate crises; and requested the Independent Expert to report regularly to the General Assembly and to the Council’s twenty-sixth (2014) session.

Democratic and equitable international order

Reports of Independent Expert. Pursuant to a Human Rights Council request [YUN 2012, p. 689], the Independent Expert on the promotion of a democratic and equitable international order, Alfred-Maurice de Zayas (United States), submitted a July report [A/HRC/24/38] covering his activities and addressing the spectrum of issues inherent in the mandate. He concluded that a peaceful and just international order could be achieved when stakeholders collaborated to change paradigms and apply international law uniformly. He recommended that States cooperate to reform the Security Council, so as to expand its membership and give all States greater democratic participation in global decision-making. States should apply international law uniformly and abandon efforts to circumvent obligations stipulated in human rights treaties.

In August, in accordance with General Assembly resolution 67/175 [YUN 2012, p. 689], the Secretary-General transmitted the Independent Expert’s report [A/68/284], which explored constructive initiatives for the promotion of a democratic and equitable international order.

The General Assembly took note of that report on 18 December (decision 68/536).

GENERAL ASSEMBLY ACTION

On 18 December (meeting 70), the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/175 by recorded vote (132-52-6) [agenda item 69 (b)].

Promotion of a democratic and equitable international order

The General Assembly,

Recalling its previous resolutions on the promotion of a democratic and equitable international order, including resolution 67/175 of 20 December 2012, and Human Rights Council resolutions 18/6 of 29 September 2011 and 21/9 of 27 September 2012,

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

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and international law as set forth in Articles 1 and 2 of the Charter and, inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

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

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

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

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

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

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

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

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,
Recognizing that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

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

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

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

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

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

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

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

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

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

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

Resolved to take all measures within its power to secure a democratic and equitable international order,
690  Part Two: Human rights

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

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

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

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

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

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

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

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

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

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

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

13. Takes note of the report of the Independent Expert on the promotion of a democratic and equitable international order;

14. 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 effective fulfillment of the mandate of the Independent Expert;

15. Calls upon all Governments to cooperate with and assist the Independent Expert in his task, to supply all necessary information requested by him and to consider responding favourably to the requests of the Independent Expert to visit their countries to enable him to fulfill his mandate more effectively;

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

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

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

19. Requests the Independent Expert to submit to the General Assembly at its sixty-ninth session an interim report on the implementation of the present resolution and to continue his work;

20. Decides to continue consideration of the matter at its sixty-ninth session under the item entitled “Promotion and protection of human rights”.

RECORDED VOTE ON RESOLUTION 68/175

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, China, Colombia, Comoros, Congo, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique,
Globalization

Report of Secretary-General. In response to General Assembly resolution 67/165 [YUN 2012, p. 692], the Secretary-General in July submitted a report [A/68/177] that summarized the views on globalization and its impact on the full enjoyment of all human rights received from 12 Governments, as well as from the Food and Agriculture Organization of the United Nations, the International Labour Organization, the International Telecommunication Union and the World Meteorological Organization. The report made recommendations on how to address the issue.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/168 by recorded vote (136-55-0) [agenda item 69 (b)].

Globalization and its impact on the full enjoyment of all human rights

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations, and expressing, in particular, the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recalling the Universal Declaration of Human Rights, as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001, the outcome document of the Durban Review Conference, adopted on 24 April 2009, and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, entitled “United against racism, racial discrimination, xenophobia and related intolerance”, of 22 September 2011,

Recalling also the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling further the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling the United Nations Millennium Declaration and the outcome documents of the twenty-third and twenty-fourth special sessions of the General Assembly, held in New York from 5 to 10 June 2000 and in Geneva from 26 June to 1 July 2000, respectively,

Recalling also its resolutions 66/154 of 19 December 2011 and 67/165 of 20 December 2012,

Recalling further Commission on Human Rights resolutions 2005/17 of 1 April 2005 on globalization and its impact on the full enjoyment of all human rights,


Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Realizing that globalization affects all countries differently and makes them more exposed to external developments, positive as well as negative, inter alia, in the field of human rights,

Realizing also that globalization is not merely an economic process, but that it also has social, political, environmental, cultural and legal dimensions, which have an impact on the full enjoyment of all human rights and fundamental freedoms,

Emphasizing the need to fully implement the global partnership for development and enhance the momentum generated by the 2005 World Summit in order to operationalize and implement the commitments made in the outcomes of the major United Nations conferences and summits, including the 2005 World Summit, in the economic, social and related fields, and reaffirming in particular the commitment contained in paragraphs 19 and 47 of the 2005 World Summit Outcome to promote fair globalization and the development of the productive sectors in developing countries to enable them to participate more effectively in and benefit from the process of globalization,

Realizing the need to undertake a thorough, independent and comprehensive assessment of the social, environmental and cultural impact of globalization on societies,

Recognizing in each culture a dignity and value that deserves recognition, respect and preservation, convinced that, in their rich variety and diversity and in the reciprocal influences that they exert on one another, all cultures form
Recognizing also that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

Realizing the need to consider the challenges and opportunities linked to globalization with a view to addressing such challenges and building on possible opportunities in order to achieve the full enjoyment of all human rights,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy,

Expressing grave concern at the negative impact of international financial turmoil on social and economic development and on the full enjoyment of all human rights, particularly in the light of the continuing global financial and economic crisis, which has an adverse impact on the realization of the internationally agreed development goals, particularly the Millennium Development Goals, and recognizing that developing countries are in a more vulnerable situation when facing such impact and that regional economic cooperation and development strategies and programmes can play a role in mitigating such impact,

Expressing deep concern at the negative impact of the continuing global food and energy crises and climate change challenges on social and economic development and on the full enjoyment of all human rights for all,

Recognizing that globalization should be guided by the fundamental principles that underpin the corpus of human rights, such as equity, participation, accountability, non-discrimination at both the national and the international levels, respect for diversity, tolerance and international cooperation and solidarity,

Emphasizing that the existence of widespread extreme poverty inhibits the full realization and effective enjoyment of human rights and that its immediate alleviation and eventual elimination must remain a high priority for the international community,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries is unsustainable and constitutes one of the principal obstacles to achieving sustainable development and poverty eradication and that, for many developing countries, excessive debt servicing has severely constrained their capacity to promote social development and to provide basic services to realize economic, social and cultural rights,

Strongly reiterating the determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including those agreed at the Millennium Summit, described as the Millennium Development Goals, which have helped to galvanize efforts towards poverty eradication,

Gravely concerned at the inadequacy of measures to narrow the widening gap between the developed and the developing countries, and within countries, which has contributed to, inter alia, deepening poverty and has adversely affected the full enjoyment of all human rights, in particular in developing countries, Emphasizing that transnational corporations and other business enterprises have a responsibility to respect all human rights,

Recognizing also that human beings strive for a world that is respectful of human rights and cultural diversity and that, in this regard, they work to ensure that all activities, including those affected by globalization, are consistent with those aims,

1. Recognizes that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

2. Emphasizes that development should be at the centre of the international economic agenda and that coherence between national development strategies and international obligations and commitments is imperative for an enabling environment for development and an inclusive and equitable globalization;

3. Reaffirms that narrowing the gap between rich and poor, both within and between countries, is an explicit goal at the national and international levels, as part of the effort to create an enabling environment for the full enjoyment of all human rights;

4. Also reaffirms the commitment to create an environment at both the national and the global levels that is conducive to development and to the eradication of poverty by, inter alia, promoting good governance within each country and at the international level, eliminating protectionism, enhancing transparency in the financial, monetary and trading systems and committing to an open, equitable, rules-based, predictable and non-discriminatory multilateral trading and financial system;

5. Recognizes the impacts that the global financial and economic crisis is still having on the ability of countries, particularly developing countries, to mobilize resources for development and to address the impact of this crisis, and in this context calls upon all States and the international community to alleviate, in an inclusive and development-oriented manner, any negative impacts of this crisis on the realization and the effective enjoyment of all human rights;

6. Also recognizes that, while globalization offers great opportunities, the fact that its benefits are very unevenly shared and its costs unevenly distributed represents an aspect of the process that affects the full enjoyment of all human rights, in particular in developing countries;

7. Welcomes the report of the United Nations High Commissioner for Human Rights on globalization and its impact on the full enjoyment of human rights, which focuses on the liberalization of agricultural trade and its impact on the realization of the right to development, including the right to food, and takes note of the conclusions and recommendations contained therein;

8. Reaffirms the international commitment to eliminating hunger and to securing food for all, today and tomorrow, and reiterates that the relevant United Nations organizations should be assured that the resources needed to expand and enhance their food assistance and support social safety net programmes designed to address hunger and malnutrition, when appropriate, through the use of local or regional purchase;

9. Calls upon Member States, relevant agencies of the United Nations system, intergovernmental organizations
and civil society to promote inclusive, equitable and environmentally sustainable economic growth for managing globalization so that poverty is systematically reduced and the international development targets are achieved;

10. Recognizes that the responsible operations of transnational corporations and other business enterprises can contribute to the promotion, protection and fulfilment of all human rights and fundamental freedoms, in particular economic, social and cultural rights;

11. Also recognizes that only through broad and sustained efforts, including policies and measures at the global level to create a shared future based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable and have a human face, thus contributing to the full enjoyment of all human rights;

12. Underlines the urgent need to establish an equitable, transparent and democratic international system to strengthen and broaden the participation of developing countries in international economic decision-making and norm-setting;

13. Affirms that globalization is a complex process of structural transformation, with numerous interdisciplinary aspects, which has an impact on the enjoyment of civil, political, economic, social and cultural rights, including the right to development;

14. Also affirms that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that promotes and protects human rights while ensuring respect for the cultural diversity of all;

15. Underlines, therefore, the need to continue to analyse the consequences of globalization for the full enjoyment of all human rights;

16. Takes note of the report of the Secretary-General, and requests him to continue to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the General Assembly at its sixty-ninth session a substantive report on the subject based on those views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights.

RECORDED VOTE ON RESOLUTION 68/168

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Príncipe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States.

Abstaining: None.

Foreign debt

Reports of Independent Expert. In response to a Human Rights Council request [YUN 2011, p. 716], 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, Cephas Lumina (Zambia), in June submitted a report [A/HRC/23/37] that examined two mechanisms that the World Bank and the International Monetary Fund (IMF) had coordinated to address the debt crisis of low-income countries: the Heavily Indebted Poor Countries (HIPC) Initiative and the Multilateral Debt Relief Initiative. As the HIPC Initiative was winding down, the Independent Expert assessed what the two initiatives had achieved in terms of poverty reduction, development and human rights. Concluding that the completion of the HIPC Initiative provided an opportunity to address the shortcomings of the debt relief mechanisms and to devise new strategies that fully addressed the underlying causes of the debt crisis, including through human rights-based debt relief strategies, he made recommendations for consideration by the international community to help deliver an equitable and durable solution to the crisis.

Pursuant to a Human Rights Council request [YUN 2011, p. 716], the Independent Expert in October submitted a report [A/68/542] that focused on the post-2015 global partnership for development. He concluded that the current partnership was characterized by several weaknesses, including lack of alignment with the international human rights framework; lack of clear, quantitative and time-bound targets and indicators; and significant accountability deficits, which had impeded its achievement. Implementing a human rights-based approach could help to assure a more inclusive, equitable and sustainable post-2015 global development framework and an effective partnership based on international cooperation and solidarity.
The Independent Expert provided recommendations regarding the issues that should be addressed in the new global partnership for development.

The General Assembly took note of that report on 18 December (decision 68/536).

Mission reports. Following his mission to Greece (22–27 April) [A/HRC/25/50/Add.1], the Independent Expert said that since 2010 the Government had implemented an economic adjustment programme as a condition for securing a financing package of €240 billion from the IMF, the European Commission and the European Central Bank. The programme consisted of stringent policy measures that entailed deep public spending cuts, public sector job cuts, tax increases, the privatization of public enterprises and structural reforms to reduce the country’s fiscal deficit and debt. Nevertheless, the measures had pushed the economy into recession and undermined the enjoyment of human rights. The Independent Expert recommended that the Government implement its international financial obligations, including those under the adjustment programme, without resorting to further public spending cuts and other austerity measures; and preserve sufficient resources to utilize its “maximum available resources” for the realization of the minimum essential levels of economic and social rights.

Following his visit to Japan (16–19 July) [A/HRC/25/50/Add.2], the Independent Expert said that the country’s commendable international development cooperation programme could be strengthened by integrating a human rights-based approach. That would require the incorporation of human rights into the formulation, implementation and monitoring of development assistance policies and programmes, as well as a focus on addressing the root causes of poverty, insecurity and underdevelopment. The Independent Expert’s recommendations focused on putting human rights at the core of Japan’s development cooperation programme.

Following his visit to Argentina (18–29 November) [A/HRC/25/50/Add.3], the Independent Expert said that much of the country’s debt was incurred in questionable circumstances, particularly during military rule (1976–1983), and could therefore be considered odious. During that period, banks, international financial institutions and other countries continued to lend to Argentina, indirectly supporting an illegitimate government engaged in the repression and disappearance of its opponents. It was important for those who lent to the military dictatorship to accept their share of responsibility and take steps to cancel that questionable debt. He recommended that Argentina conduct a transparent debt audit, which would help promote accountability in public debt management and could usefully inform the State’s future borrowing decisions, as well as its debt strategy, expenditure on development and the realization of human rights.

Human Rights Council action. On 13 June [A/68/53 (res. 23/11)], by a recorded vote of 30 to 15, with 2 abstentions, the Council called for effective and equitable mechanisms to cancel or reduce the foreign debt burden of developing countries; and urged the international community to implement the pledges, commitments, agreements and decisions of major UN conferences and summits relating to the external debt problem of developing countries. It also requested the Independent Expert to report to the General Assembly on the issue of the effects of foreign debt, and to submit a report on the implementation of the present resolution containing the commentary to the guiding principles on foreign debt and human rights to the Council’s twenty-fifth (2014) session.

Non-repatriation of funds of illicit origin

In response to a Human Rights Council request [YUN 2012, p. 699], the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, in February submitted an interim report [A/HRC/22/42 & Corr.1] containing a study on the negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights, with special attention paid to developing countries and countries with economies in transition burdened by foreign debt. He indicated that illicit financial flows—generated from crime, corruption, embezzlement and tax evasion —were a major drain on developing countries, reducing tax revenues and investment inflows, hindering development, exacerbating poverty and undermining the enjoyment of human rights. It was estimated that, on average, developing countries had lost between $783 and $1,138 billion in illicit financial outflows in 2010. Many of the countries affected by such outflows were burdened with heavy external debts. Curtailing such outflows and ensuring the repatriation of illicit funds could increase the resources available for development and poverty alleviation, also easing the external debt burdens of the countries of origin. The Independent Expert concluded that in order to develop effective strategies to tackle the problem, it was important to understand the methods and channels of illicit financial flows, from which countries such funds originated and where they were held, as well as existing legal instruments and other initiatives designed to curb those flows. The interim report provided an overview of those issues; the final report would discuss the impact of non-repatriation of funds on development and offer recommendations on strategies to combat illicit financial flows.

Human Rights Council action. On 21 March [A/68/53 (res. 22/12)], the Council, by a recorded vote of 32 to 2, with 13 abstentions, took note of the interim report and requested the Independent Expert to pre-
sent his study to the Council’s twenty-fifth (2014) session. It called on States requested to repatriate funds of illicit origin to achieve the repatriation of those funds to the countries of origin. The Council called on States requesting the repatriation of funds of illicit origin and to make the fight against corruption a priority and to curb the illicit transfer of funds.

Transnational corporations

Working Group activities. Pursuant to a Human Rights Council request [YUN 2011, p. 717], the Working Group on the issue of human rights and transnational corporations and other business enterprises in March submitted a report [A/HRC/23/32], which outlined new developments, including the deeper alignment between global governance frameworks and the Guiding Principles on Business and Human Rights [YUN 2011, p. 716], the call by the Human Rights Council for the UN system to integrate the business and human rights agenda into its work, and the need for the post-2015 framework to integrate the Guiding Principles. The Working Group noted the growing interest and demand for support in implementing the Guiding Principles, as well as the continuing existence of situations of concern with regard to the adverse impact on human rights of business activities. It described the results from surveys of States and business enterprises, and outlined priorities for action and recommendations for States, business enterprises, the UN system, intergovernmental organizations and other stakeholders.

An addendum [A/HRC/23/32/Add.2] provided the results of two pilot surveys on the uptake and implementation of the Guiding Principles: one of States and one of corporatons. A total of 26 States had responded to the State survey. The responses indicated that Governments were still in the initial stage of implementing the Guiding Principles and that identifying key entry points for integrating the Guiding Principles into due diligence requirements for business was likely to mark the next stage of implementation. A total of 117 individuals from the business sector had completed the pilot corporate online survey. The results indicated that companies were considering and working to address human rights with reference to the Guiding Principles. Efforts were focused on developing human rights policy commitments, finding the right tools to identify, assess and address adverse human rights impact, communicating with stakeholders and updating complaints offices.

Pursuant to a Human Rights Council request [YUN 2011, p. 717], the Secretary-General in August transmitted the Working Group’s report [A/68/279], which explored the challenges faced in addressing the adverse impacts of business-related activities on the rights of indigenous peoples, and how the Guiding Principles could bring clarity to the roles and responsibilities of States, business enterprises and indigenous peoples. The report identified challenges with regard to the State duty to protect against business-related human rights abuses, the corporate responsibility to respect human rights and the corresponding obligations relating to access to effective remedy. The Working Group made recommendations to States, business enterprises and indigenous peoples for putting into practice the Guiding Principles with regard to indigenous rights.

The General Assembly took note of that report on 18 December (decision 68/536).

The Working Group convened an expert workshop entitled “Business Impacts and Non-judicial Access to Remedy: Emerging Global Experience” (Toronto, Canada, 29–30 April) [A/HRC/26/25/Add.3] to explore emerging global experiences from States, businesses and other stakeholders on non-judicial grievance mechanisms and access to effective remedy. The meeting was also designed to illustrate the different types of practice in the field in order to promote convergence in the way that the Guiding Principles were implemented and understood.

