Chapter III

Human rights country situations

In 2014, the General Assembly, the Human Rights Council, the Secretary-General, Special Rapporteurs and Independent Experts addressed the human rights situation in Member States.

In Africa, in response to continued and widespread human rights violations and abuses in the Central African Republic, the Human Rights Council held its twentieth special session and appointed an Independent Expert to undertake an urgent visit to the country. In Côte d’Ivoire, the situation intensified with the approach of the 2015 presidential elections, and the Independent Expert recommended that all political actors commit to making the plight of victims a national cause that transcended political divides. In the Democratic Republic of the Congo, the High Commissioner commended the efforts of the Congolese authorities to address serious human rights violations, but remained concerned about the situation, particularly in the eastern provinces. The Council called on the Office of the High Commissioner for Human Rights to commission a study on the impact of technical assistance and capacity-building on the human rights situation in the country for submission in 2015. In Eritrea, the Council established a commission of inquiry to investigate alleged violations of human rights. The Ebola virus exacerbated problems in Guinea, and slowed progress made in other human rights areas. Libya faced the worst political crisis and escalation of violence since the armed conflict of 2011, with two parliaments and governments claiming legitimacy while powerful armed groups exercised control on the ground, committing violations of international human rights and humanitarian law with impunity. The High Commissioner for Human Rights reiterated his appeal to all parties to end hostilities and build a State based on respect for human rights and the rule of law. The ongoing violent crisis in South Sudan saw the targeted killing of civilians, mass displacement, allegations of the recruitment and use of child soldiers, widespread incidents of arbitrary arrest and detention, sexual violence and mass killings. The Human Rights Council convened a panel discussion to identify measures to improve the human rights situation in the country. The human rights situations in Mali, Somalia and the Sudan also remained of concern.

In the Americas, progress was made in Bolivia, Colombia and Guatemala, yet issues remained. In Haiti, the Council welcomed the El Rancho Accord of 14 March, which led to elections and the appointment in December of a new Prime Minister.

In Asia, the human rights situation in Afghanistan was negatively affected by the contested security, political and economic transitions, and 2014 had the highest number of civilian deaths and injuries recorded by the United Nations Assistance Mission in Afghanistan since 2009. The High Commissioner provided recommendations for the Government, anti-Government bodies and the international community to improve the situation. In Cambodia, the human rights situation was profoundly affected by the political climate. Security forces used violence, arrests and live ammunition to disperse demonstrations, and physical attacks against journalists spiked during the year. The commission of inquiry on human rights in the Democratic People's Republic of Korea reported that, in many instances, the systematic, widespread and gross human rights violations committed by the authorities in that country constituted crimes against humanity. The General Assembly decided to submit the report of the commission of inquiry to the Security Council for action towards ensuring accountability. The Special Rapporteur on the situation of human rights in Iran found that numerous issues flagged by the international community persisted, and in some cases appeared to have worsened. The Human Rights Council held its twenty-second special session on the situation in Iraq in the light of the violations and abuses committed by the Islamic State in Iraq and the Levant and associated groups. In Myanmar, efforts continued for a nationwide ceasefire and framework for political dialogue, but the tension in Rakhine did not lessen, causing concern and alarm both domestically and internationally. In Sri Lanka, the High Commissioner briefed the Council on the comprehensive investigation into alleged serious violations and abuses of human rights committed by both parties to the conflict and appealed to the Sri Lankan authorities to cooperate fully with the investigation, as well as with the relevant special procedures mandate holders. In Yemen, the High Commissioner welcomed the conclusion in January of the National Dialogue Conference and the Conference outcomes pertaining to human rights, but she regretted that the overall security situation in the country had escalated into intermittent conflict and urged all parties to respect their obligations under international humanitarian and human rights law.

In Europe, there was a continued systemic denial of human rights to citizens in Belarus by way of a purposeful combination of restrictive laws and
abusive practices, and in Cyprus, concerns were expressed about factors impeding the implementation of international human rights standards owing to the protracted conflict. In Ukraine, there was violence and the excessive use of force by the police in response to large-scale street protests, particularly on Independence Square in Kyiv, where over 100 people were killed in January and February. The violations led to the downfall of the Government. In March, after soldiers without insignia and paramilitary and self-defence groups took control of Crimea, the High Commissioner deployed a monitoring mission to propose recommendations regarding the emerging human rights issues as well as the root causes of the situation.

In the Middle East, the international commission of inquiry on the Syrian Arab Republic found that more than 250,000 people were besieged in the country and subjected to relentless shelling and bombardment. Government forces and pro-government militia perpetrated massacres and conducted widespread attacks on civilians, systematically committing crimes against humanity, war crimes and gross violations of human rights. Chemical weapons were used in multiple incidents during the conflict. The Assembly condemned the use of chemical weapons in the Syrian Arab Republic, demanded that the Syrian authorities meet their responsibilities to protect the Syrian population, and demanded that all parties end all violations and abuses of international human rights and humanitarian law. In territories occupied by Israel, settlement activity, including increased settler violence, continued. The Council held its twenty-first special session to address the human rights situation in the Occupied Palestinian Territory following an Israeli military operation that involved disproportionate and indiscriminate attacks, aerial bombardment and the targeting of civilians in collective punishment. In the West Bank and the Gaza Strip, human rights deteriorated as security operations increased and resulted in a high number of killings and injuries, heightening the already entrenched tensions and divisions that characterized the situation.

General aspects

In the annual report on the activities of the Office of the United Nations High Commissioner for Human Rights (OHCHR) [A/HRC/28/3], the High Commissioner, Zeid Ra’ad Al Hussein (Jordan), reviewed the work of the Office at the country and regional levels, including its efforts to respond to deteriorating human rights situations. At the country level, its work was conducted through human rights field presences, support for human rights mechanisms and dialogue between the High Commissioner and Member States—including bilateral meetings, open or confidential communication, country visits by the High Commissioner and technical cooperation programmes. The report highlighted the new four-year (2014–2017) planning cycle and its newly defined thematic priorities: strengthening international human rights mechanisms; enhancing equality and countering discrimination; combating impunity and strengthening accountability and the rule of law; integrating human rights into development and in the economic sphere; widening the democratic space; and early warning and protection of human rights in situations of conflict, violence and insecurity. All priorities were cross-cutting and mutually reinforcing.

In November, OHCHR supported 67 field presences: 13 country or stand-alone offices, 12 regional offices and centres, 14 human rights components in peace missions, and 28 human rights advisers within country teams. Country or stand-alone offices were comprised of 12 country offices in Bolivia, Cambodia, Colombia, Guatemala, Guinea, Mauritania, Mexico, State of Palestine, Togo, Tunisia, Uganda and Yemen and one stand-alone office in Kosovo. Regional presences included 10 regional offices in East Africa (Addis Ababa, Ethiopia); Southern Africa ( Pretoria, South Africa); West Africa (Dakar, Senegal); Central America (Panama City, Panama); South America (Santiago, Chile); Europe (Brussels, Belgium); Central Asia (Bishkek, Kyrgyzstan); South East Asia (Bangkok, Thailand); the Pacific (Suva, Fiji); and the Middle East and Africa (Beirut, Lebanon), as well as a subregional centre for human rights and democracy for Central Africa (Yaoundé, Cameroon) and a Training and Documentation Centre for South-West Asia and the Arab Region (Doha, Qatar).

On efficiency aspects, OHCHR established a results-based management system to ensure that its scant resources were planned and allocated to ensure maximum impact. The High Commissioner concluded that OHCHR continued to provide substantive support to human rights mechanisms; worked to fulfil all mandates received from the relevant intergovernmental bodies and to provide valuable advice to stakeholders; and delivered a considerable number of technical assistance activities upon the request of States.

Africa

Central African Republic

Human Rights Council special session. In a 13 January letter [A/HRC/S-20/1], Ethiopia, on behalf of the Group of African States in Geneva, requested the convening of a special session of the Human Rights Council on the situation of human rights in the Central African Republic, which was supported
by 36 Council members and 43 observer States. The Council held its twentieth special session on 20 January [A/HRC/25/20/2].

**Human Rights Council action.** On 20 January [A/69/53 (res. S-20/1)], the Council condemned the continued and widespread violations and abuses of human rights perpetrated by all actors; demanded an immediate halt to all human rights violations, abuses and acts of violence; urged all parties to protect civilians, in particular women and children, from sexual violence; and called on the international community to assist the national authorities and neighbouring host countries to ensure protection of and assistance to those fleeing the violence. It emphasized the urgency of appointing an Independent Expert on the situation of human rights in the Central African Republic; and requested the Independent Expert to undertake an urgent visit to the country, present an oral update on the situation at the Council’s twenty-fifth (2014) session, and submit a preliminary report to its twenty-sixth (2014) session, pursuant to Council resolution 24/34 [YUN 2013, p. 733].

**Report of High Commissioner.** Pursuant to Council resolution 23/18 [YUN 2013, p. 733], in February, the High Commissioner submitted a report [A/HRC/25/43] on the situation of human rights in the Central African Republic, which evaluated the need for technical assistance and capacity-building in the country. The High Commissioner identified the priority areas in which assistance needed to be provided by the end of the year, including support for national reconciliation, the development of a strategy to combat impunity, rehabilitation of the judicial and prison systems, reform of the security sector and strengthening of the national human rights protection system. The report made recommendations to the transitional authorities, the international community and the United Nations Integrated Peacebuilding Office in the Central African Republic on their respective roles. She concluded that, during the conflict between 10 December 2012 and 23 March 2013 [YUN 2013, p. 733], violations of international humanitarian and human rights law had been committed by Government forces, under the regime of former President Bozizé, and the Séléka armed group, and that those human rights violations had continued when the Séléka came to power. Violence had continued throughout 2013 and by year’s end, the number of deaths had reached 728 in Bangui alone and the number of displaced persons reached 370,000 in the capital and 785,000 nationwide.


In May, pursuant to Council resolution S-20/1 (see above), the Independent Expert submitted a preliminary report [A/HRC/26/53], following her second visit to the country (10–18 April), where she held talks with leading political figures and the transitional authorities, in particular the transitional Head of State. During her first visit, the Independent Expert noted that the right to life, security and physical integrity was being violated by assassinations, summary executions, and cruel, inhuman and degrading treatment. In addition, the exercise of civil and political rights, more particularly freedom of opinion, religion and movement and freedom to choose one’s place of residence, were constrained by the deterioration of the security situation, impunity and the fragility of State institutions. Overcrowding and the prevailing insecurity in Bangui prison, the lack of appropriate detention facilities in the rest of the country, the weaknesses of the judicial system and the ineffectiveness of the criminal justice system, hampered the administration of justice and the fight against impunity. The situation was regarded as one of the root causes of the instability threatening social peace and undermined efforts at dialogue and inter-communal reconciliation. Breaches of international humanitarian law were reported during the Independent Expert’s two visits, including: forced displacements of the civilian population, particularly Muslims; destruction of property essential to the survival of the population, including health centres, schools, residential dwellings and fields; attacks against the civilian population in some parts of the country; rapes and other forms of sexual violence; and the recruitment of minors by armed groups.

On the economic and social level, the Independent Expert noted that the crisis experienced by the Central African Republic since December 2012 had led to the collapse of economic activity, paralysed the Government administration and given rise to an unprecedented humanitarian crisis with nearly one quarter of the population being displaced or reduced to refugee status. She concluded that the economic recovery remained dependent on the normalization of security conditions, the return of displaced persons and refugees and the gradual recovery of economic activity, particularly in the agricultural and trade sectors.

**Human Rights Council action.** On 26 September [A/69/53/Add.1 (res. 27/28)], the Council condemned the widespread human rights violations and abuses committed by all actors; urged all parties to protect civilians from sexual and gender-based violence; and called on the authorities to ensure respect for the rights and fundamental freedoms of the entire population and take steps to end the impunity of the perpetrators of crimes. It welcomed the appointment of a new Government to lead the political transition; called on all parties to respect the terms of the Cessation of Hostilities Agreement of 23 July (see p. 000); and
invited the Central African authorities to consolidate the security situation in the country through the introduction of a disarmament, demobilization and reintegration programme. The Council extended the mandate of the Independent Expert for one year to monitor, verify and report on the human rights situation in the country, with a view to making recommendations concerning technical assistance and capacity-building; and requested the Independent Expert to provide an oral update at its twenty-eighth (2015) session and a written report at its thirtieth (2015) session. It also decided to hold an interactive dialogue at its twenty-ninth (2015) session to assess developments in the human rights situation on the ground, with a particular focus on the fight against impunity.

Côte d’Ivoire

Report of Independent Expert. In a May report [A/HRC/26/52] on the situation of human rights in Côte d’Ivoire for the period from December 2013 and April 2014, the Independent Expert, Doudou Diène (Senegal), reported on his sixth visit to the country (11–24 February) and included a proposed programme of action for addressing the needs of the victims of the Ivorian crisis, which was the outcome of the international conference on the situation (Abidjan, 1214 February), organized by the Independent Expert. The Independent Expert highlighted the fact that the situation in the country was becoming more complex with the approach of the 2015 presidential elections. He re-examined a number of concerns, connected, inter alia, with the increase in sexual violence, the persistence of abuses committed by the Forces républicaines de Côte d’Ivoire (Frci) and the dozos, the population’s socioeconomic circumstances, and concerns about freedom of expression and association.

He also confirmed the progress made towards consolidating the rule of law, while underscoring the major challenges that remained. In conclusion, the Independent Expert recommended taking up the situation of victims as a national cause in order to ensure that victims of the crisis did not become victims of the political polarization in Ivorian society.

Human Rights Council action. On 27 June [A/69/53 (res. 26/32)], the Council condemned attacks by unidentified armed groups in Côte d’Ivoire; and welcomed the substantial improvement in security matters, the cooperation of the Government with UN human rights machinery, and the resumption of criminal trials throughout the national territory after a 16-year hiatus. It applauded the work in the political framework for ongoing dialogue aimed at facilitating inclusive political pluralism, the adoption of new legislation, notably in the area of family law providing for equal rights between men and women in marriage; the reform of the Independent Electoral Commission; the commitments made by the Government to endorse the Independent Expert’s recommendations; and Government efforts to ratify international and regional human rights instruments. The Council urged the Government to support the implementation of the mandate of the Dialogue, Truth and Reconciliation Commission [YUN 2011, p. 146]; requested the international community to continue to support the reconstruction and reconciliation process underway and requested ohchr to continue to provide the technical assistance requested by the Government, including support for the Dialogue, Truth and Reconciliation Commission. It requested the Independent Expert to submit a report at the Council’s twenty-eighth (2015) session and final recommendations at its twenty-ninth (2015) session; and decided to establish a new mandate on capacity-building and technical cooperation with Côte d’Ivoire in the field of human rights, to follow on from the previous mandate, for a period of one year, renewable, from the twenty-sixth (2014) to the twenty-ninth (2015) sessions of the Council.

Democratic Republic of the Congo

Report of High Commissioner. In a September report on the human rights situation in the Democratic Republic of the Congo (DRC) [A/HRC/27/42], covering the period from June 2013 to May 2014, pursuant to Council resolution 24/27 [YUN 2013, p. 736], the High Commissioner commended the efforts made by the Congolese authorities to address serious human rights concerns, in particular, the continued increase in the prosecution of State agents for human rights violations, as well as the promulgation by the Government of an amnesty law for acts of insurrection, acts of war and political offences, excluding amnesty for genocide, war crimes, crimes against humanity and other serious violations of human rights. The Government had also proposed legislation aimed at establishing specialized chambers within the civilian justice system to try perpetrators of war crimes, crimes against humanity and genocide. Despite those efforts, the High Commissioner remained concerned about the human rights situation in the country, particularly in the eastern provinces. While the defeat of Mouvement du 23 mars (m23), in November 2013 [YUN 2013, p. 735], had had a positive impact on the security and human rights situation, the operations of several armed groups to control resource-rich territories still represented a serious threat for civilians. In addition, the justice system continued to face various challenges in investigating and prosecuting perpetrators of human rights violations. Military tribunals, where they existed, were often understaffed and under-resourced, and the lack of independence of the military justice system from military hierarchy was problematic. Human rights activists, journalists and political opponents continued to face challenges
and threats, particularly in the lead-up to the 2015 provincial and local elections and the 2016 presidential and legislative elections. The report reiterated previous recommendations of the High Commissioner, notably with regard to addressing impunity for past and present violations.

**Human Rights Council action.** On 26 September [A/69/53/Add.1 (res. 27/27)], the Council encouraged the DRC to make the National Human Rights Commission operational [YUN 2013, p. 736] soon; welcomed the appointment, by an 8 July presidential order, of the Personal Representative of the Head of State on Sexual Violence and Child Recruitment; invited the Government and its national partners to ensure the transparency and credibility of the electoral process; welcomed the 30 August adoption of the action plan of the DRC Armed Forces to combat sexual violence; and encouraged the Government to ensure appropriate protection for journalists and human rights defenders in the course of their respective activities, and to ensure that the national disarmament, demobilization and reintegration programme took account of the specific needs of children affected by the armed conflict and the protection of their rights. The Council called on the High Commissioner to commission a study on the impact of technical assistance and capacity-building on the human rights situation in the DRC and to submit the report at its thirtieth (2015) session within the framework of an interactive dialogue.

**Eritrea**

**Report of Special Rapporteur.** In a May report [A/HRC/26/45] on the situation of human rights in Eritrea, submitted pursuant to Council resolution 23/21 (YUN 2013, p. 737), the Special Rapporteur, Sheila B. Keethartuh (Mauritius) focused on two main issues, namely, the indefinite national service, and arbitrary arrest and detention, including incommunicado detention and inhuman prison conditions. She emphasized that the rampant human rights violations occurring in those contexts, which were causing hundreds of thousands to leave the country for an unknown and precarious future elsewhere, required the Council’s particular attention. Noting that Eritrea lived in a state of constant preparedness for combat based on what the State termed as a “no war-no peace” situation, the Special Rapporteur concluded that that rhetoric provided the context for the non-implementation of the Constitution ratified by the Constituent Assembly in 1997; withholding the organization of free and fair elections at the national level; severe restrictions on civil, political, economic and social rights; excessive militarization of society; with a high proportion of the population either in indefinite national service or in the People’s Militia; and forced migration.

The Special Rapporteur highlighted that her recommendations from her first report [YUN 2013, p. 736] remained valid, as the Government of Eritrea had not demonstrated its willingness to take them into consideration and to act upon them. She presented a series of recommendations to the Government, including, inter alia, to discontinue the indefinite national service and demobilize those who had completed the 18 months of service originally envisaged; ensure children were not conscripted into the military; promptly investigate allegations of extrajudicial killings, torture, rape and sexual abuse within the national service; end human rights violations committed against conscripts during national service; close all unofficial and secret places of detention; permit unhindered access by international monitors to all detention facilities; end restrictions on the freedom of movement, within Eritrea and travel outside the country, without requiring an exit permit; and treat returnees in accordance with human rights international law.

**Human Rights Council action.** On 27 June [A/69/53 (res. 26/24)], the Council condemned the continued widespread and systematic violations of human rights and fundamental freedoms committed by the Eritrean authorities; reiterated its call on the Government to end the use of arbitrary detention of its citizens; account for and release all political prisoners; end the system of indefinite national service; and to cooperate with OHCHR and allow unhindered access to a further mission. It extended the Special Rapporteur’s mandate for one year; requested the Rapporteur to report at its twenty-ninth (2015) session and to engage in an interactive dialogue with the General Assembly at its sixty-ninth (2014) session; invited the High Commissioner to report to the Council on progress in cooperation between Eritrea and OHCHR; and established, for one year, a commission of inquiry comprising the Special Rapporteur and two members appointed by the Council President to investigate all alleged violations of human rights in Eritrea, as outlined in Special Rapporteur’s reports. The Council requested the commission of inquiry to present an oral update to the Council’s twenty-eighth (2015) session and to the General Assembly’s seventieth (2015) session, and a written report to the Council’s twenty-ninth (2015) session. It also decided that all reports of the commission of inquiry would be transmitted to all relevant UN bodies and to the Secretary-General for appropriate action.