Following its decision to make regional forums an integral part of its working methods with a view to increase the number of persons, victims, civil society actors, businesses, Governments and regional organizations actively involved in the uptake of the Guiding Principles, the Working Group convened the First Latin America and Caribbean Regional Forum on Business and Human Rights (Medellin, Colombia, 28–29 August) [A/HRC/26/25/Add.2].

In 2013, the Working Group transmitted reports on the outcome of its fourth (11–15 February) [A/HRC/WG.12/4/1], fifth (17–21 June) [A/HRC/WG.12/5/1] and sixth (25–29 November) [A/HRC/WG.12/6/1] sessions all held in Geneva.

Mission reports. Following its visit to the United States (22 April–1 May) [A/HRC/26/25/Add.4], the Working Group reported that it had focused on implementation by the federal Government of the Guiding Principles; issues relating to respect for internationally recognised labour standards; issues relating to indigenous peoples in the context of business activities; and challenges, gaps, opportunities and good practice in implementing the Guiding Principles for businesses operating in the extractive, finance and information and communications technology sectors. The Working Group made recommendations related to those issues.

Following its visit to Ghana (8–17 July) [A/HRC/26/25/Add.5], the Working Group found that the fast pace of economic growth necessitated strengthening institutions to oversee business activities; in particular, there was a need to improve the capacity of the judiciary and the agencies tasked with monitoring compliance with regulations and legislation. The Working Group
also found challenges in relation to legacy issues in the mining sector, child labour in the informal sector and in the cocoa supply chain, and access to land and resettlement. Consultation with affected communities and access to information by those communities were central issues across sectors.

**Forum on Business and Human Rights.** The second annual United Nations Forum on Business and Human Rights (Geneva, 2–4 December) [A/HRC/FBHR/2013/4] gathered an estimated 1,500 participants from more than 110 countries. Issues included, among others, implementation of the Guiding Principles on Business and Human rights; challenges of human rights defenders facing adverse impacts linked to business operations; effective judicial remedies; human rights in the digital domain; impacts of business operations on human rights in specific sectors and on particular groups, such as indigenous peoples; trafficking in persons in business; public finance; and key issues for 2014. Joseph Stiglitz, recipient of the 2001 Nobel Prize in Economics, made a keynote address.

**Human Rights Council action.** On 27 September [A/68/53/Add.1 (dec. 24/118)], the Council requested the Secretary-General to establish a special fund for the participation of civil society and other stakeholders in the Social Forum, the Forum on Minority Issues and the Forum on Business and Human Rights, to be administered by OHCHR.

**Unilateral coercive measures**

**Report of High Commissioner.** In accordance with a Human Rights Council request [YUN 2012, p. 696], OHCHR submitted a June report [A/HRC/24/20] on the workshop on the impact of the application of unilateral coercive measures on the enjoyment of human rights by the affected populations in the States targeted (Geneva, 5 April). Participants proposed options such as drawing up guidelines to prevent, minimize and redress the adverse impact of unilateral coercive measures on human rights; and setting up a working group or a special procedure to deal with the issue.

**Report of Secretary-General.** In accordance with General Assembly resolution 67/170 [YUN 2012, p. 697], the Secretary-General in July submitted a report [A/68/211] that summarized submissions received from 10 Governments (Belarus, Brazil, Colombia, Ecuador, Egypt, Iraq, Jordan, Lebanon, Sudan, Syrian Arab Republic) on the impact of unilateral coercive measures on their populations.

**Human Rights Council action.** On 27 September [A/68/53/Add.1 (res. 24/14)], the Council, by a recorded vote of 31 to 15, with 1 abstention, called on States to stop adopting, maintaining or implementing unilateral coercive measures not in accordance with international law, in particular those with extraterritorial effects. It requested the Human Rights Council Advisory Committee to prepare a report with recommendations on mechanisms to assess the negative impact of unilateral coercive measures on the enjoyment of human rights and to promote accountability, and to present a progress report to the Council’s twenty-eighth (2015) session. It requested OHCHR to organize a workshop on the issue and to report on the workshop at the Council’s twenty-seventh (2014) session.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/162 by recorded vote (135-55-0) [agenda item 69 (a)].

**Human rights and unilateral coercive measures**

**The General Assembly.**

Recalling all its previous resolutions on this subject, the most recent of which was resolution 67/170 of 20 December 2012, and Human Rights Council decision 18/120 of 30 September 2011 and resolution 24/14 of 27 September 2013, as well as previous resolutions of the Council and the Commission on Human Rights.

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281(XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report of the Secretary-General submitted pursuant to General Assembly resolution 67/170, and recalling the reports of the Secretary-General on the implementation of Assembly resolutions 52/120 of 12 December 1997 and 55/110 of 4 December 2000,

Stressing that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and in this regard reaffirming the right to development as an integral part of all human rights,

Recalling the Final Document of the Sixteenth Ministerial Conference and Commemorative Meeting of the Movement of Non-Aligned Countries, held in Bali, Indonesia, from 23 to 27 May 2011, the Final Document of the Sixteenth Conference of Heads of State or Government of Non-Aligned Countries, held in Tehran from 26 to 31 August 2012, and those adopted at previous summits and conferences, in which States members of the Movement agreed to oppose and condemn those measures or laws and their continued application, persevere with efforts to effectively reverse them and urge other States to do likewise, as called for by the General Assembly and other United Nations organs, and request States applying those measures or laws to revoke them fully and immediately,

Recalling also that, at the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, States were called upon to refrain from any unilateral measure not in...
accordance with international law and the Charter that creates obstacles to trade relations among States and impedes the full realization of all human rights and also severely threatens the freedom of trade.

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development adopted by the World Summit for Social Development on 12 March 1995, the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995, the Istanbul Declaration on Human Settlements and the Habitat Agenda adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996, and in their five-year reviews,

Expressing concern about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

Expressing grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities.

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly, the Human Rights Council, the Commission on Human Rights and recent major United Nations conferences, and contrary to general international law and the Charter, unilateral coercive measures continue to be promulgated and implemented, with all their negative implications for the social, humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Reaffirming that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,

Recalling article 1, paragraph 2, common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which provides, inter alia, that in no case may a people be deprived of its own means of subsistence,

Noting the continuing efforts of the open-ended Working Group on the Right to Development of the Human Rights Council, and reaffirming in particular its criteria, according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,

1. Urges all States to cease adopting or implementing any unilateral measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature, with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Strongly urges States to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter that impede the full achievement of economic and social development, particularly in developing countries;

3. Urges all States not to adopt any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for his or her health and well-being, and his or her right to food, medical care and education and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

4. Strongly objects to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States, and in this context calls upon all Member States neither to recognize those measures nor to apply them, as well as to take administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

5. Condemns the continuing unilateral application and enforcement by certain Powers of unilateral coercive measures, and rejects those measures, with all their extraterritorial effects, as being tools for political or economic pressure against any country, in particular against developing countries, adopted with a view to preventing those countries from exercising their right to decide, of their own free will, their own political, economic and social systems, and because of the negative effects of those measures on the realization of all the human rights of vast sectors of their populations, in particular children, women, the elderly and persons with disabilities;

6. Expresses grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities;

7. Reaffirms that essential goods such as food and medicines should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

8. Calls upon Member States that have initiated such measures to abide by the principles of international law, the Charter, the declarations of the United Nations and world conferences and relevant resolutions and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by revoking such measures at the earliest possible time;

9. Reaffirms, in this context, the right of all peoples to self-determination, by virtue of which they freely determine
their political status and freely pursue their economic, social and cultural development;

10. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625(XXV) of 24 October 1970, and the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the Assembly in its resolution 3281(XXIX), in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

11. *Rejects* all attempts to introduce unilateral coercive measures, and urges the Human Rights Council to take fully into account the negative impact of those measures, including through the enactment of national laws and their extraterritorial application which are not in conformity with international law, in its task concerning the implementation of the right to development;

12. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in her annual report to the General Assembly;

13. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development, and in this regard calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of national laws that run counter to the principles of free trade and hamper the development of developing countries, as recognized by the Working Group on the Right to Development of the Human Rights Council;

14. *Recognizes* that, in the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva from 10 to 12 December 2003, States were strongly urged to avoid and refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations in building the information society;

15. *Welcomes* the increased attention paid by the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights to the negative impact of the application of unilateral coercive measures, and invites the Council to continue to explore ways to address this issue;

16. *Reiterates its support* for the invitation of the Human Rights Council to all special rapporteurs and existing thematic mechanisms of the Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

17. *Reaffirms* the request of the Human Rights Council that the Office of the United Nations High Commissioner for Human Rights organize a workshop on the impact of the application of unilateral coercive measures on the enjoyment of human rights by the affected populations, in particular their socioeconomic impact on women and children, in the States targeted;

18. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an in-depth and comprehensive report on the negative impacts of unilateral coercive measures on the full enjoyment of human rights to the General Assembly at its sixty-ninth session, while reiterating once again the need to highlight the practical and preventive measures in this respect;

19. *Decides* to examine the question on a priority basis at its sixty-ninth session, under the sub-item entitled “Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms”, of the item entitled “Promotion and protection of human rights”.

**RECORDED VOTE ON RESOLUTION 68/162**

*In favour:* Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Eswatini, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

*Against:* Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States.

*Abstaining:* None.

**Social Forum**

**Social Forum session.** The Social Forum, an annual three-day meeting convened by the Human Rights Council, was not held in 2013.

On the same date [dec. 24/118], the Council requested the Secretary-General to establish a special fund for the participation of civil society and other stakeholders in the Social Forum, the Forum on Minority Issues and the Forum on Business and Human Rights, to be administered by OHCHR.

Extreme poverty

Reports of Special Rapporteur. As requested by the Human Rights Council [YUN 2011, p. 720], the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona (Chile), in March submitted a report [A/HRC/23/36] focusing on the right to participation of people living in poverty. She presented the human rights approach to participation and a human-rights-based framework for including people living in poverty in the design, implementation and evaluation of policies and programmes. She recommended that States adopt such legal framework and allocate sufficient resources to support the participation of people living in poverty in any decision-making process that affected their rights.

In accordance with a Human Rights Council request [YUN 2011, p. 720], the Secretary-General in August transmitted the Special Rapporteur’s report [A/68/293], which assessed a major human rights issue—unpaid care work. Focusing on women caregivers, particularly those living in poverty, the Rapporteur stated that heavy and unequal care responsibilities were a major barrier to women’s enjoyment of human rights. She recommended that States recognize, value, reduce and redistribute unpaid care work. State policies should position care as a social and collective responsibility, in particular by improving women’s access to public services, care services and infrastructure.

The General Assembly took note of that report on 18 December (decision 68/536).

Mission reports. Following her visit to Mozambique (8–16 April) [A/HRC/26/28/Add.1], the Special Rapporteur expressed concern that the benefits stemming from economic growth had not been widely shared, with large sectors of the population continuing to live below the poverty line. The increasing income gap between the rich and the poor, the lack of implementation of legislation and poverty reduction policies and the lingering risk of corruption might threaten stability. The Rapporteur recommended implementing policies and programmes that enabled those living in extreme poverty to enjoy their human rights on an equal basis with the rest of the population.

Following her visit to the Republic of Moldova (8–14 September) [A/HRC/26/28/Add.2], the Special Rapporteur expressed concern at the widening gap between urban and rural areas, the disproportionate vulnerability of certain groups, as well as obstacles to poverty reduction, such as corruption and gaps in policy implementation. She recommended that the country establish an independent national human rights institution and ensure that the right to social security was established by law, supported by a long-term strategy and reinforced by a long-term institutional framework.

In May [A/HRC/23/36/Add.3], Namibia submitted its comments on the Special Rapporteur’s report on her 2012 visit to the country [YUN 2012, p. 700].

Right to food

Reports of Special Rapporteur. In accordance with a Human Rights Council request [YUN 2010, p. 737], the Special Rapporteur on the right to food, Olivier De Schutter (Belgium), submitted a report [A/HRC/22/50 & Corr.1], which discussed the threats to women’s right to food, and examined the obstacles women faced in access to employment, social protection and the productive resources needed for food production, food processing and value chain development. The Rapporteur recommended that States remove discriminatory provisions in the law and combat discrimination stemming from social and cultural norms. States should make the investments required to relieve women of the burden of the household chores, recognize the need to accommodate the time and mobility constraints on women as a result of their role in the “care economy”, and adopt strategies that moved towards full equality for women.

In accordance with General Assembly resolution 67/174 [YUN 2012, p. 704], the Secretary-General in August transmitted the Special Rapporteur’s interim report [A/68/288] outlining the contours of an emerging global right to food movement—across different components of society and across regions—focused over the past 10 years on the practical aspects of realizing the right to adequate food through legal, policy and institutional frameworks. The report took stock of progress made, highlighting emerging best practices and the role of Governments, Parliaments, courts, national human rights institutions, civil society organizations and social movements. A growing number of national right to food framework laws combined with rights-based national strategies sought to coordinate efforts, improve accountability and enable the participation of civil society and those affected by hunger and malnutrition in decision-making and the monitoring of results. Social protection systems were being redefined in terms of rights, moving away from the conception...
of social benefits as charitable handouts. Courts and other grievance redress mechanisms, such as social audits, were playing an instrumental role in bringing about that change. The Rapporteur concluded that the emergence of a global right to food movement represented an opportunity to move towards policies that were designed in a more participatory manner and were, therefore, better informed and reached all intended beneficiaries. She made recommendations on steps to take to make effective and sustainable progress in the fight against hunger and malnutrition.

**Mission reports.** Following his visit to Malawi (12–22 July) [A/HRC/25/57/Add.1], the Special Rapporteur outlined the state of food and nutrition insecurity in the country, characterized by chronic malnutrition among half of children under the age of five; significant disparities between regions, and urban and rural areas; and recurrent need for food aid in response to acute food insecurity during the lean season. He recommended that the Government establish a framework law on the right to food; strengthen the integration of a gender perspective into food and nutrition security strategies and programmes; and reform agricultural input support programmes, in particular the Farm Input Subsidy Programme, aimed at supporting smallholder farmers and addressing food insecurity.

Following his visit to Malaysia (9–19 December) [A/HRC/25/57/Add.2], the Special Rapporteur noted the impressive achievements made in reducing poverty and food insecurity, and examined the existing legal, institutional and policy framework. He outlined what he saw as the main steps the country should take towards the full realization of the right to food, which included moving towards agrifood policies that were more resilient and more sustainable; improving living conditions, building on the introduction of a minimum wage for the working poor; strengthening social protection by moving from ad hoc schemes to the guarantee of legal entitlements; addressing obstacles faced by vulnerable communities; and tackling new challenges related to unhealthy diets.

**Human Rights Council action.** On 21 March [A/68/53 (res. 22/9)], the Council called on States, multilateral institutions and other stakeholders to ensure the realization of the right to food as an essential human rights objective, and to review any policy or measure that could have a negative impact on the realization of that right. The Council extended the mandate of the Special Rapporteur for a three-year period; and requested the Rapporteur to report on implementation of the resolution at the Council’s twenty-fifth (2014) session.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/177 without vote [agenda item 69 (b)].

**The right to food**

*The General Assembly,*

**Reaffirming** the Charter of the United Nations and its importance for the promotion and protection of all human rights and fundamental freedoms for all,

**Reaffirming also** all previous resolutions and decisions on the right to food adopted within the framework of the United Nations,

**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, in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015,

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

**Bearing in mind** the Rome Declaration on World Food Security and the World Food Summit Plan of Action and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,

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

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

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

**Reiterating** as set out in the Rome Declaration on World Food Security and the Declaration of the World Food Summit, 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 and that endanger food and nutrition security,

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

**Recognizing** that the complex character of the global food crisis, in which the right to adequate food is threat-
Chapter II: Protection of human rights

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

4. Expresses its 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 least developed countries;

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

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

7. Encourages all States to take action to address gender inequality and discrimination against women, in particular where they contribute 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 resources, including income, land and water and their ownership and agricultural inputs, as well as full and equal access to health care, education, science and technology, to enable them to feed themselves and their families, and in this regard stresses the need to empower women and strengthen their role in decision-making;

8. Encourages the Special Rapporteur of the Human Rights Council on the right to food to continue mainstreaming 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 addressing the right to food and food insecurity to integrate a gender perspective into their relevant policies, programmes and activities;

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

10. Calls upon all States and, if appropriate, relevant international organizations to take measures and support programmes which are aimed at combating undernutrition in mothers, in particular during pregnancy, and children and the irreversible effects of chronic undernutrition in early childhood, in particular from birth to the age of 2 years;

11. Encourages all States to take steps with a view to progressively achieving the full realization of the right to food, including 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 to create and adopt national plans to combat hunger;

12. Recognizes the advances reached 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;

13. Stresses that improving access to productive resources and public investment in rural development are essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments, including private investments, in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts;

14. Recognizes the critical contribution made by the fisheries sector to the realization of the right to food and to food security and the contribution of small-scale fishers to the local food security of coastal communities;

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

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

17. Urges States that have not yet done so to favourably consider becoming parties to the Convention on Biological Diversity and to consider becoming parties to the International Treaty on Plant Genetic Resources for Food and Agriculture as a matter of priority;

18. Recalls the United Nations Declaration on the Rights of Indigenous Peoples, acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concerns over the obstacles and challenges they face in achieving 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;

19. Notes the need to further examine various concepts such as, inter alia, “food sovereignty” and their relation with food security and the right to food, bearing in mind the need to avoid any negative impact on the enjoyment of the right to food for all people at all times;

20. Requests all States and private actors, as well as 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 the ongoing negotiations in different fields;

21. Recognizes the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with the 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;

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

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 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 that permit the full realization of the right to food;

25. Stresses that all States should make all efforts 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. 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, as well as non-communicable diseases;

27. Recognizes that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in this regard, and once again invites all international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

28. 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 communicable diseases;

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

30. Stresses the importance of international cooperation and development assistance as an effective contribution both to the expansion and improvement of agriculture and its environmental sustainability, food production, breeding
projects on diversity of crops and livestock and institutional innovations such as community seed banks, farmer field schools and seed fairs and to the provision of humanitarian food assistance in activities related 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;

31. \emph{Also stresses} that States parties to the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights should consider implementing that agreement in a manner that is supportive of food security, while being mindful of the obligation of Member States to promote and protect the right to food;

32. \emph{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 different regions, and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including Southern Africa;

33. \emph{Invites} all relevant international organizations, including the World Bank and the International Monetary Fund, to continue to promote 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 fulfillment 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. \emph{Takes note with appreciation} of the interim report of the Special Rapporteur;

35. \emph{Supports} the realization of the mandate of the Special Rapporteur, as extended by the Human Rights Council in its resolution 13/4 of 24 March 2010;

36. \emph{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 effective fulfillment of the mandate of the Special Rapporteur;

37. \emph{Welcomes} the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfillment of other human rights enshrined in the International Bill of Human Rights and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfillment of all human rights for all;

38. \emph{Recalls} general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable access to water resources for human consumption and agriculture in realization of the right to adequate food;

39. \emph{Reaffirms} that 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, represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration, and looks forward to the holding of a meeting for a 10-year retrospective on progress made in implementing the Voluntary Guidelines to mark the tenth anniversary of their adoption, at the forty-first session of the Committee on World Food Security, to be held in October 2014;

40. \emph{Calls upon} all Governments to cooperate with and assist the Special Rapporteur in his task, to supply 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 fulfill his mandate more effectively;

41. \emph{Requests} the Special Rapporteur to submit to the General Assembly at its sixty-ninth session an interim report on the implementation of the present 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;

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

43. \emph{Decides} to continue the consideration of the question at its sixty-ninth session under the item entitled “Promotion and protection of human rights”.