**Guinea**

**Human Rights Council action.** On 28 March [A/69/53 (res. 25/35)], the Council welcomed the holding of peaceful elections in 2013 [YUN 2013, p. 737] and the establishment of the new National Assembly of Guinea on 13 January 2014; recognized the Government’s efforts to strengthen the rule of law and im-
prove the human rights situation in the country; welcomed the existence of the new Ministry of Human Rights and Civil Liberties; and called on the Guinean authorities to guarantee freedom of opinion, expression, peaceful assembly and association. It urged all political stakeholders to continue to take an active part in the political dialogue, prevent and prohibit any act of violence, and be involved in the national reconciliation process; encouraged the Government to draw up a comprehensive programme to strengthen the administration of justice to combat impunity and strengthen respect for human rights; and invited the High Commissioner to report at the Council’s twenty-eighth (2015) session on the situation of human rights and the work of OHCHR in Guinea.

**Report of High Commissioner.** Pursuant to Council resolution 25/35 (see above), the High Commissioner submitted a report [A/HRC/28/50] on the situation of human rights in Guinea in 2014, made recommendations to address diverse human rights problems and provided information on the activities of OHCHR in the country. During the year, action by the Government was dominated by efforts to control the Ebola virus. The case fatality rate, the measures adopted by the authorities to tackle the virus and the decisions by some neighbouring countries to close their borders affected the exercise of fundamental rights, such as, freedom of movement, the right to education, the right to health and the right to work. Government efforts to consolidate national institutions continued. The reform of the judicial system was marked by the establishment of the Supreme Council of Justice and the implementation of the special status for magistrates to ensure their independence and significantly improve their salary. Progress in combating impunity among members of the defence and security forces, however, had been very limited; prison overcrowding remained a major problem, due to the systematic use of pretrial detention; no progress had been made in efforts to combat violence against women and girls; and female genital mutilation was still practiced.

As Guinea was preparing itself for presidential elections in 2015 in an extremely difficult socio-economic and health situation, the High Commissioner concluded that it was essential to foster and ensure the dialogue and prevent instability and all forms of violence. He recommended that the Government continue efforts to combat impunity; ensure that any measures taken to control the Ebola virus were based on respect for human rights; strengthen the resources of the security forces; ensure security and transparency during the Presidential elections, while respecting electoral rights and freedoms; strengthen efforts to combat discrimination, particularly gender-based stereotypes; and strengthen cooperation with the treaty bodies and the universal periodic review mechanism. The international community should continue to provide the Government with the assistance necessary to enable it to combat the spread of the Ebola virus; support the reform of the security and justice sectors; and provide the Government with the assistance necessary to reduce poverty and help improve the realization of social and economic rights.

**Libya**

**Report of High Commissioner.** Pursuant to Human Rights Council resolution 22/19 [YUN 2013, p. 738], the High Commissioner submitted a report [A/HRC/25/42] on technical assistance for Libya in the field of human rights, which highlighted the importance of supporting the ongoing efforts of the Government to build the capacity of institutions dealing with human rights, transitional justice and the rule of law, and made recommendations to the Government on establishing a robust legal framework, strengthening national human rights bodies, ensuring effective administration of justice, developing comprehensive transitional justice processes and addressing the needs of social groups. The High Commissioner recommended that the Government, through capacity-building and technical assistance support, review and strengthen protections in law and policy to guarantee the rights of women, minorities, migrants, refugees and children; develop a strategy to address the issue of all persons displaced since 2011; address the situation of persons deprived of their liberty, with due regard to the situation of female detainees; strengthen the capacity of State institutions, such as the judicial system and the judicial police; implement an approach to transitional justice through ensuring the appointment of qualified and independent members of the Fact-Finding and Reconciliation Commission; develop a legal framework for the promotion and protection of human rights; ratify outstanding human rights treaties and optional protocols; and establish a moratorium on the use of the death penalty.

**Human Rights Council action.** On 28 March [A/69/53 (res. 25/37)], the Council welcomed the promulgation of Law No. 29 on 2 December 2013 on transitional justice; the issuance of Decree No. 119 of 2014 on recognizing victims of sexual violence as victims of war; and an amendment to the law to enhance the independence of the judiciary. It expressed concern at the continued mistreatment of detainees in detention centres out of judicial police control; called on the Government to establish control over all detention centres to ensure that detainees were treated in accordance with its international obligations; further empower women and girls, ensuring their full participation in relation to the electoral system, the police and the judiciary; and protect freedom of religion and belief.

The Council requested the High Commissioner to provide technical assistance to support the Government in building and strengthening national structures
that had a direct impact on the overall observance of human rights and the maintenance of the rule of law in the country; and to submit a report on the human rights situation in Libya and its technical support and capacity-building needs at the Council’s twenty-eighth (2015) session.

**Report of High Commissioner.** Pursuant to Council resolution 25/37 (see above), the High Commissioner submitted a report [A/HRC/28/55] on the situation of human rights in Libya and on related technical support and capacity-building needs. He stated that the country was facing the worst political crisis and escalation of violence since the 2011 armed conflict [YUN 2011, p. 266], with two parliaments and governments claiming legitimacy, while powerful armed groups exercised effective control on the ground, committing violations of international human rights and humanitarian law with impunity. In May, in Benghazi, General Khalifa Haftar, the head of the Libyan National Army, launched Operation Dignity against the Benghazi Revolutionaries Shura Council, with fierce fighting continuing throughout the year. A renewed offensive by the Libyan National Army in October, led to the Army gaining control of sizeable areas of Benghazi by December. Tripoli witnessed six consecutive weeks of heavy fighting from mid-July, when an alliance of armed groups launched Operation Libya Dawn against Zintan-affiliated armed groups allied with fighters from the Warshafana region, west of the city. In August, Libya Dawn fighters seized control of Tripoli International airport and other areas of Tripoli, and subsequently took control over the region. Sporadic fighting also erupted throughout the year in southern Libya. Meanwhile, the justice system had continued to be attacked and was no longer functioning in parts of the country. In that context, the provision of technical assistance had been significantly disrupted. Some State institutions and civil society organizations, however, were still functioning to varying degrees and required assistance.

The High Commissioner concluded that the actions taken by all parties involved in the violence had led to numerous grave abuses of human rights and violations of international human rights and humanitarian law. He reiterated his appeal to all parties to end hostilities and, through an inclusive political dialogue, establish a framework to build a State based on respect for human rights and the rule of law. He recommended that the Libyan authorities, through capacity-building and technical support: address the situation of persons deprived of their liberty; develop a strategy to address the issue of displaced persons; resume building State institutions, in particular the armed forces, law enforcement and the judiciary; review and strengthen legal and policy protections which guaranteed the rights of women, minorities, children, migrants, refugees and asylum seekers; ensure that those responsible for human rights violations and abuses were brought to justice; and cooperate fully with the International Criminal Court by assisting its investigations and complying with its rulings.

**Mali**

**Human Rights Council action.** On 28 March [A/69/53 (res. 25/36)], the Council welcomed the return to constitutional order and significant improvement in the security situation in Mali; commended action taken by the Government to bring all perpetrators of human rights violations and abuses before impartial and independent courts regardless of their status or function; and welcomed the establishment of a Ministry for National Reconciliation. It reiterated its concern over the human rights violations, abuses and violations of international humanitarian law committed in the country since 2012; called on the Government to continue its efforts to protect human rights and promote national reconciliation; and urged the international community to continue to provide humanitarian assistance to refugees and displaced persons in order to encourage the voluntary return of such persons to their place of origin. The Council extended the mandate of the Independent Expert on the situation of human rights in Mali for one year and requested him to report to the Council’s twenty-eighth (2015) session.

**Report of Independent Expert.** Pursuant to Council resolution 25/36 (see above), the Independent Expert on the situation of human rights in Mali, Sulieman Baldo (Sudan), submitted a report [A/HRC/28/83 & Corr.1] covering the period from 1 May to 29 December and providing an account of his third visit to the country (7–17 October). He noted with concern that the progress observed during his second mission in February, in terms of strengthening State authority, deploying the administration in the north of the country and combating impunity, had been called into question following the fighting that broke out in Kidal from 16 to 21 May. Those events, which had rekindled the power struggle between the Government and rebel groups, had had major political, security and humanitarian repercussions in the country, as well as serious consequences for the human rights situation. Armed movements, including terrorist groups, had gradually regained control of the north of the country and, for the first time, members of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) were targeted by jihadi groups, keeping humanitarian actors away from people living in northern Mali. The Independent Expert noted the contrast, since his previous report [YUN 2013, p. 739], between the marked decrease in cases of violations of the right to life, attributable to the Malian armed forces, and the significant increase in violations of human rights and of international humanitarian law by the different armed groups in northern Mali. The rape of minors by certain members of the Malian armed forces
was the main source of concern. Armed and extremist groups present in the north of the country continued to be involved in violations of human rights and the fragile security situation in northern Mali was pushing many groups, formed most often on the basis of their identity, to acquire weapons to defend their communities. Against a backdrop of intercommunal and intracommunal tensions, the risk of serious human rights violations among the civilian population was of great concern. The Independent Expert noted the Government’s efforts to reform the National Human Rights Commission and establish mobile counselling centres to expedite judicial proceedings for crimes committed in the north of the country. He concluded the report with a series of recommendations for the Malian authorities.

**Somalia**

**Report of Independent Expert.** In a September report [A/HRC/27/71], the Independent Expert on the situation of human rights in Somalia, Bahame Tom Nyanduga (Tanzania), who assumed his mandate in June and made preliminary inquiries for OHCHR to organize a visit to the country in June-July 2014, indicated that it was not feasible to undertake a visit that would not yield any meaningful outcomes as the Holy month of Ramadan was approaching. In addition, he needed to complete the requisite security training before traveling to Somalia. Consequently, the Independent Expert undertook extensive background research on the prevailing socioeconomic, political, security, humanitarian, and human rights situation in the country. He also held meetings in Geneva and Nairobi with various stakeholders, including UN agencies, permanent missions, international organizations, donor countries, NGOs and civil society organizations, with whom he exchanged a broad range of ideas and views on his mandate and the human rights situation in Somalia. In July, reports of a sustained Al-Shabaab campaign of terror and violence were impacting the human rights situation in Somalia. Mogadishu witnessed targeted assassinations of government officials, members of the Somali Federal Parliament and attacks on vital institutions such as the Parliament and the Villa Somalia, the seat of Government, which caused loss of life to members of the security forces and civilians, including women and children. The Independent Expert provided a summary of the meetings held, a brief analysis of the human rights situation and of the emerging issues in Somalia, as well as some recommendations.