\section*{Rights of peasants and other rural area workers}

\textbf{Working Group activities.} The open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas, established by the Human Rights Council in 2012 \cite{YUN2012}, held its first session (Geneva, 15–19 July) \cite{A/HRC/26/48}, which held panel discussions on the importance of peasants, including their positive contribution to food security, the fight against climate change and the conservation of biodiversity; the situation of human rights in rural areas, in particular in terms of discrimination, poverty and hunger; and the need for a UN declaration on the rights of peasants and other people working in rural areas. Following the discussions, and acknowledging the differences of view on the way forward, the Chairperson-Rapporteur recommended: that a second session of the working group be held in 2014; that the Chairperson-Rapporteur hold informal consultations with Governments, regional groups, intergovernmental organizations, UN mechanisms, civil society and representatives of peasants and other people working in rural areas, as well as other stakeholders, before
the second session of the working group; and that the Chair be entrusted with preparing a new text on the basis of the discussions held during the first session and on the basis of the informal consultations, to be presented to the working group at its second session.

**Right to adequate housing**

**Reports of Special Rapporteur.** As requested by the Human Rights Council [YUN 2010, p. 741], 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, Raquel Rolnik (Brazil), submitted a report [A/HRC/22/46] on the concept of security of tenure as a component of the right to adequate housing. A global tenure insecurity crisis was manifesting itself in many forms and contexts—forced evictions, displacement resulting from development, natural disasters and conflicts and land grabbing—and was evident in the millions of urban dwellers living under insecure tenure arrangements. The Rapporteur raised questions regarding State obligations with respect to ensuring security of tenure, and underscored the need for more specific and comprehensive human rights and operational guidance on security of tenure.

As requested by the Human Rights Council [YUN 2010, p. 741], the Secretary-General in August transmitted to the Assembly the Special Rapporteur’s report [A/68/289], which analysed two alternative housing policies—rental and collective housing—that could play a key role in promoting the right to adequate housing for those living in poverty. She called for a paradigm shift from the facilitation of access to credit for home ownership to a human rights-based approach, and recommended that States promote various forms of tenure, including private and public rental and collective tenure.

The General Assembly took note of that report on 18 December (decision 68/536).

**Mission reports.** Following her mission to Indonesia (31 May–11 June) [A/HRC/25/54/Add.1], the Special Rapporteur recommended that the Government adopt a national housing strategy, which should focus on the needs of those who faced difficulties in accessing adequate housing through market mechanisms and should promote a variety of tenure forms, as well as homeownership. One of the main tasks of the strategy should be to clarify and facilitate the responsibility of and coordination between the various government ministries, provincial and local governments and other stakeholders involved in the housing and land sectors.

Following her visit to the United Kingdom (29 August–11 September) [A/HRC/25/54/Add.2], the Special Rapporteur explored the combination of housing, land and planning policies with housing benefits in the welfare system that had been central to the provision of adequate housing. She raised concerns about the erosion, in recent years, of those policies and its impact on specific population groups. She recommended that the Government and local administrations assess the overall costs of the implementation of some reforms might outweigh the savings intended; and consider alternative avenues to achieve similar objectives without affecting the poorest or most vulnerable.

**Human Rights Council action.** On 26 September [A/68/53/Add.1 (dec. 24/115)], the Council, in an effort to synchronize schedules for resolutions, mandates and presentation of reports by the special procedures, postponed the renewal of the mandate of the Special Rapporteur to its twenty-fifth (2014) session, and, for that reason, extended, on an exceptional basis, the Rapporteur’s mandate until that session.

**Right to health**

**Reports of Special Rapporteur.** As requested by the Human Rights Council [YUN 2010, p. 742], the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover (India), in May submitted a report [A/HRC/23/41] that focused on the private and public rental and collective housing—that could play a key role in promoting the right to adequate housing for those living in poverty. She called for a paradigm shift from the facilitation of access to credit for home ownership to a human rights-based approach, and recommended that States promote various forms of tenure, including private and public rental and collective tenure.

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Pursuant to a Human Rights Council request [YUN 2011, p. 728], the Special Rapporteur in May submitted a report [A/HRC/23/42] that analysed challenges and good practices with respect to access to medicines in the context of the right to health framework. Full
realization of access to medicines required the fulfilment of key elements of availability, accessibility, acceptability and quality. The Rapporteur examined issues such as local production of medicines, price regulations, medicines lists, procurement, distribution, and rational and appropriate use and quality of medicines. He made recommendations for promoting access to medicines, calling on States to shift from the dominant market-oriented perspectives on access to medicines towards a right to health paradigm in promoting access to medicines.

In accordance with a Human Rights Council request [YUN 2010, p. 742], the Secretary-General in August transmitted to the Assembly a report [A/68/297] which considered the right to health obligations of States and non-State actors towards persons affected by conflict situations, including internal disturbances, protests, riots, civil strife and unrest, occupied territories and territories with a constant military presence. The Rapporteur outlined State obligations, international obligations of entities other than the primary State and responsibilities of non-State armed groups. He urged States involved in conflict situations to make resources available, including through humanitarian assistance, to fulfil their obligations. He urged non-State armed groups to respect norms of international human rights and humanitarian law, including those related to the right to health.

The General Assembly took note of that report on 18 December (decision 68/536).


Human Rights Council action. On 13 June [A/68/53 (res. 23/14)], the Council, by a recorded vote of 31 to 0, with 16 abstentions, urged States to implement national health frameworks that ensured access for all to medicines that were affordable, safe, efficacious and of quality; to develop a policy framework on medicines, including local production of medicines, with the aim of ensuring long-term accessibility and affordability; and to adopt regulations with a view to providing access of the population, and particularly individuals in vulnerable situations, to affordable medicines.

On 26 September [A/68/53/Add.1 (res. 24/6)], the Council extended the mandate of the Special Rapporteur for a three-year period and requested the Rapporteur to submit an annual report to the Council and to the Assembly.

Human rights and albinism

Human Rights Council action. On 13 June [A/68/53 (res. 23/13)], the Council urged States to ensure the protection of persons with albinism and their family members, and also ensure accountability by investigating attacks against those persons and bringing those responsible to justice. It requested OHCHR to submit a preliminary report on attacks and discrimination against persons with albinism to the Council's twenty-fourth (2014) session.

OHCHR report. In response to Council resolution 23/13 (see above), OHCHR in September issued a preliminary report [A/HRC/24/57] on the attacks and discrimination against persons with albinism, which stated that in some communities, erroneous beliefs, myths and superstition put the security and life of those persons at risk. OHCHR had received information from various countries on cases of killings and dismembering of persons with albinism for ritual purposes, as well as on the multiple forms of discrimination those persons faced worldwide. States should protect the rights to life and security of persons with albinism, as well as their right not to be subject to torture and ill-treatment, and ensure their access to health care, employment, education and justice.


Water and sanitation

Reports of Special Rapporteur. In accordance with a Human Rights Council request [YUN 2012, p. 711], the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque (Portugal), in July submitted a report [A/HRC/24/44] that focused on sustainability in the realization of the human rights to water and sanitation. She highlighted challenges to sustainability and particularly aggravated risks in times of economic and financial crisis, and how the common approaches of States to water and sanitation often failed to incorporate sustainability. The Rapporteur explained how the normative content and principles of the human rights to water and sanitation contributed to ensuring sustainability, and how policies and programmes developed accordingly would stand the test of time. She recommended that States undertake planning to achieve long-term universal coverage, including in instances where the private sector, donors and NGOs were involved in service provision.

In accordance with a Human Rights Council request [YUN 2011, p. 730], the Secretary-General in August transmitted to the General Assembly the Special Rapporteur's report [A/68/264] that stressed the need to introduce the human rights framework into policies and practice for managing wastewater and controlling
pollution. Integrating human rights into wastewater management and water pollution control would address challenges in legislative, regulatory and institutional frameworks. The Rapporteur recommended that States develop a holistic approach to curbing pollution and improving water quality: an approach that addressed the different sources of contamination, including sewage, sludge and septage; that covered all sectors, including households, agriculture and industry; and that combined prevention, management and reuse.

**Mission reports.** Following her visit to Thailand (1–8 February) [A/HRC/24/44/Add.3], the Special Rapporteur noted that the country had made enormous achievements in the last decades to ensure access to water and sanitation, particularly in the challenging area of basic rural sanitation. She also noted contrasts in access to safe drinking water and sanitation between those who had benefited from the rapid development of the country and those who had been left behind. Other challenges included water quality; safe management, disposal and treatment of wastewater; and treatment of sewage from septic tanks. She encouraged the Government to revisit the situation from a human rights point of view, to take vigorous measures to address and mitigate pollution, to bring transparency to the licensing of industries, and to enhance accountability for those who violated the law.

Following her mission to Brazil (9–19 December) [A/HRC/27/55/Add.1], the Special Rapporteur noted that despite major advances in the legal and institutional frameworks, political will at the federal level and investments in the sector, millions of people continued to live in unhealthy environments without access to water and sanitation. The groups most affected were those living in informal urban settlements and in rural areas, the poorest and those who belonged to minorities. The Rapporteur encouraged the Government to revisit the situation from a human rights perspective, to prioritize the most marginalized and to eliminate inequalities in access.

**Human Rights Council action.** On 27 September [A/68/53/Add.1 (res. 24/18)], the Council noted the discussion on water and sanitation at the third session of the Open Working Group on Sustainable Development Goals in May (see p. 780); called on States to integrate the human right to safe drinking water and sanitation into the post-2015 development agenda; extended the mandate of the Special Rapporteur for a three-year period; and requested the Rapporteur to continue to report annually to the Council and to the General Assembly.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/157 without vote [agenda item 69 (b)].

The human right to safe drinking water and sanitation

**The General Assembly,**

Recalling its resolution 64/292 of 28 July 2010, in which it recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights,

Reaffirming the previous resolutions of the Human Rights Council regarding the human right to safe drinking water and sanitation, inter alia, Council resolution 24/18 of 27 September 2013,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Reaffirming its commitments to human rights as expressed in its resolution 55/2 of 8 September 2000, entitled “United Nations Millennium Declaration”, and its follow-up resolutions 60/1 of 16 September 2005, entitled “2005 World Summit Outcome”, and 65/1 of 22 September 2010, entitled “Keeping the promise: united to achieve the Millennium Development Goals”,

Reaffirming also its resolutions 58/217 of 23 December 2003, by which it proclaimed the period from 2005 to 2015 the International Decade for Action, “Water for Life”, and 65/154 of 20 December 2010, by which it declared 2013 the International Year of Water Cooperation,

Recalling the Rio Declaration on Environment and Development of June 1992 and its resolution 66/288 of 27 July 2012, entitled “The future we want”, and emphasizing the critical importance of water and sanitation within the three dimensions of sustainable development,

Welcoming the holding of the plenary meeting of the General Assembly on the human right to water and sanitation, on 27 July 2011,

Welcoming also the designation of 19 November as World Toilet Day, in the context of Sanitation for All, pursuant to General Assembly resolution 67/291 of 24 July 2013,

Recalling general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights), and the statement on the right to sanitation of the Committee of 19 November 2010, as well as the reports of the Special Rapporteur on the human right to safe drinking water and sanitation,

Deeply concerned that approximately 768 million people still lack access to improved drinking water sources and that more than 2.5 billion do not have access to improved sanitation facilities, including more than 1.04 billion people who still practice open defecation, as defined by the World Health Organization and the United Nations Children’s Fund in their 2013 update on the Joint Monitoring Programme for Water Supply and Sanitation, and that these figures do not fully capture the dimensions of water safety, the affordability of services and the safe management of excreta and wastewater, as well as equality, non-discrimination and differences between urban and rural areas, and therefore underestimate the numbers of those without access to safe drinking water and sanitation,
Chapter II: Protection of human rights

Noting that the target of the Millennium Development Goals of halving, by 2015, the proportion of people without access to improved sources of water was formally met five years ahead of schedule, and deeply concerned that the world remains off track to meet the sanitation component of the same target, which called for halving the proportion of the population without sustainable access to an improved sanitation facility, that by 2015, if current trends continue, the world is set to miss the target by more than half a billion people, and that inexistent or inadequate sanitation facilities and serious deficiencies in water management and wastewater treatment can have a negative impact on water provision and sustainable access to safe drinking water,

Deeply concerned that women and girls often face particular barriers in accessing water and sanitation and that they shoulder the main burden of collecting household water in many parts of the world, restricting their time for other activities,

Deeply alarmed that, every year, almost 700,000 children under 5 years of age die, and millions of school days are lost, as a result of water- and sanitation-related diseases, and that girls in many parts of the world do not go to school as a result of the lack of separate toilets for girls,

Reaffirming the responsibility of States to ensure the promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated, and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Recalling that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and is inextricably related to the right to the highest attainable standard of physical and mental health, as well as to the right to life and human dignity,

Acknowledging the importance of equal access to safe and clean drinking water and sanitation as an integral component of the realization of all human rights,

1. Reaffirms the recognition of the right to safe drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights;
2. Recognizes the need to give due consideration to the human right to safe drinking water and sanitation in the elaboration of the post-2015 development agenda, in particular while defining concrete goals, targets and indicators, taking into account an approach that supports the promotion and protection of human rights;
3. Welcomes the extension of the mandate of the Special Rapporteur on the human right to safe drinking water and sanitation by the Human Rights Council;
4. Also welcomes the work of the Special Rapporteur on the human right to safe drinking water and sanitation, and takes note with appreciation in particular of her reports and her contributions to shaping the post-2015 development agenda and to progressively eliminating inequalities in access to safe drinking water and sanitation;
5. Takes note of the recommendation in the report of the High-level Panel of Eminent Persons on the Post-2015 Development Agenda, commissioned by the Secretary-General, in which the Panel lists water and sanitation among the illustrative goals in the post-2015 development agenda, and also takes note of the report of the Secretary-General entitled “A life of dignity for all: accelerating progress towards the Millennium Development Goals and advancing the United Nations development agenda beyond 2015”, in which the Secretary-General recognizes the human right to safe drinking water and sanitation as one of the foundations for a decent life;
6. Calls upon States:
   (a) To ensure the progressive realization of the human right to safe drinking water and sanitation;
   (b) To continuously monitor and regularly analyse the status of the realization of the human right to safe drinking water;
   (c) To give due consideration to the human right to safe drinking water and sanitation and the principles of equality and non-discrimination in the elaboration of the post-2015 development agenda;
   (d) To ensure the progressive realization of the human right to safe drinking water and sanitation for all in a non-discriminatory manner while eliminating inequalities in access, including for individuals belonging to vulnerable and marginalized groups, on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any other grounds and with a view to progressively eliminating inequalities based on factors such as rural-urban disparities, residence in a slum, income levels and other relevant considerations;
   (e) To consult with communities on adequate solutions to ensure sustainable access to safe drinking water and sanitation;
   (f) To provide for effective accountability mechanisms for all water and sanitation service providers to ensure that they respect human rights and do not cause human rights violations or abuses;
7. Invites regional and international organizations to complement efforts by States to progressively realize the human right to safe drinking water and sanitation;
8. Encourages Member States to intensify global partnerships for development as means to achieve and sustain the targets of the Millennium Development Goals on water and sanitation;
9. Reaffirms that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to safe drinking water and sanitation by all appropriate means, including in particular the adoption of legislative measures;
10. Stresses the important role of the international cooperation and technical assistance provided by States, specialized agencies of the United Nations system and international and development partners, as well as by donor agencies, in particular in the timely achievement of the relevant Millennium Development Goals, and urges development partners to adopt a human rights-based approach when designing and implementing development programmes in support of national initiatives and plans of action related to the right to safe drinking water and sanitation;
11. Decides to continue its consideration of the question at its seventieth session.

Cultural rights

Reports of Special Rapporteur. In response to a Human Rights Council request [YUN 2012, p. 712],
the Special Rapporteur in the field of cultural rights, Farida Shaheed (Pakistan), in March submitted a report [A/HRC/23/34] that addressed the multifaceted ways in which the right to the freedom indispensable for artistic expression and creativity might be curtailed. She reflected on the growing worldwide concern that artistic voices had been or were being silenced by various means; the underlying motivations were most often political, religious, cultural or moral, or pertained to economic issues or were a combination of those. The Rapporteur considered laws and regulations restricting artistic freedoms, as well as economic and financial issues affecting such freedoms. She encouraged States to review their legislation and practices imposing restrictions on that right.