**Sudan**

**Report of Independent Expert.** Pursuant to Council resolution 24/28 [YUN 2013, p. 741], the Independent Expert on the situation of human rights in the Sudan, Mashood A. Baderin (Nigeria), submitted a September report [A/HRC/27/69] covering the period from October 2013 and July 2014, during which he undertook two missions to the Sudan. The report focused principally on the need to enhance the protection of human rights on the ground and implementation of the recommendations contained in his previous report [YUN 2013, p. 741]. It outlined the subsisting human rights challenges in the country, highlighted a list of communications sent to the Government during the reporting period, identified technical assistance and capacity-building needs and provided a list of recommendations, addressed to the Government and other stakeholders, necessary for addressing the human rights challenges in the country.

The Independent Expert concluded that the Government had sustained its efforts in respect of policies to improve the human rights situation in the Sudan, but the effective and practical implementation of those policies on the ground still remained protracted. He recommended the Government implement the remaining recommendations from his previous report without delay; institute an independent judicial public enquiry into the killings and other human rights violations that occurred during the September 2013 demonstrations; ensure that the death of the third-year economics student killed by gunshot at the University of Khartoum on 10 March 2014, was fully investigated and its findings made public; charge or release the leader of the Sudanese Congress Party and all other political and youth activist detainees; ensure that security agents desist from arbitrary arrests and detentions, press censorship, clamping down on civil society organisations, and fully respect the right to liberty and freedom of individuals; recognize representatives of armed movements, civil society organisations, academia, women and youth groups as formal participants in the proposed national dialogue; stop indiscriminate aerial strikes and respect the principle of proportionality in armed response to attacks by armed movements; provide police forces in areas where sexual and gender-based violence was prevalent; lift the suspension on International Committee of the Red Cross activities; allow vaccination access to the conflict areas to save children from preventable diseases and facilitate humanitarian access to populations in need of assistance; improve the conditions of prisons outside Khartoum; and cooperate with the international community to find a permanent peaceful solution to armed conflicts in the country, especially in Darfur, South Kordofan and Blue Nile States. The international community should continue to provide necessary technical assistance to the Government and civil society organisations in the Sudan towards the effective improvement of the human rights situation in the country.

In a September addendum [A/HRC/27/69/Add.1], the Government of the Sudan provided their comments on the Independent Expert’s report.
Human Rights Council action. On 26 September [A/69/53/Add.1 (res. 27/29)], the Council encouraged the initiative of holding a comprehensive, inclusive national dialogue in the Sudan to achieve sustainable peace; expressed serious concern at the excessive use of force, including the lethal shooting of demonstrators in September 2013 and March 2014, and called on the Government to institute an independent public inquiry and to refer its findings to the judiciary within its legal system; urged the Government to further its efforts for the promotion and protection of human rights, in particular to ensure freedom from arbitrary arrest and detention, and to respect the human rights of all individuals; and condemned the violations and abuses of international human rights and humanitarian law reported in the States of Darfur, South Kordofan and Blue Nile and by all parties, including sexual and gender-based violence, the indiscriminate aerial bombings on humanitarian facilities, and the targeting of civilians and humanitarian aid workers. The Council extended the Independent Expert’s mandate for one year; requested him to report to the Council’s thirtieth (2015) session; and called on the Government to continue its cooperation with the Independent Expert and to permit effective access to visit all areas of the country.

Communication. In a 26 September note verbale [A/HRC/27/G/10], the Sudan transmitted its comments regarding the 7 July 2014 call for application vacancy of an Independent Expert on the situation of human rights in the Sudan.

South Sudan

Human Rights Council action. By a President’s statement of 28 March [A/69/53 (PRST/25/2)], the Council expressed concern at and deplored the situation of human rights resulting from the crisis and violence that broke out in mid-December 2013 in South Sudan [YUN 2013, p. 242] and called on the parties to the conflict to end all violations and abuses of human rights, and violations of international humanitarian law, including attacks against and killings of civilians, the displacement of populations and sexual and gender-based violence. It expressed support for the democratically elected Government, encouraged it to investigate the root causes of the crisis and outbreak of violence in December 2013 and welcomed the establishment by the African Union of a commission of inquiry for South Sudan as an important step towards ensuring accountability and preventing the recurrence of such abuses. The Council urged the parties to the conflict to allow access to humanitarian assistance to all populations in need and stressed the importance of the Council’s continued attention to the human rights situation, including through the High Commissioner’s interim report to be submitted at its twenty-sixth (2014) session.

High Commissioner visit. An 8 September note by the secretariat [A/HRC/26/23] (see also below) advised that the cessation of hostilities agreement signed by the parties to the conflict in Addis Ababa, in January 2014 (see p. 000), had proved ineffective, as both parties had continued attacks. At the request of the Secretary-General, the High Commissioner, together with the Special Representative of the Secretary-General for the Prevention of Genocide, visited South Sudan (28–30 April). The visit provided the High Commissioner with an opportunity to witness first-hand the human rights situation in the country and to engage with the country’s leaders with regard to their responsibilities to bring an end to the violence and protect civilians from violations of human rights and humanitarian law.

Human Rights Council action. On 27 June [A/69/53 (res. 26/31)], the Council condemned the abuses and violations of human rights, and violations of international humanitarian law, including the targeted killing of civilians and mass displacements, allegations of unlawful recruitment and use of child soldiers, widespread incidents of arbitrary arrest and detention, sexual violence and mass killings that had occurred in the aftermath of the violence of 15 December 2013. It demanded a halt to all human rights violations, abuses and acts of violence by all parties; stressed that the perpetrators should be held accountable and brought to justice; and called on the international community to assist neighbouring countries hosting refugees. The Council decided to convene, at its twenty-seventh (2014) session, a panel discussion on the human rights situation in South Sudan; and requested the High Commissioner to submit an interim report on the situation for discussion by the panel, and to submit a summary on the outcome of the discussion and a report on technical assistance and capacity-building measures to its twenty-eighth (2015) session.

Report of High Commissioner. Pursuant to Council resolution 26/31 (see above), the High Commissioner submitted a report [A/HRC/27/74] on the situation of human rights in South Sudan covering the period from 8 May to 8 August and noted that the scale and severity of reported violations and abuses of human rights and violations of international humanitarian law had declined in the country compared with the first months of the conflict. Civilians, nonetheless, continued to bear the brunt of the armed conflict. The number of civilians displaced across and from South Sudan continued to rise, and the humanitarian situation further deteriorated, with the country experiencing extreme food insecurity and facing a possible famine. Despite the relative lull in large-scale hostilities, UNMISS continued to receive reports of the killing and wounding of civilians by all parties to the armed conflict and other armed groups. The Government and opposition Sudan
People’s Liberation Movement continued to mobilize forces and amass weapons in an effort to consolidate their respective power bases, and to undermine the conditions for the protection of civilians and the lifesaving work of humanitarian agencies and UNMISS. Accountability for human rights abuses committed since the outbreak of violence in December 2013 remained of great concern, with little or no progress registered. Despite the establishment of several investigation committees and numerous pronouncements by both parties to the conflict that perpetrators would be held accountable for conflict-related human rights abuses and violations, as well as serious violations of international humanitarian law, no concrete steps had been taken.

**Secretariat note.** An 8 September note by the secretariat [A/HRC/26/23], in reference to Council resolution 23/24 [YUN 2013, p. 741] requesting the High Commissioner to report on the situation of human rights in South Sudan and submit an interim progress report on technical assistance and capacity-building, informed that OHCHR carried out its human rights programme through the Human Rights Division of the United Nations Mission in South Sudan (UNMISS) (see p. 000). The severe crisis triggered on 15 December 2013 by an internal political conflict within the ruling Sudan People’s Liberation Movement had not been resolved and the conflict that ensued had resulted in the loss of thousands of innocent lives, the destruction of major towns and more than a million people displaced. Security institutions, especially the Sudan People’s Liberation Army, had partially disintegrated and their legitimacy had been eroded by the human rights violations committed by their members. In light of the crisis, UNMISS had adjusted its posture and proceeded with a strategic shift from its original mandate of support to peacebuilding, Statebuilding and the extension of State authority to one of strict impartiality in its relations to the parties to the conflict (see p. 000). In the absence of any capacity-building programmes in South Sudan, the High Commissioner drew the Council’s attention to the May report by the UNMISS Human Rights Division for an overview of the human rights situation in the country since the outbreak of conflict.

**Panel discussion.** Pursuant to Human Rights Council resolution 26/31 (see above), a panel discussion on the human rights situation in South Sudan was convened at the Council’s twenty-seventh (2014) session (Geneva, 24 September) and the High Commissioner submitted a summary [A/HRC/28/53] on its outcome. The discussion focused on identifying measures to improve the human rights situation in South Sudan and to strengthen UN support for the work of the African Union Commission of Inquiry on South Sudan and for the Intergovernmental Authority on Development (IGAD)—led peace process. The report also included specific recommendations addressed to the parties to the conflict, IGAD, UNMISS and the Human Rights Council.

**Report of High Commissioner.** Pursuant to Council resolution 26/31 (see above), the High Commissioner submitted a report [A/HRC/28/40] on the human rights situation in South Sudan, covering the period from 15 August to 15 December, prepared in cooperation with UNMISS. He stated that the situation remained of serious concern: the Mission had continued to receive reports of human rights violations and abuses, as well as violations of international humanitarian law. Incidents of conflict-related sexual violence continued to be reported, not only in the context of the hostilities between the main belligerents, but also of cyclical intercommunal clashes. Reports were also received of the large-scale recruitment of children, the military use and occupation of schools and hospitals and other grave violations and abuses perpetrated against children. Restrictions on freedom of expression characterized the human rights situation, with regular incidents of harassment of members of civil society, detention of journalists, confiscation of newspapers and closure of radio stations by government officials. Other areas of concern included, problems in the administration of justice; allegations of torture and ill-treatment in custody; and the lack of accountability for human rights violations and abuses committed during the conflict. While the Government had acknowledged that violations had been committed and had established several accountability measures, there were serious concerns as to whether such measures met international standards, including due process, independence and transparency.

**Americas**

**Bolivia**

**Report of High Commissioner.** In his annual report [A/HRC/28/3/Add.2], the High Commissioner reviewed the human rights situation in Bolivia and the work undertaken by OHCHR in the country during 2014. President Evo Morales Ayma was re-elected in the October general elections, and as a result of those elections, the Plurinational Legislative Assembly would have equal male and female representation. Income redistribution programmes registered progress in the enjoyment of economic, social and cultural rights and in the fight against extreme poverty. Food insecurity fell from 38 per cent to 19.5 per cent. The High Commissioner expressed concerned about the number of femicides, the length of the related investigations and the low number of convictions. He noted that the adoption of Comprehensive Law 348 in 2013 [YUN 2013, p. 742] guaranteeing women a life free from violence, and the publication of the corresponding regulation in October 2014, constituted an
important step forward in the struggle against gender-based violence. He welcomed the initiative taken in October by female judges of the judicial branch and the Constitutional Court to present a draft policy on gender equality in judicial institutions.

The main structural problems faced by the administration of justice persisted and had worsened. The High Commissioner hoped that the establishment of the National Council for Strategic Development of the Bolivian Justice System would be the first step towards effective judicial reform. Emblematic cases cited in the report exemplified the delays in the delivery of justice, resulting in impunity. The High Commissioner remained concerned at the high-level of pretrial detention—82 per cent of prisoners—despite short- and medium-term measures taken to combat it, as well as developments affecting human rights defenders and civil society organizations.

The High Commissioner concluded with recommendations, including those which related to drawing up a plan for judicial reform, with short-, medium- and long-term measures to rectify structural problems; continuing the investigations of the events surrounding the fire at Palmasola Prison, which led to the deaths of 35 people; bringing prison conditions in line with international norms and ensuring that national police adhered to detention protocols; increased Government efforts to support the National Committee against Racism and All Forms of Discrimination; promulgation of the law on free, prior and informed consultation; creation by the Government of a specialized interministerial coordination body for the drafting of State party reports and for following up on the implementation of the recommendations of international human rights mechanisms; the adoption of measures to address gender-based violence; and the conduct of prompt, thorough and impartial investigations into all instances of lynching.

**Guatemala**

Communication. By a 12 February note verbale [A/HRC/25/G/8], Guatemala provided its comments on the report of the High Commissioner on OHCHR work in Guatemala during 2013 [YUN 2013, p. 742].

**Report of High Commissioner.** In his annual report [A/HRC/28/3/Add.1 & Corr.1 & 2] on OHCHR activities in Guatemala during the year, the High Commissioner, in the context of elections to high-level posts in the justice sector, reviewed progress and challenges to judicial independence and the fight against impunity, including transitional justice. He also highlighted the persistently high levels of violence, which particularly affected women; outlined the response strategies of security institutions; and described the insecure environment in which human rights defenders worked, and the outstanding challenges in ensuring the rights of indigenous peoples. The report identified the causes of social unrest, the impacts on human rights and the response provided by the State. Issues related to the right to food, access to land and labour rights were also addressed, and a section on business and human rights had been incorporated. The report summarized activities undertaken by OHCHR-Guatemala, including training for indigenous organizations on strategic litigation for indigenous peoples’ rights, and training for officials of the judiciary in the human rights of indigenous peoples.

In his recommendations, the High Commissioner called on the State to conduct a comprehensive
review and reform of the constitutional and legal framework related to the judiciary; urged newly appointed judges of the Supreme Court of Justice to ensure the continuity of previous efforts at expediting proceedings, diminishing the judicial backlog and facilitating access for the rights holders; recommended that all judicial authorities continue efforts to investigate human rights violations committed in the context of the armed conflict and to prosecute the perpetrators; urged that the renewal of the mandate of the International Commission against Impunity in Guatemala [YUN 2007, p. 308] be considered an important contribution in the struggle against impunity; and called on the judiciary to carry out specific actions to strengthen indigenous peoples’ access to justice. Further recommendations related to the investigation and prosecution of attacks on human rights defenders; a mechanism for protecting journalists; creation of a new category of environmental protection to harmonize environmental protection with the traditional systems for the administration, use and possession of communal lands; recognition and respect by justice institutions of indigenous jurisdiction in their areas of competency, in accordance with international standards; complaints regarding the impact of monocultures in the communities on the Southern Coast; measures to fully implement the agrarian policy; and legal reforms to reinstate the capacity of the Ministry of Labour to impose sanctions in cases where labour rights were infringed.

Communication. By a 26 December note verbale [A/HRC/28/G/1], Guatemala provided its comments on the High Commissioner’s report on the work of OHCHR in Guatemala.

Haiti

Human Rights Council action. By a President’s statement of 28 March [A/69/53 (PRST/25/1)] on the situation of human rights in Haiti, the Council noted the latest legal and political developments in the country, which had been marked by progress in terms of civil, political, economic, social and cultural rights; and welcomed the signature of the El Rancho Accord on 14 March (see p. 000), which gave voice to the desire of Haitian political actors to move forward with the planning of elections and the consolidation of democracy, as well as, the commitment of the authorities to improve the living conditions of Haitians by devoting greater attention to human rights. The Council encouraged the Government to strengthen national human rights and judicial institutions; strengthen the rule of law by combating impunity, crime and its causes, and the use of prolonged pretrial detention; and continue to adopt measures to increase women’s participation in political affairs, combat gender-based violence and discrimination, and safeguard the rights of vulnerable groups, including women, persons with disabilities and children—particularly child domestic workers. It extended the mandate of the Independent Expert on the situation of human rights in Haiti for one year and invited the Independent Expert to submit a report on the human rights situation in Haiti to the Council’s twenty-eighth (2015) session, and to undertake a mission to Haiti and also report on the mission at its twenty-eighth session.

Report of Independent Expert. Pursuant to Human Rights Council statement PRST/25/1 (see above), the Independent Expert on the situation of human rights in Haiti, Gustavo Gallón (Colombia), submitted a report [A/HRC/28/82] covering his second mission to the country (15-22 July) and reviewing efforts made to address the following five human rights areas identified in his previous report [YUN 2013, p. 743]: illiteracy; prolonged pretrial detention; elections; redress for large-scale human rights violations perpetrated in the past; and resettlement of the people displaced by the 2010 earthquake. For each area, he identified the problems observed and proposed specific solutions. As prerequisites for addressing those urgent human rights matters, he identified strong political will on the part of the Government and the international community, active involvement by civil society, consensus on the priority problems to be addressed, focused coordination of work and perseverance in efforts to attain the state goals. In December, a new Prime Minister was appointed as a first step towards clearing the impasse surrounding the holding of elections. Success on this front could bring momentum to the efforts to improve the human rights situation in Haiti.

The Independent Expert recommended that the State set a reasonably short time frame for eradicating illiteracy, which afflicted roughly one half of the adult population; promptly reduce prison overcrowding, ensure proper sanitation in prisons, provide food to inmates and process the cases of persons being held in prolonged pretrial detention; set up the national commission for reparation that was to have been established in 1995, as recommended by the National Truth and Justice Commission created for victims of the 1991 coup; and establish a reparations commission for the victims of the cholera epidemic. Further recommendations pertained to the increased resources required to guarantee the right to housing and decent living conditions for displaced persons still living in camps set up after the January 2010 earthquake; Dominican Republic authorities ensuring the rights of residents of Haitian origin as ordered by the Inter-American Court of Human Rights in its 28 August judgement; special attention being accorded to the rights of women; and the recruitment of an expert to assist with the preparation of the report of Haiti to the Committee for the Elimination of Discrimination against Women.
Asia

Afghanistan

Report of High Commissioner. In a report on the situation of human rights in Afghanistan [A/HRC/28/48], submitted pursuant to a Human Rights Council decision [YUN 2006, p. 948] and resolution 14/15 [YUN 2010, p. 772], the High Commissioner stated that the human rights situation in 2014 had been negatively affected by the contested security, political and economic transitions. Anti-Government elements sought to exploit the uncertainty by increasing their offensives, resulting in more ground engagements and a rising toll in civilian casualties. In the first 11 months of the year, civilian deaths and injuries from conflict-related violence increased by 19 per cent compared with the same period in 2013, and 2014 had the highest number of civilian deaths and injuries recorded by the United Nations Assistance Mission in Afghanistan (UNAMA) [YUN 2002, p. 18] and OHCHR since 2009. Unaddressed violence against women and girls and impunity for abusive detention practices, including torture, continued. Despite the worsening conflict and continued human rights violations, the formation in September 2014 of the National Unity Government committed to a reform agenda, provided an opportunity to consolidate and expand human rights protections. The High Commissioner welcomed the strong public statements by the new Government that emphasized the importance of human rights, especially women’s rights. He noted that UNAMA/OHCHR supported Government initiatives on women’s empowerment, the rights of detainees, combatting sexual harassment and addressing concerns regarding internally displaced persons. UNAMA/OHCHR also provided support and advocacy to strengthen the effectiveness and independence of the Afghanistan Independent Human Rights Commission; and had prioritized four areas: protection of civilians in armed conflict, including children; elimination of violence against women; prevention of torture and arbitrary detention; and human rights aspects of peace and reconciliation processes.

The High Commissioner recommended that the Government take concrete measures to reduce civilian casualties from ground engagements; strengthen structures that track, mitigate and provide accountability for civilian casualties by pro-Government forces; prosecute and punish those found responsible for violations of international humanitarian and human rights law and human rights abuses; disband and disarm all illegal militia and armed groups; establish a concrete plan covering a two-year period to improve the status of the elimination of violence against women; ensure that prosecutors and courts dismiss evidence obtained through the use of torture and ill-treatment; support the public release of the Afghanistan Independent Human Rights Commission’s conflict-mapping report as a way of promoting peace and reconciliation; and establish a moratorium on executions.

Recommendations to anti-Government elements, included to cease firing mortars, rockets and grenades into civilian-populated areas; cease the indiscriminate and disproportionate use of improvised explosive devices; cease the deliberate targeting and killing of civilians; cease practices carried out by parallel judicial structures that impose unlawful punishments, such as killing, amputation, mutilation and beatings; apply a definition of civilian that is consistent with international humanitarian law; and enforce codes of conduct, instructions and directives ordering members to prevent and avoid civilian casualties.