In response to Council resolutions 19/6 [YUN 2012, p. 712] and 23/10 (see below), the Secretary-General in August transmitted the Special Rapporteur’s report [A/68/296], which considered the issue of the writing and teaching of history, focusing in particular on history textbooks. She noted that interpretations of history were at times contested and that certain groups had been excluded from or portrayed negatively in history teaching. In those circumstances, the official historical narrative promoted in schools became problematic from a human rights perspective. The Rapporteur proposed recommendations to ensure a multiperspective approach in history teaching.

The General Assembly took note of that report on 18 December (decision 68/536).

Mission reports. Following her visit to Bosnia and Herzegovina (13–24 May) [A/HRC/25/49/Add.1], the Special Rapporteur noted that 20 years after the 1992–1995 war, divisions between communities were much greater at the political level than on the ground. People, especially youth, often expressed a desire to overcome divisions that they saw as imposed on them on a daily basis. Too often, culture and education were hijacked by the rhetoric of difference, with a detrimental impact on artistic, cultural, scientific and academic life, and on the right of persons to enjoy their cultural rights. The Rapporteur recommended to increase the number of joint cultural activities between students across communities in order to guarantee the right of all pupils and students to learn in their mother tongue and to have access to their cultural heritage, as well as those of others; and to not manipulate history or literature to indoctrinate students into believing in mutually exclusive and antagonistic identities.

Following her visit to Viet Nam (18–29 November) [A/HRC/28/57/Add.1], the Special Rapporteur noted that the country had made remarkable progress towards achieving the Millennium Development Goals [YUN 2000, p. 51] and realizing a range of economic, social and cultural rights. Considerable efforts were under way to enlarge access to education and culture, including in rural areas and remote regions. She also noted that the top-down approach in the design and implementation of government policies in the area of culture, coupled with restrictions on the right to freedom of expression, hampered the implementation of cultural rights. Challenges were largely due to the multiplicity of regulations in the area of artistic expression, which curtailed artistic freedom, and a system of prior and post censorship of the arts. The Rapporteur made recommendations grounded in the principle that communities should participate in all decision-making affecting them, in particular in cultural heritage matters.

In May [A/HRC/23/34/Add.3], the Russian Federation submitted its comments on the Special Rapporteur’s report following her 2012 mission to the country [YUN 2012, p. 712].

Human Rights Council action. On 13 June [A/68/55 (res. 23/10)], the Council recognized the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress; reaffirmed that States had the responsibility to promote and protect cultural rights; and invited 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.

OHCHR seminar. As requested by the Human Rights Council [YUN 2012, p. 712], OHCHR organized a seminar (Geneva, 3–4 October) [A/HRC/26/19] on the right to enjoy the benefits of scientific progress and its applications. Six panel discussions covered the normative content of that right; scientific freedom; independence among rights; intellectual property rights; access to information, technology and knowledge; and the right to participate in the scientific enterprise.

Cultural diversity

Report of Secretary-General. Pursuant to General Assembly resolution 66/154 [YUN 2011, p. 731], the Secretary-General in August submitted a report [A/68/277], which summarized submissions from 14 States, as well as from UNESCO and one academic institution, on measures they had taken to promote cultural diversity and to protect and ensure access to cultural heritage.

General Assembly action

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/159 by recorded vote (136–54–0) [agenda item 69 (6)].

Human rights and cultural diversity

The General Assembly, 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, as well as other pertinent human rights instruments.


Noting that numerous instruments within the United Nations system promote cultural diversity, as well as the conservation and development of culture, in particular the Declaration of the Principles of International Culture Cooperation proclaimed on 4 November 1960 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its fourteenth session,

Taking note of the report of the Secretary-General,

Recalling that, as stated in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to its resolution 2625(XXV) of 24 October 1970, States have the duty to cooperate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, and in the elimination of all forms of racial discrimination and all forms of religious intolerance,

Welcoming the adoption, by its resolution 56/6 of 9 November 2001, of the Global Agenda for Dialogue among Civilizations,

Welcoming also the contribution of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, the Durban Review Conference, held in Geneva from 20 to 24 April 2009, and the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, held on 22 September 2011, to the promotion of respect for cultural diversity,

Welcoming further the Universal Declaration on Cultural Diversity of the United Nations Educational, Scientific and Cultural Organization, together with its Action Plan, adopted on 2 November 2001 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-first session, in which member States invited the United Nations system and other intergovernmental and nongovernmental organizations concerned to cooperate with the United Nations Educational, Scientific and Cultural Organization in the promotion of the principles set forth in the Declaration and its Action Plan, with a view to enhancing the synergy of actions in favour of cultural diversity,

Recalling the Ministerial Meeting on Human Rights and Cultural Diversity of the Movement of Non-Aligned Countries, held in Tehran on 3 and 4 September 2007,

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

Expressing concern over the adverse impacts of lack of respect for and recognition of cultural diversity on human rights, justice, friendship and the fundamental right to development,

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,

Recognizing also the contribution that diverse cultures have been making to the development and promotion of human rights and fundamental freedoms,

Taking into account that a culture of peace actively fosters non-violence and respect for human rights and strengthens solidarity among peoples and nations and dialogue between cultures,

Reaffirming that discriminatory treatment against different cultures and religions is detrimental to the principle of the equality of human beings,

Recognizing that all cultures and civilizations share a common set of universal values,

Recognizing also that the promotion of the rights of indigenous people and their cultures and traditions will contribute to the respect for and observance of cultural diversity among all peoples and nations,

Considering that tolerance of cultural, ethnic, religious and linguistic diversities, as well as dialogue among and within civilizations, is essential for peace, understanding and friendship among individuals and people of different cultures and nations of the world, while manifestations of cultural prejudice, intolerance and xenophobia towards different cultures and religions generate hatred, violence and extremism among peoples and nations throughout the world,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, and convinced that, in their rich variety and diversity, and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind,

Convinced that the promotion of cultural pluralism and tolerance towards and dialogue among various cultures and civilizations would contribute to the efforts of all peoples and nations to enrich their cultures and traditions by engaging in a mutually beneficial exchange of knowledge and intellectual, moral and material achievements,

Acknowledging the diversity of the world, recognizing that all cultures and civilizations contribute to the enrichment of humankind, acknowledging the importance of respect and understanding for religious and cultural diversity throughout the world, and, in order to promote international peace and security, committing itself to advancing human welfare, freedom and progress everywhere, as well as to encouraging tolerance, respect, dialogue and cooperation among different cultures, civilizations and peoples,

1. Affirms the importance for all peoples and nations to hold, develop and preserve their cultural heritage and traditions in a national and international atmosphere of peace, tolerance and mutual respect;

2. Emphasizes the important contribution of culture to development and the achievement of national development objectives and internationally agreed development goals, including the Millennium Development Goals;
3. Welcomes the adoption on 8 September 2000 of the United Nations Millennium Declaration, in which Member States consider, inter alia, that tolerance is one of the fundamental values essential to international relations in the twenty-first century and that it should include the active promotion of a culture of peace and dialogue among civilizations, with human beings respecting one another in all their diversity of belief, culture and language, neither fearing nor repressing differences within and between societies but cherishing them as a precious asset of humanity;

4. Recognizes the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

5. Affirms that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all;

6. Expresses its determination to prevent and mitigate cultural homogenization in the context of globalization through increased intercultural exchange guided by the promotion and protection of cultural diversity;

7. Affirms that intercultural dialogue essentially enriches the common understanding of human rights and that the benefits to be derived from the encouragement and development of international contacts and cooperation in the cultural fields are important;

8. Welcomes the recognition at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of the necessity of respecting and maximizing the benefits of diversity within and among all nations working together to build a harmonious and productive future by putting into practice and promoting values and principles such as justice, equality and non-discrimination, democracy, fairness and friendship, tolerance and respect within and among communities and nations, in particular, through public information and educational programmes to raise awareness and understanding of the benefits of cultural diversity, including programmes in which the public authorities work in partnership with international and non-governmental organizations and other sectors of civil society;

9. Emphasizes that dialogue among religions, cultures and civilizations on the basis of equal dignity should be enhanced, through supporting efforts made at the international level towards reducing confrontation, suppressing xenophobia and promoting respect for diversity, and in that regard also emphasizes that States should oppose all attempts at uniculturalism or the imposition of particular models of social or cultural systems and promote dialogue among civilizations, a culture of peace and interfaith dialogue, which will contribute towards peace, security and development;

10. Welcomes the activities of the Non-Aligned Movement Centre for Human Rights and Cultural Diversity in Tehran, and acknowledges the important role that the Centre plays in the promotion of the universality of all human rights as well as their realization;

11. 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 background, advancing the application and enjoyment of universally accepted human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

12. Emphasizes that the promotion of cultural pluralism and tolerance at the national, regional and international levels is important for enhancing respect for cultural rights and cultural diversity;

13. Also emphasizes that tolerance and respect for diversity facilitate the universal promotion and protection of human rights, including gender equality and the enjoyment of all human rights by all, and underlines the fact that tolerance and respect for cultural diversity and the universal promotion and protection of human rights are mutually supportive;

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

15. Calls upon States, relevant international organizations and non-governmental organizations to support and embark on intercultural initiatives on human rights in order to promote all human rights, thereby enriching their universality;

16. Urges States to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to improve democratic institutions so that they are more fully participatory and avoid marginalization and exclusion of, and discrimination against, specific sectors of society;

17. Calls upon States, international organizations and United Nations agencies, and invites civil society, including non-governmental organizations, to recognize and promote respect for cultural diversity for the purpose of advancing the objectives of peace, development and universally accepted human rights;

18. Stresses the necessity of freely using the media and new information and communications technologies to create the conditions for a renewed dialogue among cultures and civilizations;

19. Requests the Office of the United Nations High Commissioner for Human Rights to continue to bear in mind fully the issues raised in the present resolution in the course of its activities for the promotion and protection of human rights;

20. Also requests the Office of the High Commissioner, and invites the United Nations Educational, Scientific and Cultural Organization, to support initiatives aimed at promoting intercultural dialogue on human rights;

21. Urges relevant international organizations to conduct studies on how respect for cultural diversity contributes to fostering international solidarity and cooperation among all nations;

22. Requests the Secretary-General to prepare a report on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels regarding the recognition and importance of cultural diversity among all peoples and nations in the world and taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, and to submit the report to the General Assembly at its seventieth session;

23. Decides to continue consideration of the question at its seventieth session under the sub-item entitled “Hu-
human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms” of the item entitled “Promotion and protection of human rights”.

RECORDED VOTE ON RESOLUTION 68/159

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States.

Abstaining: None.

Right to education

Reports of Special Rapporteur. In response to a Human Rights Council request [YUN 2011, p. 734], the Special Rapporteur on the right to education, Kishore Singh (India), in May submitted a report [A/HRC/23/35] focusing on the justiciability of the right to education. The report examined questions related to enforcement of the right to education, and judicial and quasi-judicial mechanisms. The Rapporteur recommended that States assume their obligation to respect, protect and fulfil the right to education. The right to education should be provided the broadest and strongest legal protection possible.

In response to a Human Rights Council request [YUN 2011, p. 734], the Secretary-General in August transmitted to the General Assembly a report [A/68/294] of the Special Rapporteur highlighting developments with respect to the post-2015 development agenda, and focusing on a rights-based approach to education. Considering education as the foundation of that agenda, the Rapporteur presented recommendations on ways to put into operation a rights-based approach to the education development goals.

The General Assembly took note of that report on 18 December (decision 68/536).

Mission report. Following his mission to Seychelles (15–22 October) [A/HRC/26/27/Add.1], the Special Rapporteur welcomed progress made by the country in education in recent years, including the increasing access of boys and girls to primary and secondary education, and measures to improve the quality of education. He stated that the education system had followed an exemplary path for a small-island developing State of limited means. He recommended that the Government continue to take measures to improve the quality of the education system, focusing on: improving the professional status of and social regard for teachers; improving technical and vocational education and training; promoting education in the face of social and behavioural problems among students; and intensifying normative action to improve quality. He noted that the education system would need to adapt to the rapid economic development to ensure that students graduated with the necessary skills to participate in a modernizing economy.

Human Rights Council action. On 13 June [A/68/53 (res. 23/4)], the Council called on all stakeholders to increase their efforts so that the goals of the Education for All agenda could be achieved by 2015; and urged States to give full effect to the right to education by promoting the justiciability of the right to education.

Environmental and scientific concerns

Human rights and the environment

Report of Independent Expert. In accordance with a Human Rights Council request [YUN 2012, p. 713], the first Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment [YUN 2012, p. 627], John H. Knox (United States), submitted his first report [A/HRC/22/43], which placed the mandate in a historical context, presented outstanding issues relevant to the relationship between human rights and the environment, and described his current and planned programme of activities. Although some fundamental aspects of the relationship between human rights and the environment were firmly established, many issues related to the obligations that human rights law imposed regarding environmental protection needed study and clarifica-
tion. Therefore, the first priority of his mandate was to provide greater conceptual clarity to the application of those obligations.

**Mission report.** Following his visit to Costa Rica (28 July–1 August) [A/HRC/25/53/Add.1], the Independent Expert noted that the country was a leading example of how attention to human rights in the environmental context could lead to stronger environmental protection and sustainable development. However, the country faced several challenges. Communities, including minority communities, were threatened with expulsion from homes that they had occupied for generations as a result of strict interpretations of laws governing protected areas. He stated that conservation should not impose an undue cost on communities that had deep historical roots in areas of environmental importance and recommended that Costa Rica move to resolve the situation.

**Toxic wastes**

**Report of Special Rapporteur.** In accordance with a Human Rights Council request [YUN 2012, p. 715], the newly appointed Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marc Pallemaerts (Belgium) [ibid.], in August submitted a preliminary report to the Council [A/HRC/24/39], which summarized the background, context and work of the mandate and outlined the strategy that would inform his work. In particular, he intended to hold consultations in order to start developing a guide on good practices in the environmentally sound management of hazardous substances and wastes, including elaborating on the normative content of the human rights obligations therein, as well as developing criteria to identify such good practices.

**Mission report.** In September [A/HRC/24/39/Add.2], Hungary submitted its comments on the report of the previous Special Rapporteur’s 2012 visit to the country [YUN 2012, p. 715].

**Slavery and related issues**

**Report of Special Rapporteur.** As requested by the Human Rights Council [YUN 2010, p. 749], the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian (Armenia), in July submitted a report [A/HRC/24/43 & Corr.1, 2] covering her activities and focusing on challenges and lessons learned in combating slavery. Among the legal and policy challenges were the absence of legislation in some countries, deficiencies and loopholes in legal frameworks, insufficient sanctions and laws that increased the vulnerability of workers. Institutional and implementation challenges included corruption, government failure to recognize the existence of contemporary slavery, a lack of political will or resources, the difficulty of locating and identifying victims, and a failure to protect affected workers. Good practices included improvements to legislation, awareness-raising and prevention activities, enforcement efforts, and the identification, protection and rehabilitation of victims. In her recommendations, the Rapporteur pointed out the need to strengthen those good practices and show the commitment of Governments to tackle slavery.

In October [A/HRC/24/G/17], Lebanon submitted its comments on the Rapporteur’s report.

**Mission report.** Following her visit to Ghana (22–29 November) [A/HRC/27/53/Add.3], the Special Rapporteur examined the worst forms of child labour in the fishing sector, the situation of kayayee (porters) and sexual exploitation. Other areas of concern included domestic and religious servitude and servile marriage. The Rapporteur recommended ratifying and implementing the international conventions on slavery; revising legislation from the human rights perspective; increasing efforts to address slavery, servitude and human trafficking at the domestic level; and allocating adequate funding and resources to ensure effective enforcement.

**Human Rights Council action.** On 26 September [A/68/53/Add.1 (res. 24/3)], the Council renewed the mandate of the Special Rapporteur for a three-year period and requested the Rapporteur to submit annual reports to the Council.

**Trust fund on slavery**

**Report of Secretary-General.** The Secretary-General reported [A/69/290] on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery [YUN 1991, p. 563]. The Fund’s Board of Trustees, at its eighteenth session (Geneva, 18–22 November) recommended 35 project grants amounting to $400,000 to assist NGO projects in 33 countries. The High Commissioner approved those recommendations on behalf of the Secretary-General on 10 December. From 11 July 2012 to 12 July 2013, the Fund received contributions and pledges amounting to $457,012 from eight States, the Holy See, and private and public entities. The Board reiterated that the Fund would need a minimum of $2 million in annual contributions to fulfil its mandate.

On 18 December, the General Assembly took note of the Secretary-General’s 2013 report [YUN 2012, p. 716] on the Fund’s status (decision 68/536).

**Slavery and transatlantic slave trade**

**Commemorative meeting.** On 25 March, the General Assembly decided that its commemorative meeting on the occasion of the International Day
of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, held on that day, would include a statement by Ali Mazrui, Director of the Institute of Global Cultural Studies at Binghamton University, State University of New York (decision 67/557). The meeting was also addressed by the Acting President of the Assembly, the Secretary-General, Member States on behalf of regional groups and the representative of the host country [A/67/PV.68].

Report of Secretary-General. In accordance with Assembly resolution 67/108 [YUN 2012, p. 717], the Secretary-General in August submitted a report [A/68/291] on the programme of educational outreach on the transatlantic slave trade and slavery. The theme of the 2013 commemoration, “Forever free: celebrating emancipation”, paid tribute to the emancipation of slaves around the world. Working in close collaboration with States members of the Caribbean Community and the African Union, the UN Department of Public Information organized a series of activities, from 18 to 25 March, to mark the observance of the International Day. To increase awareness of the observance internationally, the Department worked with its network of UN information centres, initiated a robust social media campaign, and engaged in new partnerships with Member States and civil society.

Permanent memorial

Report of Secretary-General. As requested by Assembly resolution 67/108, the Secretary-General in July reported [A/68/135] on the status of the United Nations Trust Fund for Partnerships—Permanent Memorial, established to erect a permanent memorial in honour of the victims of slavery and the transatlantic slave trade [YUN 2009, p. 732]. As at 30 June, $1,397,043 had been recorded as income, including $1,220,688 in voluntary contributions from Member States, $108,562 in public and private donations, $39,345 in interest and $28,449 in other miscellaneous income.

GENERAL ASSEMBLY ACTION

On 21 October [meeting 35], the General Assembly adopted resolution 68/7 [draft: A/68/L.7 & Add.1] without vote [agenda item 120].

Permanent memorial to and remembrance of the victims of slavery and the transatlantic slave trade

The General Assembly,

Recalling its resolution 61/19 of 28 November 2006, entitled “Commemoration of the two-hundredth anniversary of the abolition of the transatlantic slave trade”, and subsequent resolutions entitled “Permanent memorial to and remembrance of the victims of slavery and the transatlantic slave trade”,

Recalling also the designation of 25 March as the annual International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade,

Recognizing how little is known about the transatlantic slave trade and its lasting consequences, felt throughout the world, and welcoming the increased attention that the annual commemoration by the General Assembly has brought to the issue, including raising awareness in many States,

Noting the initiatives undertaken by States in reaffirming their commitment to implement paragraphs 101 and 102 of the Durban Declaration of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, aimed at countering the legacy of slavery and contributing to the restoration of the dignity of the victims of slavery and the slave trade,

Recalling, in particular, paragraph 101 of the Durban Declaration, which, inter alia, invited the international community and its members to honour the memory of the victims,

Stressing the importance of educating and informing current and future generations about the causes, consequences and lessons of slavery and the transatlantic slave trade,

Recalling that the permanent memorial initiative complements the work being done at the United Nations Educational, Scientific and Cultural Organization on the Slave Route Project, including its commemorative activities,

1. Endorses the initiative of Member States to erect, at a place of prominence at United Nations Headquarters that is easily accessible to delegates, United Nations staff and visitors, a permanent memorial in acknowledgement of the tragedy and in consideration of the legacy of slavery and the transatlantic slave trade;

2. Recalls the establishment of a committee of interested States to oversee the permanent memorial project, drawn from all geographical regions of the world, with Member States from the Caribbean Community and the African Union playing a primary role, in collaboration with the United Nations Educational, Scientific and Cultural Organization, representatives of the Secretariat, the Schomburg Center for Research in Black Culture of the New York Public Library and civil society;

3. Also recalls the establishment of a trust fund for the permanent memorial, referred to as the United Nations Trust Fund for Partnerships—Permanent Memorial, administered by the United Nations Office for Partnerships, and notes the current status of contributions to the Trust Fund;

4. Expresses sincere appreciation to those Member States that have made contributions to the Trust Fund;

5. Recognizes the necessity of sustained voluntary contributions in order to achieve in a timely manner the goal of erecting a permanent memorial in honour of the victims of slavery and the transatlantic slave trade, and in this regard, encourages Member States and other interested parties to make further voluntary contributions to the Trust Fund;

6. Requests the Secretary-General to organize a series of activities annually to commemorate the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, including a commemorative meeting of the General Assembly at United Nations Headquarters and, as appropriate, activities through the network of United Nations information centres;

7. Requests the Department of Public Information of the Secretariat, in cooperation with the countries concerned and with relevant organizations and bodies of the United Nations, to continue to support and publicize the initiative of Member States to erect a permanent memorial in acknowledgement of the legacy of slavery and the transatlantic slave trade, including by robust social media campaign, and to engage in new partnerships with Member States and civil society;
Nations system, to continue to take appropriate steps to enhance world public awareness of the commemorative activities and the permanent memorial initiative, and to facilitate efforts to erect the permanent memorial at United Nations Headquarters;

8. Reiterates its request, in resolution 64/15 of 16 November 2009, for Member States to develop, in accordance with their national legislation, educational programmes, including through school curricula, designed to educate and inculcate in future generations an understanding of the lessons, history and consequences of slavery and the slave trade, and to provide such information to the Secretary-General for inclusion in his report;

9. Notes with satisfaction the successful conclusion of the international design competition for the permanent memorial and the selection of the design "Ark of Return" as the model for the permanent memorial;

10. Takes note of the report of the Secretary-General on the programme of educational outreach on the transatlantic slave trade and slavery relating to the diverse educational outreach strategy to increase awareness of and to educate future generations about the causes, consequences, lessons and legacy of the transatlantic slave trade and to communicate the dangers of racism and prejudice, and encourages continued action in this regard;

11. Requests the Secretary-General to report to the General Assembly at its sixty-ninth session on continued action to implement the programme of educational outreach, including actions taken by Member States in implementing the present resolution, as well as steps to enhance world public awareness of the commemorative activities and the permanent memorial initiative;

12. Requests the United Nations Office for Partnerships, through the Secretary-General, to submit a comprehensive report to the General Assembly at its sixty-ninth session on the status of the Trust Fund and, in particular, on contributions received and their utilization;

13. Decides to include in the provisional agenda of its sixty-ninth session the item entitled “Follow-up to the commemoration of the two-hundredth anniversary of the abolition of the transatlantic slave trade”.

Women

Violence against women

Reports of Special Rapporteur. Pursuant to a Human Rights Council request [YUN 2011, p. 738], the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo (South Africa), in May submitted a report [A/HRC/23/49] that covered her activities since her previous report [YUN 2012, p. 718] and focused on State responsibility for eliminating violence against women. The Rapporteur said that challenges as regards State responsibility included: lack of acceptance of violence against women as a human rights issue; inadequate State responses; minimum effort to deal with the problem in a systematic, comprehensive and sustained manner; and inadequate attention devoted to investigating patterns, causes and consequences of violence. She recommended establishing a general comprehensive system of protection and prevention; investigating all acts of violence against women, including systemic failures to prevent violence; and promoting an overall societal transformation to address structural and systemic gender inequality and discrimination.

An addendum to that report [A/HRC/23/49/Add.5] summarized five regional consultations that took place in South Africa (December 2011), Uganda (April 2012), Tunisia (June 2012), Slovakia (December 2012) and Fiji (January 2013). The findings of those meetings helped to inform the Special Rapporteur’s report on State responsibility to prevent violence against women.

In accordance with General Assembly resolution 65/187 [YUN 2010, p. 1145], the Secretary-General in August transmitted the Special Rapporteur’s report [A/68/340] on pathways to, conditions and consequences of incarceration for women, which indicated that many countries were witnessing a significantly disproportionate rate of increase of women being incarcerated. There was a strong link between violence against women and women’s incarceration, and the Rapporteur noted that violence against women might be a cause of women’s involvement in criminal offences and subsequent imprisonment. In some countries, there were emerging practices and discussions on shifting from incarceration to community-based sentencing for female offenders, as there was a growing recognition that most female offenders posed little risk to society. The Rapporteur also provided recommendations for those women who were deemed to be a risk to society.

The General Assembly took note of that report on 18 December (decision 68/532).

Mission reports. Following her visit to India (22 April–1 May) [A/HRC/26/38/Add.1], the Special Rapporteur noted that the Government had taken legislative measures to address violence against women, including rape and sexual violence. Significant gaps, however, remained in the legislative framework, as well as the persistence of harmful practices, pervasive gender stereotypes and deeply entrenched patriarchal social and cultural norms. She made recommendations to the Government on law and policy reforms, accountability and societal transformation.

Following her visit to Bangladesh (20–29 May) [A/HRC/26/38/Add.2], the Special Rapporteur said that the Government had undertaken legal and institutional initiatives to meet its human rights obligations and address the situation of women and girls. However, those initiatives had not been translated into concrete improvements in the lives of the majority of women. The Rapporteur recommended amending personal status laws to eliminate discriminatory provisions regarding marriage, divorce, inheritance, distribution of property and child custody; ensuring that all incidents of violence against women were investigated;
and launching awareness-raising campaigns to educate and change the mindsets and attitudes.

Following her visit to Azerbaijan (26 November–5 December) [A/HRC/26/38/Add.3], the Special Rapporteur acknowledged the State’s commitment to the promotion and protection of human rights and the adoption specific legal measures to achieve gender equality and non-discrimination. She expressed concern, however, at the lack or limited implementation of laws relating to all forms of violence against women. She observed that violence against women was widely accepted within society and, to some extent, by women themselves, because of the traditional patriarchal values engrained in society, thereby perpetuating impunity. The Rapporteur recommended that the Government develop and implement a national strategy to combat violence against women; ensure access to justice and effective redress for all women victims of violence; and carry out awareness-raising activities involving a wide spectrum of actors to combat subordinating and stereotypical attitudes.

**Human Rights Council action.** On 14 June [A/68/53 (res. 23/25)], the Council urged States to address the harmful attitudes, customs, practices, stereotypes and unequal power relations that underlay and perpetuated rape and other forms of sexual violence; and extended the mandate of the Special Rapporteur, as set out by Council resolution 16/7 [YUN 2011, p. 738], for a three-year period.

On 27 September [A/68/53/Add.1 (dec. 24/117)], the Council decided to organize a high-level panel discussion at its twenty-sixth (2014) session on the identification of good practices in combating female genital mutilation; and called on OHCHR to organize the panel discussion and to prepare a summary report on the outcome.

**General Assembly action.** By resolution 68/191 of 18 December (see p. 1106), the General Assembly took note of the Special Rapporteur’s 2012 report [YUN 2012, p. 718] and urged States to exercise due diligence to prevent, investigate, prosecute and punish acts of violence against women and girls.

**OHCHR report.** Pursuant to a Human Rights Council request [YUN 2012, p. 719], OHCHR in March submitted a report [A/HRC/23/25] on creating and/or strengthening synergies and linkages between the mechanisms of the Council, and with other intergovernmental processes, on the issue of violence against women and girls. The report concluded with a set of recommendations for consideration by the Council.

**Trafficking in women and girls.**

**Reports of Special Rapporteur.** Pursuant to a Human Rights Council request [YUN 2011, p. 740], the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo (Nigeria), in March submitted a report [A/HRC/23/48] reviewing her activities from 1 August 2012 to 28 February 2013, and analysing the integration of a human rights-based approach in measures to discourage the demand that fostered exploitation of persons, especially women and children, and which led to human trafficking. The Rapporteur offered recommendations for human rights-based measures to discourage that demand. States should take legislative, policy and other measures to address the demand for exploitative sexual services and exploitative labour. In addition, States had a responsibility to protect against trafficking in persons and exploitation of persons by third parties, including business enterprises and criminal associations, through appropriate policies, regulation and adjudication.

In response to a Human Rights Council request [YUN 2011, p. 740], the Secretary-General in August transmitted the Special Rapporteur’s report [A/68/256] on the issue of trafficking in persons for the removal of organs, in which she examined exploitation of persons who were compelled by need or force to provide organs for transplantation to other people within their own countries or to foreigners. The Rapporteur offered recommendations to States, medical and transplantation professionals, and the international community, dealing with the legal and policy framework, victim identification, protection and support, criminal justice responses and strengthening the international response.

The General Assembly took note of that report on 18 December (decision 68/536).

**Consultative meeting.** The Rapporteur convened a consultative meeting on strengthening partnerships with national rapporteurs on trafficking in persons and equivalent mechanisms (Berlin, 23–24 May) [A/HRC/26/37/Add.1], which brought together national rapporteurs and representatives of equivalent mechanisms from 17 countries. Participants discussed the main function of national rapporteurs and equivalent mechanisms, including data collection and analysis, monitoring, evaluating and reporting on the impact of anti-trafficking policies, and fostering partnerships and coordination.

**Mission reports.** Following her mission to Morocco (17–21 June) [A/HRC/26/37/Add.3], the Special Rapporteur underlined the country’s resolve to combat trafficking in persons and the steps being taken, yet also expressed concern at the absence of legislation on trafficking, policies and institutions to deal with trafficking, procedures for the identification of victims and mechanisms for data collection. She recommended adopting the necessary amendments to the Penal Code and subsequently enacting and implementing specific anti-trafficking legislation; developing a national plan of action; establishing a national agency to coordinate anti-trafficking activities; and putting in place a proper identification system, which would include tools and protocols for identifying victims of trafficking.
Following her visit to Italy (12–20 September) [A/HRC/26/37/Add.4], the Special Rapporteur highlighted the country’s legal framework on trafficking in persons and its strong partnership with civil society organizations. She, nonetheless, expressed concern about the focus on trafficking for the purpose of sexual exploitation to the neglect of other forms of trafficking, the lack of a national plan of action to combat trafficking in persons, the absence of consistent financial resources to implement assistance programmes for victims and the absence of a State-funded compensation scheme for victims. The Rapporteur’s recommendations included developing a national plan of action to combat trafficking; increasing capacity-building activities for government officials; addressing funding gaps in the support programme; and strengthening cooperation with countries of origin to address the root causes of trafficking and create more opportunities for safe migration options.

Following her mission to the Bahamas (9–11 December) [A/HRC/26/37/Add.5], the Special Rapporteur acknowledged government efforts to address trafficking in persons, such as the ratification of international legal instruments and enactment of domestic legislation, as well as the establishment of a multisectoral mechanism to address the issue. She also noted challenges such as the absence of a comprehensive assessment of the phenomenon at the national level, coupled with low awareness and understanding of trafficking in persons among the general population; the absence of a national plan of action against trafficking; and the restrictive immigration policy, which led to the criminalization and deportation of victims. She expressed concern at the limited capacities of frontline officers in identifying victims, and underlined the ad hoc character of the victims’ assistance programme. She recommended that the Government develop safe migration pathways for seasonal or temporary workers and establish, with countries of origin and countries of destination, agreements for exchange of information, mutual legal assistance and safe returns.

Following her mission to Belize (12–16 December) [A/HRC/26/37/Add.6], the Special Rapporteur welcomed the enactment of new and improved domestic legislation on trafficking in persons and the establishment of the Anti-Trafficking in Persons Council. She raised concerns about the absence of comprehensive identification protocols, coupled with capacity gaps; the absence of reliable statistical data and assessment of trafficking; the criminalization of irregular migrants, leading to the detention and deportation of victims; and the lack of a victim protection and assistance programme. The Rapporteur recommended establishing bilateral agreements with countries of origin, especially those in Central America, to address the issues of irregular migration, safe returns and enhanced safe migration options; establishing cooperation with other countries, especially China and India, to combat migrant smuggling and trafficking in persons, including for labour exploitation; and reconsidering the restrictive immigration policy that undermined efforts to combat and prevent human trafficking.

In May [A/HRC/23/48/Add.5], the Philippines submitted its comments on the Special Rapporteur’s report on her 2012 mission to the country [YUN 2012, p. 721].

**Human Rights Council action.** On 13 June [A/68/53 (res. 23/5)], the Council called on States to enforce laws on trafficking in persons, and urged States to recognize trafficked persons as victims with specific protection needs from the moment they were trafficked. The Council encouraged businesses to conduct a risk assessment for their entire supply chain and develop company-wide policies to eliminate risks of trafficking in persons in their supply chains.

**Discrimination against women in law and in practice**

**Working group activities.** In accordance with a Human Rights Council request [YUN 2010, p. 751], the Working Group on the issue of discrimination against women in law and in practice in April submitted a report [A/HRC/23/50], which recorded achievements in women’s political representation and articulated challenges to women’s equal participation in political and public life, including in times of political transition. The Working Group identified critical issues to address in eliminating the structural and social underpinnings of gender discrimination in political and public life, and presented a framework to eliminate discrimination in law, with examples of good practices. It recommended that States take steps towards achieving parity in political decision-making and leadership through an approach that was responsive to the obstacles faced by women; create the conditions for public recognition and acceptance for women in positions of leadership and decision-making through public campaigns and educational programmes; and develop a bottom-up approach to building relations between State and society, with the participation of institutions and organizations in which women’s leadership was located.

**Mission reports.** Following its visit to Tunisia (7–11 January) [A/HRC/23/50/Add.2], the Working Group noted that the country had long been hailed as a bastion of women’s rights in the Arab world, with women pursuing their education and entering the workforce, birth rates declining and a growing middle class emerging. However, in the context of an ideologically divided post-revolution society, there had been growing fears of regression from the gains achieved on women’s rights. The Working Group put forward recommendations meant to ensure the equal and full political participation of women in a time of political transition, to secure gains and continue forward movement in legal guaran-
tees of non-discrimination between men and women, and to eliminate barriers to gender equality.

Following its mission to Iceland (16–23 May) [A/HRC/26/39/Add.1], the Working Group reported high levels of women’s participation in Government and parliament, legislation to prohibit discrimination, and a progressive system of gender-balanced parental leave and childcare. However, access to justice for women victims of domestic and gender-based violence was alarmingly low; there were problems in legally defining, preventing and prosecuting sexual violence; and women lagged behind men in the economic arena. The Working Group recommended that the Government implement legislative and policy commitments to eliminate de facto sex discrimination and violence against women; improve guarantees for access to justice for victims of gender-based violence; and promote the economic empowerment of women.

Following its visit to China (12–19 December) [A/HRC/26/39/Add.2], the Working Group noted that gender equality was affirmed in the Constitution, national policy documents and the political, economic, social and cultural spheres. Significant efforts had been made to put in place a framework of law and policy to eliminate discrimination against women. However, women were underrepresented at the highest levels of political decision-making; women’s participation in the workforce had declined; and challenges persisted in implementing the anti-discrimination legislation and accountability. The Working Group made recommendations on enhancing the enforceability of equality guarantees in China’s laws, advancing women’s equal participation in political and public life and promoting women’s equality in the economy and in employment.

**Human Rights Council action.** On 13 June [A/68/53 (res. 237)], the Council called on States to take 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, and 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. The Council extended the mandate of the Working Group for a three-year period.

**Children**

**Violence against children**

**Reports of Special Rapporteur.** Pursuant to General Assembly resolution 67/152 [YUN 2012, p. 609], the Special Representative of the Secretary-General on violence against children, Marta Santos Pais (Portugal), in January submitted a report [A/HRC/22/55], which highlighted results achieved and progress promoted in the protection of children from violence, identified efforts required to sustain and scale up achievements made, and informed a strategic future agenda. Priorities included incorporating the recommendations of the UN study on violence against children [YUN 2006, p. 916] in national policies; addressing emerging concerns; tackling violence across children’s life cycles; investing in the protection of the most vulnerable children; and recognizing violence as a priority and cross-cutting concern in the development agenda.