Cambodia

Report of Special Rapporteur. In an August report [A/HRC/27/70] submitted pursuant to Human Rights Council resolution 24/29 [YUN 2013, p. 744], the Special Rapporteur on the situation of human rights in Cambodia, Surya P. Subedi (Nepal), stated that his last two missions to the country in January and June 2014 focused on the possible establishment of an independent national human rights institution that met the benchmarks of the principles relating to the status of national institutions for the promotion and protection of human rights and on the implementation of the recommendations contained in his previous four reports dealing with judicial, parliamentary, electoral and land reform. Although elections to the National Assembly in July 2013 [YUN 2013, p. 744] were conducted in a largely peaceful manner, they were marred by allegations of electoral irregularities. The newly elected members of Parliament belonging to the opposition Cambodia National Rescue Party initially refused to take their seats in the National Assembly and called for an independent and credible investigation into those allegations. The Special Rapporteur believed that the ability of people to exercise their rights of freedom of assembly, thought and speech, was a sign of a maturing democracy in the country. However, the violence and use of excessive force on repeated occasions since the elections, the indefinite continuation of an ambiguous and arbitrary ban on demonstrations that lasted over six months, and the arrest of opposition members on very serious charges ran counter to that trend. The Special Rapporteur concluded that Cambodia stood at a crossroads and that change in the country was possible if it was underpinned by comprehensive reform of State institutions. He highlighted the need for the independence of national structures to promote and protect human rights, as well as transparency and participation in the way the country is governed.

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The Special Rapporteur recommended that the Government continue strengthening the legal and institutional framework for human rights protection, and to give effect to the human right to participate in public affairs; accelerate the process of establishing an independent national human rights institution; reach a detailed agreement with the opposition on the promised reform of the electoral, parliamentary and other institutions for upholding people’s rights; bring all perpetrators of violence during demonstrations to justice, including members of the security forces who caused death and injury; renew its efforts aimed at legal and judicial reform; pursue public administration reform; respect the trade union rights of all workers; protect human rights defenders; refrain from using the judiciary to intimidate, harass and imprison human rights defenders and trade union representatives; resolve existing land rights disputes as a matter of priority; and defend human rights defenders; refrain from using the judiciary to intimidate, harass and imprison human rights defenders and trade union representatives; resolve existing land rights disputes as a matter of priority; and take steps to implement them.

In a September addendum [A/HRC/27/70/Add.1], the Government of Cambodia provided its comments on the report of the Special Rapporteur.

**Report of Secretary-General.** In an August report [A/HRC/27/43], the Secretary-General found the human rights situation to be profoundly affected by the political situation following the July 2013 elections of the National Assembly, which led to the approval of a newly formed Government. Negotiations between the ruling Cambodian People’s Party and the main opposition Cambodia National Rescue Party took place on and off, but remained unresolved. Cambodia witnessed a wave of demonstrations that were unprecedented in number and scale, which gathered momentum towards the end of 2013. On 2 January 2014, security forces intervened violently at a generally peaceful demonstration outside a factory on the outskirts of Phnom Penh, beating people and eventually arresting 10 men. Further violence, arrests and deaths continued in the following days. Physical attacks by security forces against journalists spiked in 2014, and fatalities and injuries caused by State forces during demonstrations over the year had not been investigated or resolved. Ongoing human rights concerns continued to demand attention, particularly with respect to land and housing rights. OHCHR continued its most significant technical cooperation activities. In February 2014, its Memorandum of Understanding with the Government was renewed for another two years until 31 December 2015. In 2014, several programmes yielded achievements in the professionalization of key groups of public servants, particularly in securing a separate legal status and setting out specific training requirements for prison staff and in requiring all judges to set out their legal reasoning when deciding on pretrial detention. Agreement was also reached with the Bar Association that all new trainee lawyers would receive training on fair trial rights, thereby institutionalizing the Fair Trial Rights Academy that had been delivered by OHCHR.

**Democratic People’s Republic of Korea**


**Reports of commission of inquiry.** Pursuant to Council resolution 22/13 [ibid.], the commission of inquiry on human rights in the DPRK submitted a February report [A/HRC/25/63], which found that systematic, widespread and gross human rights violations had been and were being committed by the DPRK, its institutions and its officials. In many instances, the violations of human rights found by the commission constituted crimes against humanity. The principal findings of the commission included violations of the freedoms of thought, expression and religion; discrimination; violations of the freedom of movement and residence; violations of the right to food and related aspects of the right to life; arbitrary detention; torture; executions and prison camps; abductions and enforced disappearances from other countries; and crimes against humanity. The commission noted that the perpetrators enjoyed impunity and the DPRK was unwilling to implement its international obligation to prosecute and bring the perpetrators to justice, because those perpetrators acted in accordance with State policy.

Based on its findings, the commission of inquiry recommended that the DPRK undertake political and institutional reforms to introduce genuine checks and balances upon the powers of the Supreme Leader and the Workers’ Party of Korea; acknowledge the existence of human rights violations, including the political prison camps; reform the Criminal Code and Code of Criminal Procedure to abolish the vaguely worded “anti-State” and “anti-People” crimes and to enshrine the right to a fair trial and due process guarantees; implement an immediate moratorium on the death penalty; allow the establishment of independent media; abolish activities that espouse hatred or war propaganda; allow religious believers to exercise their religion independently and publicly; end discrimination against citizens on the basis of their political loyalty or socio-political background; take immediate measures to ensure gender equality in practice; ensure that citizens enjoy the right to food and other economic and social rights without...
discrimination; pay particular attention to the needs of women and vulnerable groups; and legalize and support free market activities, internal and external trade and other independent economic conduct that provide citizens with a livelihood. The Government should also abolish the prohibition on foreign travel imposed on ordinary citizens; decriminalize illegal border crossings; provide the families and nations of origin of all persons who had been abducted, or otherwise forcibly disappeared, with full information on their fate and whereabouts; allow separated families to unite; and prosecute those persons most responsible for alleged crimes against humanity and appoint a special prosecutor to supervise that process.

The commission of inquiry recommended that China and other States respect the principle of non-refoulement and abstain from forcibly repatriating any persons to the DPRK; provide OHCHR and humanitarian organizations unimpeded access to all persons from the DPRK seeking such contact; adopt a victim-centric and human rights-based approach to trafficking in persons; and take measures to prevent DPRK agents from carrying out further abductions from Chinese territory. The commission also recommended that the Korean people foster inter-Korean dialogue in a phased approach leading to an agenda for reconciliation. The commission on inquiry further recommended that the Security Council refer the situation in the DPRK to the International Criminal Court (YUN 1998, p. 1209); that the General Assembly and the Human Rights Council extend the country-specific human rights monitoring and reporting mechanisms on the DPRK that predated the commission’s establishment; that the High Commissioner establish a structure to help ensure accountability for human rights violations in the DPRK; and that States refrain from using the provision of food and other essential humanitarian assistance to impose economic or political pressure on the DPRK.

Also in February, the commission of inquiry submitted a report [A/HRC/25/CRP.1] that contained its detailed findings on the situation of human rights in the DPRK.

**Human Rights Council action.** On 28 March [A/69/53 (res. 25/25)], the Council condemned the long-standing and ongoing systematic, widespread and gross human rights violations and abuses committed in the DPRK and expressed its concern at the detailed findings in the commission of inquiry’s report (see above). It urged the Government to acknowledge the human rights violations and take immediate steps to end such violations and abuses; expressed concern at the situation of refugees and asylum seekers returned to the DPRK; acknowledged that the commission's findings provided reasonable grounds to believe that crimes against humanity had been committed in the country; and stressed that DPRK authorities had failed to prosecute those responsible for crimes against humanity and other human rights violations. The Council recommended that the General Assembly submit the commission of inquiry’s report to the Security Council for its consideration and appropriate action; extended the mandate of the Special Rapporteur on the situation of human rights in the DPRK for one year and requested him to submit regular reports to the Human Rights Council and the General Assembly; and requested OHCHR to follow up on the commission of inquiry’s recommendations, establish a field-based structure to strengthen monitoring and documentation of the situation, and report on its follow-up efforts in the regular annual report of the Secretary-General to the General Assembly. It urged the Government to cooperate fully with the Special Rapporteur, and to participate in its universal periodic review in a constructive manner.

**Reports of Special Rapporteur.** Pursuant to Human Rights Council resolution 25/25 (see above), the Special Rapporteur on the situation of human rights in the DPRK, Marzuki Darusman (Indonesia) submitted a June report [A/HRC/26/43 & Corr.1], in which he presented his thoughts on the direction he intended to take in fulfilling his mandate, building on the findings and recommendations of the commission of inquiry (see above). He also stressed the international law implications of the commission’s findings and the responsibility of the international community to protect highlighted DPRK responses, including some opportunities for engagement presented by the Government’s latest position on the recommendations made at the universal periodic review (UPR); and discussed the way forward and the responses required of States, the UN system, civil society, individuals and other stakeholders.

In an October report [A/69/548], submitted pursuant to General Assembly resolution 68/183 [YUN 2013, p. 746], the Special Rapporteur provided an update on the human rights situation in the country; elaborated on the strategic engagement required by the UN system, including a “human rights up front” response; and presented further analysis and recommendations taking into account the outcome of the second UPR of the country adopted by the Council in September (see p. 000). He emphasized that the international community must seize the opportunity and momentum created by the commission of inquiry to make a difference in the lives of the people in the country and to ensure the accountability of those responsible for serious violations of human rights, including crimes against humanity. He recommended that the General Assembly: submit the report of the commission of inquiry to the Security Council for its consideration and action; recommend that the Security Council place the human rights situation in the DPRK on its agenda and hold regular briefings with the Special Rapporteur and other experts to address the links between peace and security and human
rights in the Korean Peninsula; reaffirm the responsibility of the international community to protect the people of the DPRK and victims abroad from crimes against humanity; ensure that the OHCHR field-based structure to follow up on the commission’s work could function with independence; request the Secretary-General and the UN system as a whole to address the grave human rights situation in a coordinated manner; and request the DPRK to allow persons who had been abducted or otherwise forcibly disappeared to return immediately to their countries of origin; halt all human rights violations relating to prison camps; and allow access for independent agencies and UN human rights mechanisms to verify and assess the implementation of the recommendations that the DPRK had made voluntarily during two cycles of UPR. The Special Rapporteur called on all countries where persons from the DPRK had sought refuge or were in transit to protect such persons, treat them humanely and adhere to the principles of non-refoulement. He also stated that he would assist States in forming a contact group to raise concerns about and provide support for initiatives to improve the situation of human rights in the country.