In response to General Assembly resolution 67/152, the Special Representative in August submitted to the Assembly a report [A/68/274] on the progress achieved and the challenges remaining on the violence against children agenda. The Representative reviewed strategic developments and results achieved in advancing the implementation of the recommendations of the UN study on violence against children. Efforts were promoted to anchor the study recommendations in the national policy agenda; to tackle emerging concerns, including those associated with the use of information and communications technologies; to safeguard freedom from violence in early childhood and across the child’s life cycle; and to include violence against children as a crucial dimension in the development agenda.

The General Assembly took note of that report on 18 December (decision 68/533). On the same date, by resolution 68/189 (see p. 1258), the Assembly requested the United Nations Office on Drugs and Crime to convene a meeting of an open-ended intergovernmental expert group to develop a draft set of model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice.

**Sale of children, child prostitution and child pornography**

**Reports of Special Rapporteur.** Pursuant to a Human Rights Council request [YUN 2012, p. 723], the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M’jid (Morocco), submitted a report [A/HRC/22/54] covering the activities since her previous report [YUN 2012, p. 722] and providing a thematic study on the protection of children from sexual exploitation in travel and tourism. While many efforts had been made at global and national levels to set standards and develop policies and laws in view of preventing and combating child sexual exploitation in travel and tourism, challenges remained due to the lack of data; the legal gaps persisting in many countries and legal disparities between countries; insufficient awareness-raising and training; the weakness of child-sensitive complaint mechanism, care and protection services; the insufficiency of transnational cooperation facilitating the sharing of information and expertise; the lack of prosecution of offenders and of extraterritorial jurisdiction; and the
lack of cooperation from some business operators. The Rapporteur recommended that States demonstrate a strong political commitment in preventing and combating child sex tourism; ratify international legal instruments and implement domestic legislation; and establish comprehensive legal frameworks to address children sexual exploitation in travel and tourism.

In accordance with General Assembly resolution 67/152, the Secretary-General in August transmitted the Special Rapporteur’s report [A/68/275], which analysed the role of prevention strategies in combating the sale and sexual exploitation of children. The Rapporteur recommended improving the knowledge and understanding of the phenomenon; ratifying all regional and international instruments; establishing a legal framework that prohibited, prevented and responded to all forms of the sale and sexual exploitation of children; ensuring that children's births were registered and that vulnerable children had an adequate standard of living; and strengthening the capacity of families to prevent the sale and sexual exploitation of children.

The General Assembly took note of that report on 18 December (decision 68/533).

Mission reports. Following her mission to Kyrgyzstan (15–26 April) [A/HRC/25/48/Add.1], the Special Rapporteur recognized the significant steps taken by the Government to address the phenomenon, most notably the Children’s Code and other policies to strengthen the protection of children. The Government was, however, struggling to ensure an impact on the lives of vulnerable children owing to the unknown extent of the sale of children, child prostitution and child pornography in the country. Policies on child rights were weak and limited by the lack of resources. The Rapporteur recommended that the Government develop a protective and effective legal framework; ensure better detection and comprehensive care of child victims and children at risk; promote strong preventive measures to protect vulnerable children; and provide alternatives to the institutionalization of children.

Following her mission to Madagascar (15–26 July) [A/HRC/25/48/Add.2], the Special Rapporteur said that the spiralling levels of child sexual exploitation through prostitution and sex tourism, especially since 2009, was alarming. While the country had a relatively comprehensive legal framework, its implementation lacked effectiveness because of impunity. Out-of-court settlements were often made at the community level, at the children’s expense. The Rapporteur recommended establishing a comprehensive national strategic framework for child protection; ensuring the application of laws; strengthening and ensuring access to protection mechanisms for all children; and strengthening the partnership of the Government with the private sector, particularly the tourism and travel sector, Internet access providers, banks and media and transport sector unions.

Following her visit to Benin (28 October–8 November) [A/HRC/25/48/Add.3], the Special Rapporteur noted that the protection of children was not a priority on the political agenda, and expressed concern about the relative social tolerance towards violence and exploitation involving children and the impunity of the perpetrators. Many mechanisms and actions for child protection had been put in place, but most were dysfunctional or insufficient, notably because of a lack of resources. The Rapporteur urged the Government to adopt an approach centred on children’s rights, aimed at putting in place a strategic framework for child protection. She recommended that the Government ensure the application of laws; strengthen the capacities and governance of central and local bodies; set up comprehensive protection systems for all children; and strengthen the social responsibility of the private sector.

Child, early and forced marriage


GENERAL ASSEMBLY ACTION

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/452 & Corr.1], adopted resolution 68/148 without vote [agenda item 65 (a)].

Child, early and forced marriage

The General Assembly,

Recalling its resolutions 66/140 of 19 December 2011 on the girl child and 67/144 of 20 December 2012 on the intensification of efforts to eliminate all forms of violence against women, as well as Human Rights Council resolution 24/23 of 27 September 2013, entitled “Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps”, and all other previous resolutions relevant to child, early and forced marriage,


Guided by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as other relevant human rights instruments, including the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

Reaffirming the Vienna Declaration and Programme of Action, as well as the Programme of Action of the International Conference on Population and Development, the Bei-
Right of children to highest standard of health

Report of High Commissioner. Pursuant to a Human Rights Council request [YUN 2012, p. 723], the High Commissioner submitted a report [A/HRC/22/31 & Corr.1] on the right of the child to the enjoyment of the highest attainable standard of health, which described the main health issues that affect children and contained an analysis of the obligations of States and other duty-bearers with regard to children’s right to health, and recommendations to ensure the realization of that right. The report stressed that the survival, protection, growth and development of children in good physical and emotional health were the foundations of human dignity and human rights.

Human Rights Council action. On 22 March [A/68/53 (res. 22/32)], the Council called on States to ensure that the right of the child to the enjoyment of the highest attainable standard of physical and mental health was promoted and protected, 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; requested the High Commissioner to prepare a summary of the full-day meeting on the rights of the child (see below) before the twenty-third (2013) session of the Council; and invited the World Health Organization (WHO) to submit, before the Council’s twenty-fourth (2013) session, a study on mortality of children under 5 years of age as a human rights concern.

Child mortality

WHO study. Pursuant to Council resolution 22/32 (see above), WHO in September submitted a study [A/HRC/24/60] on mortality among children under 5 years of age, which introduced the definition of under-five mortality; reviewed its scale, direct causes and underlying determinants, as well as the key interventions needed to avert it; identified the human rights dimensions of under-five mortality in the international legal framework; and proposed recommendations on how the Council could support the articulation and adoption of a human rights-based approach to eliminating such mortality.

Human Rights Council action. On 26 September [A/68/53/Add.1 (res. 24/11)], the Council took note of the WHO study and encouraged States and other stakeholders to address the interlinked root causes of mortality and morbidity of children under 5 years of age. The Council requested OHCHR, in collaboration with WHO, to prepare and present to the Council’s twenty-seventh (2014) session, the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age; and to convene an expert workshop to discuss the draft of the technical guidance.

Birth registration and right to recognition

Human Rights Council action. On 21 March [A/68/53 (res. 22/7)], the Council expressed concern at the high number of persons throughout the world whose birth was not registered, and reminded States of their obligation to register births without discrimination and irrespective of the status of the parents. The Council requested OHCHR to report to the Council’s twenty-seventh (2014) session 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 States’ good practices.

Children and armed conflict

Report of Secretary-General. Pursuant to Security Council resolution 2068(2012) [YUN 2012, p. 724], the Secretary-General in May submitted a report [A/67/845-
S/2013/245] on children and armed conflict, covering developments in 2012. Two annexes listed those parties that recruited or used children, killed or maimed children, committed rape and other forms of sexual violence against children, or engaged in attacks on schools and/or hospitals in situations of armed conflict. The report provided information on grave violations committed against children during armed conflict and progress made by parties on dialogue, action plans and other measures to halt and prevent violations. It concluded with recommendations to the Security Council.

**Security Council consideration.** On 17 June [S/PV.6980], the Council considered the Secretary-General’s report (see p. 719). Leila Zerrougui (Algeria), Special Representative of the Secretary-General for Children and Armed Conflict, noted that non-State armed groups constituted the vast majority of listed parties, accounting for 46 of the 55 perpetrators listed in the annexes. In 2012, four action plans to end the recruitment and use of children were signed in the Democratic Republic of the Congo, Myanmar, Somalia and South Sudan.

**Security Council Action**

At the same meeting [meeting 6980], following consultations among Security Council members, the President made statement S/PRST/2013/8 on behalf of the Council:

The Security Council takes note with appreciation of the twelfth report of the Secretary-General, of 15 May 2013, on children and armed conflict and the recommendations contained therein, as well as the positive developments referred to in the report, and notes the continuing challenges in the implementation of its resolutions and statements by its President on children and armed conflict referred therein.

The Council reiterates its primary responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations and, in this connection, its commitment to address the widespread impact of armed conflict on children.

The Council reiterates further its equally strong condemnation of all violations of applicable international law involving the recruitment and use of children by parties to armed conflict, as well as their re-recruitment, killing and maiming, rape and other sexual violence, abductions, attacks against schools or hospitals and denial of humanitarian access by parties to armed conflict. The Council condemns all other violations of international law, including international humanitarian law, human rights law and refugee law, committed against children in situations of armed conflict. The Council demands that all relevant parties immediately put an end to such practices and take special measures to protect children.

The Council stresses the primary role of Governments in providing protection and relief to all children affected by armed conflict, and reiterates that all actions undertaken by United Nations entities within the framework of the monitoring and reporting mechanism must be designed to support and supplement, as appropriate, the protection and rehabilitation roles of national Governments.

The Council notes that reference to a situation in the report of the Secretary-General on children and armed conflict is not a legal determination, within the context of the Geneva Conventions and the Additional Protocols thereto, and that reference to a non-State party does not affect its legal status.

The Council welcomes the progress made in preventing and responding to violations and abuses committed against children, especially with regard to the increasing number of action plans signed or under negotiation by parties to armed conflict, and the thousands of children that have been demobilized, rehabilitated and reintegrated.

The Council remains strongly concerned about the continued high number of perpetrators who persist in committing violations and abuses against children in situations of armed conflict in open disregard of its resolutions on the matter. The Council stresses its commitment to effectively deal with persistent perpetrators, and welcomes in this regard the ongoing consideration by its Working Group on Children and Armed Conflict of options for increasing pressure on persistent perpetrators of violations and abuses committed against children in situations of armed conflict, in accordance with its resolutions 1998(2011) and 2068(2012).

The Council underlines the importance of concrete time-bound action plans to prevent and halt violations and abuses committed against children, and reiterates its call upon parties to armed conflict listed in the annexes to the report of the Secretary-General on children and armed conflict that have not already done so, to prepare and implement, without further delay and in collaboration with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, action plans to halt the recruitment and use of children, patterns of killing and maiming children, recurrent attacks on schools and/or hospitals, recurrent attacks or threats of attacks against protected persons in relation to schools and/or hospitals, in violation of applicable international law, as well as rape and other sexual violence against children.

The Council also reiterates its call to all parties listed in the annexes to the report of the Secretary-General on children and armed conflict to address all other violations and abuses committed against children and undertake specific commitments and measures in this regard.

The Council encourages Member States to devise ways, in close consultations with the United Nations country-level task force on monitoring and reporting and United Nations country teams, to facilitate the development and implementation of time-bound action plans and the review and monitoring by the United Nations country-level task force of obligations and commitments relating to the protection of children and armed conflict.

The Council welcomes the increase in engagement between concerned Governments and the United Nations at country level for better protection of children affected by armed conflict, and notes the value of inter-ministerial committees as a successful framework for partnership with Governments to discuss and follow up on child protection commitments and to foster action plan implementation.
Chapter II: Protection of human rights

The Council recognizes that sufficient and sustained resources are critical to the protection efforts of children affected by armed conflict, especially the timely implementation of action plans. The Council requests the Special Representative of the Secretary-General for Children and Armed Conflict to devise ways to coalesce the donor community in order to address funding gaps, in particular to ensure the timely and sustainable funding of action plans and associated monitoring, and encourages bilateral and international partners to provide financial support and capacity-building in this regard.

The Council reiterates its readiness to adopt targeted and graduated measures against persistent perpetrators of violations and abuses committed against children, taking into account the relevant provisions of its resolutions 1539(2004), 1612(2005), 1882(2009), 1998(2011) and 2068(2012), and to consider including provisions pertaining to parties to an armed conflict that engage in activities in violation of applicable international law relating to the rights and protection of children in armed conflicts, when establishing, modifying or renewing the mandate of relevant sanctions regimes. The Council encourages its relevant sanctions committees to continue to invite the Special Representative of the Secretary-General for Children and Armed Conflict to brief them on specific information pertaining to her mandate that would be relevant to the work of the committees and encourages the sanctions committees to bear in mind the relevant recommendations of the report of the Secretary-General on children and armed conflict, and encourages the Special Representative of the Secretary-General to share specific information contained in the reports of the Secretary-General with relevant sanctions committees expert groups. The Council further requests enhanced exchange of pertinent information on violations and abuses committed against children in armed conflict between its Working Group on Children and Armed Conflict and relevant sanctions committees and their expert groups.

The Council stresses that ending impunity and holding perpetrators accountable is a crucial element in halting and preventing violations and abuses committed against children and recalls the primary responsibility of States in that regard, including to hold accountable those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against children. The Council recognizes that lack of capacity and resources can hamper efforts of national authorities to effectively prosecute alleged perpetrators of crimes against children in situations of armed conflict. The Council calls upon relevant United Nations entities as well as Member States to support efforts to strengthen national accountability mechanisms, including building investigative and prosecutorial capacities.

The Council stresses further that the fight against impunity and to ensure accountability for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against children has been strengthened through the work on and prosecution of these crimes in the international criminal justice system, ad hoc and mixed tribunals as well as specialized chambers in national tribunals. The Council highlights in this regard the contribution of the International Criminal Court, in accordance with the principle of complementarity to national criminal jurisdictions as set out in the Rome Statute, towards holding accountable those responsible for such crimes. In this regard, the Council reiterates its call on the importance of State cooperation with these courts and tribunals in accordance with the respective obligations of the States.

The Council underlines the importance of engaging armed forces and armed groups on child protection concerns during peace talks and calls upon Member States, United Nations entities and other parties concerned to ensure that child protection provisions, including those relating to the release and reintegration of children formerly associated with armed forces or armed groups, are integrated into all peace negotiations and peace agreements.

The Council further calls upon Member States, United Nations entities, including the Peacebuilding Commission, and other parties concerned to ensure that post-conflict recovery and reconstruction planning, programmes and strategies prioritize issues concerning children affected by armed conflict.

The Council reaffirms the important role being played by child protection advisers in peacekeeping, peacebuilding and political missions deployed in line with the relevant country-specific resolutions of the Council and in accordance with the Policy Directive on Mainstreaming the Protection, Rights and Well-being of Children Affected by Armed Conflict of the Department of Peacekeeping Operations of the Secretariat, and in this regard expresses its intention to further strengthen provisions for the protection of children in all mandates of relevant United Nations peacekeeping, peacebuilding and political missions, including through ensuring the consistent deployment of child protection advisers.

The Council welcomes the continued strengthening of the monitoring and reporting mechanism as requested in its resolutions 1612(2005), 1882(2009) and 1998(2011), and commends the role of the United Nations Children’s Fund and other United Nations entities at the field level in the collection of information on violations and abuses committed against children, in the preparation and implementation of action plans, as well as in the implementation of the conclusions of its Working Group on Children and Armed Conflict. In this regard, the Council further encourages the Secretary-General to ensure that adequate child protection expertise is available to the Resident Coordinator in situations listed in the annexes of the annual reports of the Secretary-General on children and armed conflict.

The Council reiterates its request to the Secretary-General to ensure that, in all his reports on country-specific situations, the matter of children and armed conflict is included as a specific aspect of the report, and expresses its intention to give its full attention to the information provided therein, including the implementation of relevant Council resolutions and of the recommendations of its Working Group on Children and Armed Conflict, when dealing with those situations on its agenda, as well as to give specific attention to child protection issues when undertaking its relevant field visits.

The Council recognizes the valuable contribution pertinent regional and sub-regional organizations and arrangements make for the protection of children affected by armed conflict. In this regard, the Council
encourages the continued mainstreaming of child protection into the advocacy, policies, programmes and mission planning of these organizations and arrangements, as well as the training of personnel and inclusion of child protection staff in their peacekeeping and field operations, and establishment, within their secretariats, of child protection mechanisms, including through the appointment of child protection focal points.

The Council stresses the important role of the Special Representative of the Secretary-General for Children and Armed Conflict in carrying out her mandate for the protection of children in situations of armed conflict, in accordance with relevant resolutions of the Council, as well as the importance of her country visits in facilitating better coordination among United Nations partners at the field level, promoting collaboration between the United Nations and concerned Governments, enhancing dialogue with concerned Governments and parties to an armed conflict, including by negotiating action plans, securing commitments, advocating for appropriate response mechanisms and ensuring attention and follow-up to the conclusions and recommendations of the Security Council Working Group on Children and Armed Conflict.

The Council recalls its invitation to the Special Representative of the Secretary-General for Children and Armed Conflict to brief the Council on questions relating to the delisting process and progress made, enabling an exchange of views.

The Council commends the sustained activity of its Working Group on Children and Armed Conflict and stresses the importance of continuing to adopt timely conclusions and recommendations, in line with its resolution 1612(2005) and subsequent resolutions. Furthermore, the Council invites its Working Group to make full use of its toolkit in light of ongoing discussions on enhancing compliance, and in this regard to continue considering the issue of persistent perpetrators and action plan implementation.

The Council reiterates its determination to ensure respect for and the implementation of its resolutions and statements by its President on children and armed conflict to date, as well as respect for other international commitments and obligations for the protection of children affected by armed conflict.

**Reports of Special Representative.** By a July note [A/HRC/24/35], the Secretary-General informed the Human Rights Council that, in accordance with the Council’s annual programme of work and General Assembly resolution 66/141 [YUN 2011, p. 627], the Special Representative would present an oral update to the Council at its twenty-fourth (2013) session. In order to align the annual reporting cycle with the voluntary calendar of thematic resolutions of the Council, the Special Representative’s annual report would be submitted to the Council at its March session.

The Special Representative briefed the Council on 10 September, reviewing activities and progress achieved from June 2012 to July 2013.

Pursuant to Assembly resolution 67/152, the Special Representative in August submitted a report [A/68/267] on activities undertaken and progress achieved from August 2012 to July 2013. The Representative urged States to enact legislation and policies to criminalize the recruitment and use of children by armed forces; intensify their collaboration with the United Nations and other child protection actors and share best practices; and include child protection expertise in mediation teams and integrate child protection provisions in ceasefire arrangements, political settlements, peace agreements and implementation mechanisms.

The General Assembly took note of that report on 18 December (decision 68/533).

**Working Group activities.** In December [S/2013/710], the Chair of the Security Council Working Group on Children and Armed Conflict reported on the Group’s activities since its last report [YUN 2012, p. 726]. It held seven meetings in 2013 (18 January, 19 April, 20 May, 26 July, 16 August, 25 October, 6 December), during which it adopted conclusions on children and armed conflict in Myanmar [S/AC.51/2013/2] and Yemen [S/AC.51/2013/3], and on the situation of children and armed conflict affected by the Lord’s Resistance Army (LRA) in the Central African Republic, the Democratic Republic of the Congo and South Sudan [S/AC.51/2013/1].

On the basis of the Working Group’s conclusions, the Security Council President sent letters to the Secretary-General on the LRA [S/2013/319], Myanmar [S/2013/555] and Yemen [S/2013/775].

**Older persons**

**OHCHR report.** Pursuant to a Human Rights Council request [YUN 2012, p. 726], OHCHR in July submitted a summary report [A/HRC/24/25] on the public consultation it held on the human rights of older persons, which comprised a one-day meeting (Geneva, 15 April), as well as written contributions from States, national human rights institutions, regional organizations, civil society and academic institutions. The issues discussed included examples of protection against age discrimination and ageism, bodies with a mandate to protect the rights of older persons and to combat age discrimination, and challenges and good practices in areas such as the rights to health, work and social protection and the protection against violence, neglect and abuse.

**Human Rights Council action.** On 27 September [A/68/53/Add.1 (res. 24/20)], the Council called on States to promote and ensure the full realization of all human rights and fundamental freedoms for older persons, including by taking measures to combat age discrimination, neglect, abuse and violence, and to address issues related to social integration and adequate health care, bearing in mind the crucial importance of family intergenerational interdependence, solidarity and reciprocity for social development. The Council decided to appoint, for a three-year period, an inde-
pendent expert on the enjoyment of all human rights by older persons, and requested the expert to report annually to the Council, submitting the first report to the Council’s twenty-seventh (2014) session and a comprehensive report at its thirty-third (2016) session.

**Internally displaced persons**

**Reports of Special Rapporteur.** Pursuant to a Human Rights Council request [YUN 2010, p. 759], the Special Rapporteur on the human rights of internally displaced persons (IDPs), Chaloka Beyani (Zambia), in March submitted a report [A/HRC/23/44] covering his activities and providing an analysis of the situation of internally displaced women. While steps had been taken to improve the responses to their assistance, protection and durable solution needs, discussions of those issues often failed to actively engage internally displaced women and perpetuated inadequate responses to their concerns. The Rapporteur recommended that States allocate adequate resources to their needs and priorities; increase the capacity of officials to adopt gender-sensitive approaches to policymaking, planning, budgeting and programme implementation; and provide gender-sensitive training to police, military forces, the judiciary and social workers.

In accordance with General Assembly resolution 66/165 [YUN 2011, p. 756], the Secretary-General in July transmitted the Special Rapporteur’s report [A/68/225], which outlined his activities from August 2012 to July 2013 and provided a thematic section on addressing the role of humanitarian and development actors in achieving durable solutions for IDPs through peacebuilding in the aftermath of conflict. He concluded that States bore the primary responsibility for finding durable solutions for IDPs, based on the recognition of such persons’ right to choose between the options of return, local integration or settlement elsewhere in the country. States facing the challenge of finding durable solutions should receive support from international and national organizations and donor States. The Rapporteur recommended that States develop national frameworks, structures and policies on internal displacement that addressed the challenge of finding durable solutions; and that donor States recognize the resolution of internal displacement as an essential element of conflict resolution, peacebuilding and economic reconstruction.

**Special report on Syria.** In accordance with Assembly resolution 67/262 (see p. 433), the Secretary-General in July transmitted to the Assembly the Special Rapporteur’s report [A/67/931], which reviewed the humanitarian, protection and human rights situation of IDPs in the Syrian Arab Republic; analysed the challenges in meeting the urgent needs of affected communities; outlined considerations to guide the development of strategies for durable solutions; and provided preliminary recommendations.

The General Assembly took note of that report on 18 December (decision 68/536).

**Mission reports.** Following his visit to Georgia (10–14 June) [A/HRC/26/33/Add.1], the Special Rapporteur said that although the Government had made progress in providing durable solutions for IDPs, continued efforts to improve their living conditions and livelihoods in the collective centres visited were needed, alongside the adoption of an integrated approach to address the situation of all IDPs. Although the Rapporteur did not visit Abkhazia, Georgia, he understood that similar problems existed along the administrative boundary line of Abkhazia. One of the main obstacles was the absence of political solutions to the conflict. The Rapporteur called on all parties to approach durable solutions from a humanitarian and development perspective, and to ensure that all IDPs could make a free and informed decision as to whether to return voluntarily to their homes, to locally integrate or to resettle elsewhere in the country.

Following his follow-up mission to Serbia, including Kosovo (9–12 October) [A/HRC/26/33/Add.2], the Special Rapporteur noted the efforts of the Serbian Government and the authorities in Kosovo to improve the situation of IDPs. The Rapporteur called on Serbia and the authorities in Kosovo to focus on law enforcement measures, political commitment and coordination in the implementation of durable solutions. For many IDPs, issues of property ownership remained unresolved, and those should be resolved more effectively. Issues of property, the registration of IDP voters and voting arrangements should be a regular feature of the dialogue between Belgrade and Priština.

Following his visit to South Sudan (6–15 November) [A/HRC/26/33/Add.3], which was conducted at a time when tensions were high and resulted in an outbreak and escalation of violence in December (see p. 242), further worsening the situation of IDPs, the Special Rapporteur noted the absence of adequate capacities and institutional preparedness to prevent or to respond to internal displacement. As the primary responsibility of assisting and protecting IDPs rested with the authorities, their institutional capacity should be strengthened, and the humanitarian and human rights protection system should be reviewed. Utmost care should be given to preserve humanitarian space and to ensure that humanitarian and protection principles were not further infringed. To prevent a further increase in internal displacement and to allow for dignified living conditions and a solution for the displaced, all parties should abstain from any act that exacerbated the situation. The internal displacement situation demanded a response based on a comprehensive policy framework, consideration of the different groups of IDPs, and their immediate and long-term needs.

Following his mission to Sri Lanka (2–6 December) [A/HRC/26/33/Add.4], the Special Rapporteur said that al-
though there had been impressive advances in rebuilding infrastructure destroyed during the conflict, which lasted until 2009, there needed to be a linkage between rebuilding such infrastructure and the livelihoods of the significant number of IDPs. They were living in protracted displacement, and many others had returned to, or had been relocated within, the Northern and Eastern Provinces and were living in precarious conditions. Concerted efforts were required to ensure that post-conflict reconstruction addressed durable solutions for all IDPs, including those who had been relocated and those who had returned to their areas of origin.

In May [A/HRC/23/44/Add.3], the Sudan submitted its comments on the Special Rapporteur’s report following his 2012 mission to the country [YUN 2012, p. 727].

**Human Rights Council action.** On 13 June [A/68/53 (res. 23/8)], the Council called on States to provide for laws and policies that protected the human rights of IDPs, and addressed the needs of internally displaced women and girls; extended the mandate of the Special Rapporteur for a three-year period; and invited the Rapporteur to continue to submit annual reports to the Council and the General Assembly.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/68/456/Add.2], adopted resolution 68/180 without vote [agenda item 69 (b)].

**Protection of and assistance to internally displaced persons**

*The General Assembly,*

Recalling that internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border,

Recognizing that internally displaced persons are to enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, situations of generalized violence, violations of human rights 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,

Recognizing that natural disasters are a cause of internal displacement, and concerned about factors, such as climate change, that are expected to exacerbate the impact of natural hazards and climate-related events,

**Consistent** of the human rights, humanitarian and development dimensions, as well as the possible peacebuilding dimension, of internal displacement, including in long-term displacement situations, the often heightened vulnerability of women and children as well as persons with disabilities and the responsibilities of States and the international community to strengthen further their protection and assistance,

**Emphasizing** that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

Reaffirming that all persons, including those internally displaced, have the right to freedom of movement and residence and should be protected against arbitrary displacement,

Noting the international community’s growing awareness of the issue of internally displaced persons worldwide, including the millions living in protracted situations of displacement, many of them outside camp settings in urban areas, and the urgency of providing adequate humanitarian assistance to and protection of internally displaced persons and support to local host communities, addressing the root causes of displacement and finding durable solutions for internally displaced persons in their countries, including voluntary return in safety and with dignity, as well as voluntary local integration in the areas to which persons have been displaced or voluntary settlement in another part of the country, without prejudice to the right of internally displaced persons to leave their country or to seek asylum,

Recalling the relevant norms of international law, including international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,

Recalling also the relevance of international humanitarian law, including the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, as a vital legal framework for the protection of and assistance to civilians in armed conflict and under foreign occupation, including internally displaced persons,

Welcoming the increasing dissemination, promotion, application and integration into domestic laws and policies of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement,

Deploiling practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and recalling the relevant provisions of the Rome Statute of the International Criminal Court that define the deportation or forcible transfer of population as a crime against humanity and the unlawful deportation, transfer or ordering of the displacement of the civilian population as war crimes,

**Expressing its appreciation** to those Governments and intergovernmental, regional and non-governmental organizations that have supported and facilitated the work of the Special Rapporteur on the human rights of internally displaced persons, and of his predecessor, the former Representative of the Secretary-General on the human rights of internally displaced persons and, according to their roles and responsibilities, have helped to provide protection and assistance to internally displaced persons,
Welcoming the continuing cooperation between the Special Rapporteur on the human rights of internally displaced persons and national Governments and the relevant offices and agencies of the United Nations as well as with other international and regional organizations, and encouraging further strengthening of this collaboration in order to promote better strategies for, protection of, assistance to and durable solutions for internally displaced persons,

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with national Governments and relevant international bodies,

Welcoming the priorities set by the Special Rapporteur as contained in his report to the Human Rights Council at its sixteenth session and the two strategic objectives of supporting Governments in developing national instruments on internal displacement and facilitating viable durable solutions for internally displaced persons, including through the engagement of development actors,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, regarding the need to develop global strategies to address the problem of internal displacement, and recalling also all relevant resolutions of the General Assembly and the Security Council,

Recalling also its resolution 66/165 of 19 December 2011 and Human Rights Council resolutions 20/9 of 5 July 2012 and 23/8 of 13 June 2013,

1. Takes note with appreciation of the report of the Special Rapporteur on the human rights of internally displaced persons and the conclusions and recommendations contained therein;

2. Commends the Special Rapporteur for the activities undertaken so far, for the catalytic role that he plays in raising the level of awareness about the plight of internally displaced persons and for 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;

3. Encourages the Special Rapporteur, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the root causes of internal displacement and of the needs and human rights of those displaced, measures of prevention, including early warning, and ways to strengthen protection and assistance, as well as durable solutions for internally displaced persons, and, in the latter regard, to use in his activities the Framework on Durable Solutions for Internally Displaced Persons of the Inter-Agency Standing Committee, and also encourages the Special Rapporteur to continue to promote comprehensive strategies, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

4. Recognizes the adverse effects of climate change as contributors to environmental degradation and extreme weather events, which may, among other factors, contribute to human displacement, and encourages the Special Rapporteur, in close collaboration with States and intergovernmental and non-governmental organizations, to continue to explore the human rights implications and dimensions of disaster-induced internal displacement, with a view to supporting Member States in their efforts to build local resilience and capacity to prevent displacement or to provide assistance and protection to those who are forced to flee;

5. Calls upon States to provide durable solutions, including within their national development plans, and encourages strengthened international cooperation, in particular between humanitarian and development actors, including through the provision of resources and expertise to assist affected countries, in particular developing countries, in their national efforts and policies related to assistance, protection and rehabilitation for internally displaced persons and the integration of the human rights and needs of internally displaced persons into both rural and urban development strategies, as well as the participation of both internally displaced persons and host communities in the design and implementation of those strategies;

6. Expresses particular concern that many internally displaced children, particularly girls, lack access to education in all phases of displacement owing to attacks against schools, damaged or destroyed school buildings, insecurity, loss of documentation, language barriers and discrimination, and calls upon States, in cooperation with all other relevant actors, including humanitarian and development agencies and donors, to ensure the right to a quality education, including primary and secondary education, for internally displaced children, without discrimination of any kind, as well as to support existing schools to enable them to include internally displaced persons, and calls upon parties to armed conflict to respect the civilian character of schools and other educational institutions and to refrain from undertaking actions that could adversely affect the protection of these buildings against direct attacks;

7. Expresses deep concern about the full range of threats and human rights violations and abuses experienced by internally displaced women and girls in armed conflict and post-conflict situations, recognizing that those women and girls who are particularly vulnerable or disadvantaged may be specifically targeted or at increased risk of violence, and recognizes the need to provide better support to victims and to support both national and international efforts to build the capacity to prevent and respond to sexual violence in conflict;

8. Welcomes the initiatives undertaken by regional organizations, such as the African Union, the International Conference on the Great Lakes Region, the Organization of American States and the Council of Europe, to address the protection, assistance and development needs of internally displaced persons and to find durable solutions for them, and encourages regional organizations to strengthen their activities and their cooperation with the Special Rapporteur;

9. Also welcomes the adoption and entry into force of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which builds on the Protocol on the Protection of and Assistance to Internally Displaced Persons and the Protocol on the Property Rights of Returning Persons adopted by the International Conference on the Great Lakes Region and 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, encourages African States to consider signing and/or ratifying the Convention, and encourages other regional mechanisms to consider the development of their
own regional normative frameworks for the protection of internally displaced persons;

10. **Recognizes** that Member States have the primary responsibility to promote durable solutions for their internally displaced persons, thus contributing to their national, economic and social development processes, and encourages the international community, the United Nations system, the Special Rapporteur, relevant international and regional organizations and donor countries to continue to support international, regional and national efforts to meet the needs of internally displaced persons on the basis of solidarity, the principles of international cooperation and the Guiding Principles on Internal Displacement and to ensure that humanitarian assistance, early recovery and development assistance efforts are appropriately funded;

11. **Expresses particular concern** about the grave problems faced by many internally displaced women and children, especially violence, exploitation and abuse, including sexual and gender-based violence and sexual exploitation and abuse, trafficking in persons, forced recruitment and abduction, and encourages the continued commitment of the Special Rapporteur to promote action to address their particular assistance, protection and development needs, as well as those of other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account all relevant resolutions of the General Assembly and the Security Council;

12. **Emphasizes** the importance of consultation with internally displaced persons and host communities by Governments and other relevant actors, in accordance with their specific mandates, during all phases of displacement, as well as the participation of internally displaced persons, where appropriate, in policies, programmes and activities pertaining to them, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

13. **Calls upon** States, in cooperation with international agencies and other stakeholders, to particularly provide for and support the full and meaningful participation of internally displaced women, at all levels of decision-making processes and in all activities that have a direct impact on their lives, in all aspects of internal displacement, including the promotion and protection of human rights, the prevention of human rights violations and the design and implementation of durable solutions, peace processes, peacebuilding, transitional justice, post-conflict reconstruction and development;

14. **Notes** the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes, and emphasizes that durable solutions for internally displaced persons, including through voluntary return, sustainable reintegration and rehabilitation processes and their active participation, as appropriate, in the peace process are necessary elements of effective peacebuilding;

15. **Welcomes** the role of the Peacebuilding Commission in this regard, and continues to urge the Commission to intensify its efforts, within its mandate, in cooperation with national and transitional Governments and in consultation with the relevant United Nations entities, to incorporate the rights and the specific needs of internally displaced persons, including their voluntary return in safety and with dignity, reintegration and rehabilitation, as well as related land and property issues, when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration;

16. **Recognizes** the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons, welcomes the fact that an increasing number of States, United Nations organizations and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

17. **Welcomes** the use of the Guiding Principles on Internal Displacement by the Special Rapporteur in his dialogue with Governments, intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion, application and integration into domestic laws and policies 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;

18. **Expresses its appreciation** that an increasing number of States have adopted domestic legislation and policies dealing with all stages of displacement, encourages States to continue to do so in an inclusive and nondiscriminatory way consistent with the Guiding Principles on Internal Displacement, including through the identification of a national focal point within the Government for issues of internal displacement and the allocation of budget resources, and encourages the international community and national actors to provide financial support and cooperation to Governments, upon request, in this regard;

19. **Urges** all Governments to continue to facilitate the activities of the Special Rapporteur, in particular Governments with situations of internal displacement, and to respond favourably to requests from the Special Rapporteur for visits so as to enable him to continue and enhance dialogue with Governments in addressing situations of internal displacement, and thanks those Governments that have already done so;

20. **Invites** Governments to give serious consideration, in dialogue with the Special Rapporteur, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

21. **Calls upon** Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons and to facilitate the efforts of the relevant United Nations agencies and humanitarian organizations in these respects by further improving the access of humanitarian personnel and the delivery of supplies and equipment to internally displaced persons and by maintaining the civilian and humanitarian character of camps and settlements for internally displaced persons where they exist, as well as by taking the steps necessary to ensure the safety and security of humanitarian personnel so that they may efficiently perform their task of assisting internally displaced persons;

22. **Emphasizes** the central role of the Emergency Relief Coordinator for the coordination of, protection of and assistance to internally displaced persons, inter alia, through the inter-agency cluster system, welcomes continued initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them.
and emphasizes the need to strengthen the capacities of the United Nations organizations and other relevant actors to meet the immense humanitarian challenges of internal displacement;

23. 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 United Nations country teams in countries with situations of internal displacement and 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;

24. Encourages Member States, humanitarian agencies, donors, development actors and other providers of development assistance to continue to work together, in close cooperation with the Special Rapporteur, to provide a more predictable response to the needs of internally displaced persons, including long-term development assistance for the implementation of durable solutions, takes note of the decision by the Policy Committee of the Secretary-General of 4 October 2011 endorsing the preliminary framework on ending displacement in the aftermath of conflict, notes the rolling-out of the decision in select countries, and calls for United Nations agencies implementing the decision to cooperate closely with the Special Rapporteur in that regard and to use the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons in a manner that complements the decision of the Policy Committee;

25. Notes with appreciation the increased attention paid to the issue of internally displaced persons in the consolidated appeals process, and encourages further efforts in this regard;

26. Also notes with appreciation the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

27. Recognizes the need to collect reliable disaggregated data, including data disaggregated by age and sex, on internally displaced persons in order to improve policy, programming and response to internal displacement and, in this respect, the relevance of the inter-agency Joint Internally Displaced Person Profiling Service and the global database on internally displaced persons maintained by the Internal Displacement Monitoring Centre;

28. Encourages Governments, members of the Inter-Agency Standing Committee, United Nations humanitarian coordinators and country teams to ensure the provision of reliable data on internal displacement situations, collaborating with the Internal Displacement Monitoring Centre, requesting the support of the Joint Internally Displaced Person Profiling Service and providing financial resources, as appropriate in these respects;

29. Requests the Secretary-General to continue to provide the Special Rapporteur, from within existing resources, with all assistance necessary to carry out his mandate effectively, and encourages the Office of the United Nations High Commissioner for Human Rights, in close cooperation with the Emergency Relief Coordinator, the Office for the Coordination of Humanitarian Affairs of the Secretariat, the Office of the United Nations High Commissioner for Refugees and all other relevant United Nations offices and agencies, to continue to support the Special Rapporteur;

30. Encourages the Special Rapporteur to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

31. Requests the Special Rapporteur to submit to the General Assembly at its sixty-ninth and seventieth sessions a report on the implementation of the present resolution;

32. Decides to continue its consideration of the question of protection of and assistance to internally displaced persons at its seventieth session.