Report of Secretary-General. In a December report [A/69/639] submitted in response to General Assembly resolution 68/183 [YUN 2013, p. 746], the Secretary-General provided an update on the UN engagement with the DPRK regarding the human rights situation in the country from September 2013 to November 2014. The report drew attention to the participation of the DPRK in the second cycle of the UPR and to the findings of the commission of inquiry and the related follow-up. It contained updated information on human rights and humanitarian issues, including the rights to food, health and education; the right to life, liberty and security of the person; the rights of women, children and persons with disabilities; and the impact of economic sanctions on UN assistance. The Secretary-General recommended that the Government translate the commitments made during the UPR into concrete follow-up measures; consider the findings and recommendations of the commission of inquiry; invite the Special Rapporteur and other independent human rights mechanisms to visit the country; seek technical assistance from OHCHR; engage with States concerned on human rights issues, particularly with respect to the resolution of international abductions and enforced disappearances; and provide humanitarian agencies with the access required to bring humanitarian assistance to the population. The Secretary-General appealed to the international community to step up the provision of funding for humanitarian assistance efforts, especially food and medicine; work to minimize the adverse humanitarian consequences of sanctions imposed on the DPRK for the population; respect the international human rights law principle of non-refoulement under the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520]; and refrain from forcibly returning to the DPRK persons seeking asylum, given the grave risks they faced upon return.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 73], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/69/488/Add.3], adopted resolution 69/188 by recorded vote (116-20-53) [agenda item 68 (6)].

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

The General Assembly,
Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfill the obligations that they have undertaken under the various international instruments,
Recalling all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the situation of human rights in the Democratic People’s Republic of Korea, including Assembly resolution 68/183 of 18 December 2013 and Council resolution 25/25 of 28 March 2014, and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,
Deeply concerned at the grave human rights situation, the pervasive culture of impunity and the lack of accountability for human rights violations in the Democratic People’s Republic of Korea,
Welcoming the report of the commission of inquiry on human rights in the Democratic People’s Republic of Korea, and expressing grave concern at the detailed findings contained therein,
Noting the transmission of the report of the commission of inquiry to the Security Council on 14 April 2014,
Recalling the responsibility of the Democratic People’s Republic of Korea to protect its population from crimes against humanity,
Taking note of the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People’s Republic of Korea, regretting that he still has not been allowed to visit the country and that he has received no cooperation from the authorities of the Democratic People’s Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People’s Republic of Korea submitted in accordance with resolution 68/183,
Mindful that the Democratic People’s Republic of Korea is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, and recalling the concluding observations of the treaty bodies under the four treaties,
Noting with appreciation the signature of the Convention on the Rights of Persons with Disabilities and the Optional
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Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography by the Democratic People’s Republic of Korea, encouraging the Government of the Democratic People’s Republic of Korea to take speedy steps to ratify the Convention and the Optional Protocol, and urging the Government to fully respect the rights of persons with disabilities and children.

Acknowledging the participation of the Democratic People's Republic of Korea in the second universal periodic review process, noting the acceptance by the Government of the Democratic People's Republic of Korea of 113 out of the 268 recommendations contained in the outcome of the review and its stated commitment to implement them and look into the possibility of implementing a further 58 recommendations, and emphasizing the importance of the implementation of the recommendations in order to address the grave human rights violations in the country.

Noting with appreciation the collaboration established between the Government of the Democratic People’s Republic of Korea and the United Nations Children’s Fund and the World Health Organization in order to improve the health situation in the country, and the collaboration established with the United Nations Children’s Fund in order to improve the quality of education for children.

Noting the decision on the resumption, on a modest scale, of the activities of the United Nations Development Programme in the Democratic People's Republic of Korea, and encouraging the engagement of the Government of the Democratic People’s Republic of Korea with the international community to ensure that the programmes benefit the persons in need of assistance.

Noting also the cooperation between the Government of the Democratic People’s Republic of Korea and the World Food Programme, the United Nations Children’s Fund and the Food and Agriculture Organization of the United Nations on food security assessments, underscoring the importance of those assessments in analysing changes in the national, household and individual food security and nutritional situation and thereby in supporting donor confidence in the targeting of aid programmes, noting further the letter of understanding signed by the Government and the World Food Programme and the importance of further improvements in operating conditions, bringing access and monitoring arrangements closer to international standards for all United Nations entities, and noting with appreciation the work of international aid operators.

Noting further the importance of the issue of international abductions and of the immediate return of all abductees, taking note of the outcome of the government-level consultation between the Democratic People’s Republic of Korea and Japan in May 2014, and expecting concrete and positive results from the investigations being conducted by the Democratic People’s Republic of Korea on all the Japanese nationals, in particular victims of abduction.

Noting the importance of the inter-Korean dialogue, which could contribute to the improvement of the human rights and humanitarian situation in the country.

Welcoming the resumption of the reunions of separated families across the border in February 2014, and, given that this is an urgent humanitarian concern of the entire Korean people, hoping that necessary arrangements for further reunions on a larger scale and a regular basis will be made by the Democratic People’s Republic of Korea, the Republic of Korea and members of the Korean diaspora,

1. Condemns the long-standing and ongoing systematic, widespread and gross violations of human rights in the Democratic People’s Republic of Korea, including those which the commission of inquiry on human rights in the Democratic People’s Republic of Korea, established by the Human Rights Council in its resolution 22/13 of 21 March 2013, has said may amount to crimes against humanity, and the continuing impunity for such violations;

2. Expresses its very serious concern at:

   (a) The persistence of continuing reports of violations of human rights, including the detailed findings made by the commission of inquiry in its report, such as:

      (i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention; rape; public executions; extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; extrajudicial, summary and arbitrary executions; the imposition of the death penalty for political and religious reasons; collective punishments extending up to three generations and the extensive use of forced labour;

      (ii) The existence of an extensive system of political prison camps, where a vast number of persons are deprived of their liberty and subjected to deplorable conditions and where alarming violations of human rights are perpetrated, and in this regard strongly urges the Democratic People’s Republic of Korea to immediately end this practice and to release all political prisoners unconditionally and without any delay;

      (iii) The forcible transfer of populations and the limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

      (iv) The situation of refugees and asylum seekers expelled or returned to the Democratic People’s Republic of Korea and sanctions imposed on citizens of the Democratic People’s Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, other cruel, inhuman or degrading treatment, sexual violence or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto in relation to refugees from the Democratic People’s Republic of Korea who are covered by those instruments;

   (v) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion or belief, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the persecution,
torture and imprisonment of individuals exercising their freedom of opinion and expression, religion or belief, and their families, and the right of everyone to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

(vi) Violations of economic, social and cultural rights, which have led to severe hunger, malnutrition, widespread health problems and other hardship for the population in the Democratic People’s Republic of Korea, in particular for women, children, persons with disabilities and the elderly;

(vii) Violations of the human rights and fundamental freedoms of women, in particular the creation of internal conditions that force women to leave the country and make them extremely vulnerable to trafficking in persons for the purpose of prostitution, domestic servitude or forced marriage and the subjection of women to forced abortions, gender-based discrimination, including in the political and social spheres, and other forms of sexual and gender-based violence;

(viii) Violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, street children, children with disabilities, children whose parents are detained, children living in detention or in institutions and children in conflict with the law;

(ix) Violations of the human rights and fundamental freedoms of persons with disabilities, especially in the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

(x) Violations of workers’ rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike as defined by the obligations of the Democratic People’s Republic of Korea under the International Convention on Economic, Social and Cultural Rights, and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People’s Republic of Korea under the Convention on the Rights of the Child;

(xi) Discrimination based on the songbun system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion;

(6) The continued refusal of the Government of the Democratic People’s Republic of Korea to recognize the mandate of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People’s Republic of Korea or to extend cooperation to the Special Rapporteur;

(c) The continued lack of acknowledgement by the Democratic People’s Republic of Korea of the grave human rights situation in the country and its consequential lack of action to implement the recommendations contained in the outcome of its first universal periodic review;

(d) The failure of the authorities of the Democratic People’s Republic of Korea to prosecute those responsible for human rights violations, including violations which the commission of inquiry has said may amount to crimes against humanity;

3. Underscores its very serious concern at the systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy, and in this regard strongly calls upon the Government of the Democratic People’s Republic of Korea urgently to resolve these issues of international concern, in a transparent manner, including by ensuring the immediate return of abductees;

4. Expresses its very deep concern at the precarious humanitarian situation in the country, which could rapidly deteriorate owing to limited resilience to natural disasters and to government policies causing limitations in the availability of and access to food, compounded by structural weaknesses in agricultural production resulting in significant shortages of diversified food and the State restrictions on the cultivation of and trade in foodstuffs, as well as the prevalence of chronic malnutrition, particularly among the most vulnerable groups, pregnant women, children, persons with disabilities and the elderly, and urges the Government of the Democratic People’s Republic of Korea, in this regard, to take preventive and remedial action, cooperating where necessary with international donor agencies and in accordance with international standards for monitoring humanitarian assistance;

5. Commends the Special Rapporteur for the activities undertaken so far and for his continued efforts in the conduct of his mandate despite the denial of access;

6. Also commends the work of the commission of inquiry and recognizes the importance of its report, and regrets that the commission received no cooperation from the authorities of the Democratic People’s Republic of Korea, including with regard to access to the country;

7. Acknowledges the commission’s finding that the body of testimony gathered and the information received provide reasonable grounds to believe that crimes against humanity have been committed in the Democratic People’s Republic of Korea, pursuant to policies established at the highest level of the State for decades;

8. Decides to submit the report of the commission of inquiry to the Security Council, and encourages the Council to consider the relevant conclusions and recommendations of the commission and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People’s Republic of Korea to the International Criminal Court and consideration of the scope for effective targeted sanctions against those who appear to be most responsible for acts that the commission has said may constitute crimes against humanity;

9. Welcomes the steps taken by the Office of the United Nations High Commissioner for Human Rights towards establishing a field-based structure in the Republic of Korea to strengthen the monitoring and documentation of the situation of human rights in the Democratic People’s Republic of Korea, to ensure accountability, to provide the
Special Rapporteur with increased support, to enhance the engagement and capacity-building of the Governments of all States concerned, civil society and other stakeholders and to maintain the visibility of the situation of human rights in the Democratic People’s Republic of Korea, including through sustained communications, advocacy and outreach initiatives;

10. **Calls upon** Member States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence, that it has sufficient resources and that it is not subjected to any reprisals or threats;