Persons with disabilities

Human Rights Council action. On 21 March [A/68/53 (dec. 22/115)], the Council, recalling its decision 19/119 [YUN 2012, p. 727], in which it endorsed the report of the task force on the issues of secretariat services, accessibility for persons with disabilities and use of information technology, recommended that the General Assembly ensure sustainable live webcasting and subsequent storage of the meetings of the Council.

On the same date [res. 22/3], the Council called on States parties to the Convention on the Rights of Persons with Disabilities [YUN 2006, p. 785] to ensure that persons with disabilities could enjoy the right to work on an equal basis with others, and to adopt and implement measures to ensure that right. The Council decided that its next annual interactive debate on the rights of persons with disabilities would be held at its twenty-fifth (2014) session and would focus on the right to education, and requested OHCHR to prepare a study on the topic.

OHCHR study. Pursuant to Council resolution 22/3 (see above), OHCHR in December submitted a thematic study [A/HRC/25/29 & Corr.1] on the right of persons with disabilities to education, which focused on inclusive education as a means to realize that right. It analysed the relevant provisions of the Convention on the Rights of Persons with Disabilities, highlighted good practices, and discussed challenges and strategies for the establishment of inclusive education systems.

General Assembly action. On 23 September, by resolution 68/3 (see p. 1056), the Assembly adopted the outcome document of the high-level meeting of the Assembly on the realization of the Millennium Development Goals and other internationally agreed development goals for persons with disabilities: the way forward, a disability-inclusive development agenda towards 2015 and beyond.

Indigenous peoples

Reports of Special Rapporteur. In accordance with a Human Rights Council request [YUN 2010, p. 761], the Special Rapporteur on the rights of indigenous peoples, James Anaya (United States), in July submitted his final report [A/HRC/24/41] to the Council, which summarized his activities and addressed the human rights concerns of indigenous peoples relating
to extractive industries. The Rapporteur provided observations and recommendations that drew from the experiences he had studied, and that pointed to new models for resource extraction that were or would be consistent with international standards and conducive to the fulfilment of indigenous peoples’ rights.

A 31 July addendum [A/HRC/24/41/Add.3] reviewed the main issues discussed at the consultation on the situation of indigenous peoples in Asia (Kuala Lumpur, Malaysia, 18–19 March). The consultation examined the issues of lands, territories and resources; militarization and impact of national security measures of Governments; and self-determination, including issues such as identity, religious discrimination, customary justice and political participation.

In a 2 September addendum [A/HRC/24/41/Add.4], the Special Rapporteur provided information on communications sent, replies received and observations made on cases examined since his last report on communications sent, replies received and observations and recommendations that drew from the experiences he had studied, and that pointed to new models for resource extraction that were or would be consistent with international standards and conducive to the fulfilment of indigenous peoples’ rights.

Following his mission to Canada (7–15 October) [A/HRC/27/52/Add.2], the Special Rapporteur said that the country’s relationship with the indigenous peoples was governed by a well-developed legal framework and by policy initiatives that in many respects were protective of indigenous peoples’ rights. However, the well-being gap between aboriginal and non-aboriginal people had not narrowed; treaty and aboriginal claims remained unresolved; indigenous women and girls remained vulnerable to abuse; and there appeared to be high levels of distrust among indigenous peoples towards the Government. The Rapporteur made recommendations concerning social and economic conditions, resource development, truth and reconciliation, missing women and girls, self-government, participation and partnership, and treaty negotiation and claim processes.

Following his visit to Peru (6–13 December) [A/HRC/27/52/Add.3] to assess the situation of indigenous peoples’ rights with regard to the extractive industries, the Special Rapporteur noted that after several years of mining operations, several indigenous peoples in the country had suffered devastating social and environmental consequences, without receiving many benefits in return. That had given rise to a high level of discontent and mistrust of the State and the extractive industries among indigenous peoples, leading to protests and clashes. Despite that negative experience, the indigenous peoples had not rejected mining operations outright, but had stressed the need for their rights to be respected. While Peru was seeking to address those problems, greater efforts were needed to ensure that mining operations were conducted in a manner that was compatible with the rights of indigenous peoples.


On the same date [res.24/10], the Council decided to hold, at its twenty-seventh (2014) session, a half-day panel discussion on the promotion and protection of the rights of indigenous peoples in natural disaster risk reduction, and prevention and preparedness initiatives; requested the Expert Mechanism (see p. 729) to submit to that session a study on the topic; and recommended that the General Assembly consider changing the title of the United Nations Voluntary Fund for Indigenous Populations to United Nations Voluntary Fund for Indigenous Peoples.

YUN 2013—3rd proof—6 November 2017
Expert Mechanism

The five-member Expert Mechanism on the Rights of Indigenous Peoples, at its sixth session (Geneva, 8–12 July) [A/HRC/24/49], held a half-day session to discuss the World Conference on Indigenous Peoples (2014), then went on to discuss the follow-up to thematic studies and advice. It adopted the proposals to be submitted to the Human Rights Council at its twenty-fourth (2013) session; the Expert Mechanism's study and advice on justice in the promotion and protection of the rights of indigenous peoples [A/HRC/EMRIP/2013/2]; and a report [A/HRC/EMRIP/2013/3] on the summary of responses to a questionnaire (see below). Discussions on the Declaration were held, including a panel discussion and interactive dialogue on the role of international, regional and national mechanisms in advancing the rights of indigenous peoples as contained in the Declaration.

As requested by the Human Rights Council [YUN 2012, p. 731], the Expert Mechanism in July submitted a report [A/HRC/24/51], which contained the final summary of responses to the questionnaire seeking the views of States and indigenous peoples on best practices regarding possible measures and implementation strategies to attain the goals of the Declaration. Responses to the questionnaire were received from 21 States and 14 indigenous peoples and indigenous peoples’ organizations. In August, it submitted the study [A/HRC/24/50 & Corr.1] on access to justice in the protection and promotion of the rights of indigenous peoples. The study outlined the right to access to justice as it applied to indigenous peoples, and examined access to justice issues relevant to indigenous women, children and youth and persons with disabilities, as well as the potential of truth and reconciliation processes to promote access to justice. The study concluded with Expert Mechanism advice No. 5 (2013): Access to justice in the promotion and protection of the rights of indigenous peoples.

Funds

Voluntary Fund for Indigenous Populations

The Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations, at its twenty-sixth session (Geneva, 11–15 February) [A/69/278], recommended 65 grants to enable indigenous representatives to attend the twelfth session of the Permanent Forum on Indigenous Issues (see below), the sixth session of the Expert Mechanism (see above), the sixteen session of the Working Group on the Universal Periodic Review (see p. 592), as well as sessions of other bodies. Between January 2012 and December 2013, 14 Member States and one non-Member State contributed $909,407 to the Fund.

In December, the General Assembly, by resolution 68/149 (see p. 730), changed the name of the Fund to “United Nations Voluntary Fund for Indigenous Peoples”.

Trust Fund for Second International Decade


Permanent Forum on Indigenous Issues


The Forum identified proposals, objectives, recommendations and areas of possible action and, through the Council, recommended that States, UN system entities, intergovernmental organizations, indigenous peoples, the private sector and NGOs assist in their realization. The Forum issued recommendations on health, education, and culture. It held a half-day discussion on the African region.

Economic and Social Council action. On 25 July, the Economic and Social Council deferred consideration of the Permanent Forum’s report on its twelfth session until the Council’s resumed substantive (2013) session (decision 2013/252). On 7 November, the Council requested the Permanent Forum to continue consideration of draft decision IV, entitled “Change of name of the Permanent Forum on Indigenous Issues” and to inform the Council of the outcome (decision 2013/258); authorized a three-day international expert group meeting on the theme “Sexual health and reproductive rights: articles 21, 22 (1), 23 and 24 of the United Nations Declaration on the Rights of Indigenous Peoples” (decision 2013/259); took note of the report of the Permanent Forum on its twelfth session and approved the provisional agenda for its thirteenth session (decision 2013/261); and decided that the thirteenth session of the Permanent Forum would be held in New York from 12 to 23 May 2014 (decision 2013/260).
Expert meetings and conferences


Preparations for 2014 World Conference


GENERAL ASSEMBLY ACTION

On 18 December (meeting 70), the General Assembly, on the recommendation of the Third Committee [A/68/453], adopted resolution 68/149 without vote [agenda item 66 (a)].

Rights of indigenous peoples

Recalling all relevant resolutions of the General Assembly, the Human Rights Council and the Economic and Social Council relating to the rights of indigenous peoples,

Reaffirming its resolutions 65/198 of 21 December 2010, 66/142 of 19 December 2011 and 67/153 of 20 December 2012,

Reaffirming also its resolution 66/296 of 17 September 2012 on the organization of the high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held on 22 and 23 September 2014, and noting with appreciation its inclusive preparatory process, as well as the participation of representatives of indigenous peoples in the World Conference,

Recalling the United Nations Declaration on the Rights of Indigenous Peoples, which addresses their individual and collective rights,

Inviting Governments and indigenous peoples to organize international or regional conferences and other thematic events to contribute to the preparations for the World Conference, and encouraging the participation of the three United Nations mechanisms on indigenous peoples at these events,

Welcoming the engagement of indigenous peoples in the preparations for the World Conference, including at the regional and global levels, and encouraging their continued and active engagement,

Recalling its resolution 59/174 of 20 December 2004 on the Second International Decade of the World’s Indigenous People (2005–2014) and its resolution 60/142 of 16 December 2005 on the Programme of Action for the Second International Decade of the World’s Indigenous People, in which it adopted “Partnership for action and dignity” as the theme for the Second Decade,

Welcoming the achievements made during the Second International Decade of the World’s Indigenous People, and recognizing that challenges remain in finding the solutions to the problems faced by indigenous peoples in such areas as traditional knowledge, culture, education, health, human rights, the environment and social and economic development,

Stressing the importance of promoting and pursuing the objectives of the United Nations Declaration on the Rights of Indigenous Peoples also through international cooperation to support national and regional efforts to achieve the ends of the Declaration, including the right to maintain and strengthen the distinct political, legal, economic, social and cultural institutions of indigenous peoples and the right to participate fully, if they so choose, in the political, economic, social and cultural life of the State,

Recalling the United Nations Millennium Declaration, the 2005 World Summit Outcome and the outcome document of the high-level plenary meeting of the General Assembly on the Millennium Development Goals,

Recalling also the outcome document, entitled “The future we want”, of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012,

Recalling further Human Rights Council resolutions 24/9 of 26 September 2013, entitled “Human rights and indigenous peoples: mandate of the Special Rapporteur on the rights of indigenous peoples”, by which the Council decided to extend the mandate of the Special Rapporteur on the rights of indigenous peoples, and 24/10 of 26 September 2013, entitled “Human rights and indigenous peoples’,


Recalling also the first Peoples’ World Conference on Climate Change and the Rights of Mother Earth, hosted by the Plurinational State of Bolivia in Cochabamba from 20 to 22 April 2010,

Taking note of the regional review conferences on population and development, including the Regional Conference on Population and Development in Latin America and the Caribbean, held in Montevideo from 12 to 15 August 2013, which included “Indigenous peoples: interculturalism and rights” as part of the Montevideo Consensus on Population and Development adopted at the Conference,

Welcoming the global launch of the International Year of Quinoa, 2013, and the high-level panel discussion on food security and nutrition, held on 20 February 2013, which constituted one of the first steps in an ongoing process, focusing the world’s attention on the important role of quinoa, promoting the traditional knowledge of Andean indigenous peoples, contributing to the achievement of
food security, nutrition and poverty eradication and raising awareness of their contribution to social, economic and environmental development, and inviting Member States to share good practices on the implementation of activities in support of the achievement of the internationally agreed development goals, including the Millennium Development Goals.

Recognizing the value and the diversity of the cultures and the form of social organization of indigenous peoples and their holistic traditional scientific knowledge of their lands, natural resources and environment,

Recognizing also the importance of traditional sustainable agricultural practices, including traditional seed supply systems, as well as access to credit and other financial services, markets, secure land tenure, health care, social services, education, training, knowledge and appropriate and affordable technologies, including efficient irrigation, the reuse of treated wastewater and water harvesting and storage for indigenous peoples and others living in rural areas,

Concerned about the extreme disadvantages that indigenous peoples have typically faced across a range of social and economic indicators and about the impediments to their full enjoyment of their rights,

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, youth and persons with disabilities, as set out in the United Nations Declaration on the Rights of Indigenous Peoples, including in the process of protecting and promoting access to justice by indigenous peoples, women, children, youth and persons with disabilities,

Recalling its resolution 65/198, by which it decided to expand the mandate of the United Nations Voluntary Fund for Indigenous Populations so that it could assist representatives of indigenous peoples’ organizations and communities to participate in sessions of the Human Rights Council and of human rights treaty bodies, on the basis of diverse and renewed participation and in accordance with relevant rules and regulations, including Economic and Social Council resolution 1996/31 of 25 July 1996, and urged States to contribute to the Fund,

Recalling also its decision, in its resolution 66/296, to expand the mandate of the Fund so that it can assist, in an equitable manner, representatives of indigenous peoples’ organizations, institutions and communities to participate in the World Conference on Indigenous Peoples, including in the preparatory process, in accordance with relevant rules and regulations,

2. Takes note of the outcome document of the Global Indigenous Preparatory Conference for the World Conference on Indigenous Peoples, held in Alta, Norway, in June 2013, and other proposals made by indigenous peoples, and recommends that the four themes identified in the outcome document be taken into account when considering the specific themes for the round-table and interactive panel discussions for the World Conference, and that the Alta outcome document, as well as other proposals made by indigenous peoples, be taken into account when preparing the outcome document of the World Conference;
3. Urges Governments and intergovernmental and non-governmental organizations to continue to contribute to the United Nations Voluntary Fund for Indigenous Populations and the Trust Fund for the Second International Decade of the World’s Indigenous People, and invites indigenous organizations and private institutions and individuals to do likewise;
4. Encourages those States that have not yet ratified or acceded to the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) to consider doing so and to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples, and welcomes the increased support by States for the Declaration;
5. Encourages States, in consultation and cooperation with indigenous peoples, to take the appropriate measures, including legislative measures, to achieve the goals of the Declaration;
6. Encourages all interested parties, in particular indigenous peoples, to disseminate and consider good practices at different levels as a practical guide on how to attain the goals of the Declaration;
7. Stresses the need to strengthen the commitment of States and the entities of the United Nations system to mainstream the promotion and protection of the rights of indigenous peoples into the development agenda at the national, regional and international levels, and encourages giving due consideration to the rights of indigenous peoples in the elaboration of the post-2015 development agenda;
8. Decides to continue, at its sixty-ninth session, its consideration of ways and means of promoting the participation of representatives of indigenous peoples at meetings of relevant United Nations bodies and other relevant United Nations meetings and processes on issues affecting indigenous peoples, on the basis of the rules of procedure of such bodies and existing procedural rules and regulations of the United Nations, taking into account the report of the Secretary-General, existing practices for the accreditation of representatives of indigenous peoples at the United Nations and the objectives of the United Nations Declaration on the Rights of Indigenous Peoples;
9. Requests that United Nations entities further enhance their coordination and intensify their efforts towards a more coherent, comprehensive and integrated approach to the rights of indigenous peoples through, inter alia, the Inter-Agency Support Group on Indigenous Issues and the United Nations Indigenous Peoples’ Partnership, and calls upon the United Nations entities, in close collaboration with Member States, organizations, institutions and representatives of indigenous peoples, non-governmental organizations, the private sector and relevant partners, to develop additional measures to continue to support national, regional and international efforts to advance the rights of indigenous peoples;
11. Also decides to continue consideration of the question at its sixty-ninth session under the item entitled “Rights of indigenous peoples”.

YUN 2013—3rd proof—6 November 2017