11. **Strongly urges** the Government of the Democratic People’s Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights emphasized above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People’s Republic of Korea by the Council in the context of the universal periodic review and by the commission of inquiry, the United Nations special procedures and treaty bodies;

(b) To protect its inhabitants, address the issue of impunity and ensure that those responsible for violations of human rights are brought to justice before an independent judiciary;

(c) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees by human smuggling, trafficking and extortion, while not criminalizing the victims;

(d) To ensure that citizens of the Democratic People’s Republic of Korea who are expelled or returned to the Democratic People’s Republic of Korea are able to return in safety and dignity, are treated humanely and are not subjected to any kind of punishment, and to provide information on their status and treatment;

(e) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People’s Republic of Korea, and to other United Nations human rights mechanisms so that a full needs assessment of the human rights situation may be made;

12. **Urges** the Government of the Democratic People’s Republic of Korea to implement the recommendations of the commission of inquiry without delay;

13. **Encourages** all Member States, the General Assembly, the Human Rights Council, the Office of the High Commissioner, the United Nations Secretariat, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to implement or take forward those recommendations;

14. **Welcomes** the recent willingness expressed by the Democratic People’s Republic of Korea to consider human rights dialogues with States and groups of States, technical cooperation with the Office of the High Commissioner and a country visit of the Special Rapporteur;

15. **Calls upon** the Democratic People’s Republic of Korea to continue to engage constructively with international interlocutors with a view to promoting concrete improvements in the human rights situation on the ground, including through dialogues, official visits to the country and more people-to-people contact;

16. **Decides** to continue its examination of the situation of human rights in the Democratic People’s Republic of Korea at its seventieth session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People’s Republic of Korea, and requests the Special Rapporteur to continue to report his findings and recommendations, as well as to report on the follow-up to the implementation of the recommendations of the commission of inquiry, in line with Human Rights Council resolution 25/23.

**RECORDED VOTE ON RESOLUTION 69/188:**

*In favour:* Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Canada, Central African Republic, Chad, Chile, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Montenegro, Morocco, Namibia, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Somalia, South Sudan, Spain, Sweden, Switzerland, Tanzania, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Ukraine, Uruguay, Uzbekistan, Vanuatu, Venezuela, Vietnam, Yemen, Zambia, Zimbabwe.

*Against:* none.

*Abstainers:* none.
land, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Vanuatu.

Against: Belarus, Bolivia, China, Cuba, Democratic People’s Republic of Korea, Ecuador, Egypt, Gambia, Iran, Lao People’s Democratic Republic, Myanmar, Oman, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela, Vietnam, Viet Nam, Zimbabwe.

Abstaining: Algeria, Angola, Antigua and Barbuda, Bangladesh, Brunei Darussalam, Cambodia, Cameroon, Comoros, Congo, Democratic Republic of the Congo, Dominican Republic, Eritrea, Ethiopia, Fiji, Gabon, Guinea, Guyana, India, Indonesia, Kenya, Kuwait, Kyrgyzstan, Lesotho, Libya, Malaysia, Mali, Mauritania, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, Solomon Islands, South Africa, Suriname, Tajikistan, Togo, Tonga, Trinidad and Tobago, Turkmenistan, Uganda, United Republic of Tanzania, Yemen, Zambia.

Iran

Report of Special Rapporteur. In a March report [A/HRC/25/61] submitted in accordance with Human Rights Council resolution 16/9 [YUN 2011, p. 768], the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed (Maldives), outlined his activities since the Council renewed his mandate in 2013 [YUN 2013, p. 748], examined ongoing issues and presented the most pressing developments in the State’s human rights situation. The Special Rapporteur concluded that Iran possessed the basic tools necessary to observe its international human rights obligations. He stressed that despite welcome amendments to the Penal Code and the Criminal Procedure, and the proposal for a new charter of citizens’ rights, the issues previously raised by the UN human rights mechanisms and recommendations made during the 2010 universal periodic review (UPR) [YUN 2010, p. 634] of the country were not resolved. Reports continued to detail cases of frequent infringement of the rule of law established by national laws and international standards, resulting in the arbitrary detention of hundreds of individuals peacefully exercising their rights. Most of the violations, including psychological and physical torture for the purpose of extorting information to be used as evidence in court, were reportedly committed during pretrial detention or court sessions.

In his recommendations, the Special Rapporteur urged the Government to facilitate the unconditional release of individuals imprisoned for peacefully exercising their rights to freedom of expression, association, assembly, belief and religion; strengthen fair trial safeguards by ensuring access to legal counsel during all phases of pretrial detention and the investigative stages of cases; improve access of legal counsel to all files containing evidence against the accused; investigate all allegations of mistreatment and prosecute the parties responsible; prevent the intimidation of lawyers, including threats of detention and prosecution for discharging their ethical and professional responsibilities; and prohibit capital punishment for juveniles and for crimes that did not meet the most serious criminal standards under international law, including for drug offences and perceived sexual offences.

Communication. In a 18 March letter [A/HRC/25/G/17] to the Human Rights Council President, Iran, in its capacity as Chair of the Non-Aligned Movement in Geneva, stated that there was a lack of clarity, transparency, equitability and predictability on the rules governing the publishing of addenda containing comments by States to country reports of the High Commissioner and the Secretary-General and requested that the Bureau remain seized of the matter with a view to finding a fair and equitable solution.

Human Rights Council action. On 28 March [A/69/53 (res. 25/24)], by a recorded vote of 21 to 9, with 16 abstentions, the Council extended the mandate of the Special Rapporteur for one year; requested him to report on the implementation of his mandate to the Council’s twenty-eighth (2015) session and the General Assembly’s sixty-ninth (2014) session; and called on the Government to cooperate fully with the Special Rapporteur and to permit access to visit the country, as well as, to provide all information necessary to allow the fulfilment of his mandate.

Reports of Secretary-General. In an April report [A/HRC/25/26] submitted in accordance with Assembly resolution 68/184 [YUN 2013, p. 750], the Secretary-General discussed the patterns and trends in the situation of human rights in Iran and provided information on progress made in the implementation of that resolution. He welcomed the positive steps taken by the Government, notably the release of high-profile political prisoners and the reinstatement of some students and lecturers in universities, and encouraged the Government to build on those developments by creating space for human rights defenders, lawyers and journalists, and to release political prisoners, including human rights defenders and lawyers detained solely for exercising their rights to freedom of expression, association and peaceful assembly. He remained troubled by reports of increasing numbers of executions, including of political prisoners, and continuing amputations and floggings and reiterated his call for a moratorium on the use of the death penalty, and to prohibit executions in public. He encouraged the Government to continue to address regional disparities in the enjoyment of economic, social and cultural rights, as well as discrimination against women and members of certain minorities; urged the Government to establish an independent national human rights institution; and regretted that, despite repeated requests for a country visit, the Special Rapporteur had not yet been admitted to the country.

In an August report [A/69/306], the Secretary-General welcomed the positive statements in relation
to freedom of expression and non-discrimination made by the Government under President Hassan Rouhani, and encouraged the authorities to translate them into concrete steps; remained troubled by reports of increased numbers of executions and reiterated his call for a moratorium on the use of the death penalty, and to prohibit executions of juvenile offenders in all circumstances; urged the Government to create space for human rights defenders, lawyers and journalists, and to release political prisoners; urged the Government to establish an independent national human rights institution; and called on the Government to cooperate in the Special Rapporteur’s mandate by inviting him to the country in the near future.

**Report of Special Rapporteur.** In an August report [A/69/356] to the General Assembly submitted in accordance with Human Rights Council resolution 25/24 (see above), the Special Rapporteur found that numerous issues flagged by the General Assembly, UN human rights mechanisms and the Secretary-General persisted, and in some cases appeared to have worsened. Progress on the 123 recommendations made by States during the first UPR consideration of the country in 2010 remained slow. Various laws, policies and institutional practices continued to undermine the conditions needed for the realization of the fundamental rights guaranteed by international and national law. Some draft laws appeared to further undermine the rights to freedom of expression and association and markedly compounded discrimination against women by further eroding their protection from forced marriage and rights to education, work and equal wages. The rise in executions for crimes that did not meet the threshold of “most serious crimes” and reports about the pervasive use of torture and the continued arbitrary arrest, detention and prosecution of individuals for exercising their fundamental rights severely contravened the Government’s international and national commitments. The uneven application of national laws and an apparent reluctance to investigate claims of rights violations both undermined the rule of law and cultivated a culture of impunity. Concerns persisted in terms of the realization of social and economic rights, notably as a result of legislative and policy developments between 2010 and 2014, including laws that discriminated against women in the areas of early marriage, educational opportunities and participation in the workforce. Other laws appeared to eliminate access to reproductive health services for all Iranians.

The Special Rapporteur reiterated the call for the Government to establish an independent national human rights institution; echoed the call of the Human Rights Committee to ensure the independence of the judiciary and to investigate all allegations of torture and mistreatment of detainees; and repeated his call for substantive engagement and cooperation between the Government and the UN human rights mechanisms. The Government should consider extending the de facto moratorium on stoning and halt the use of the death penalty, and take immediate steps to address the increased incidence of early and forced child marriage, by banning child marriage and raising the minimum age for marriage to 18 years.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 73], the General Assembly, on the recommendation of the Third Committee [A/69/488/Add.3], adopted resolution 69/190 by recorded vote (83-35-68) [agenda item 68 (c)].

**Situation of human rights in the Islamic Republic of Iran**

The General Assembly, Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 68/184 of 18 December 2013,


2. Welcomes pledges made by the President of the Islamic Republic of Iran with regard to some important human rights issues, particularly on eliminating discrimination against women and members of ethnic minorities and promoting freedom of expression and opinion, and urges the Islamic Republic of Iran to translate them into concrete action that results in demonstrable improvements as soon as possible and to ensure that its national laws are consistent with its obligations under international human rights law and that they are implemented in accordance with its international obligations;

3. Acknowledges legislative and administrative changes in the Islamic Republic of Iran that address some human rights concerns, including amendments to the Islamic Penal Code and to the criminal procedure code, and notes efforts to introduce a citizen’s rights charter, while urging the Government of the Islamic Republic of Iran to ensure that these measures are consistent with its international human rights obligations;

4. Also acknowledges recent engagement by the Islamic Republic of Iran with human rights treaty bodies through the submission of periodic national reports, as well as participation in its second universal periodic review by the Human Rights Council, while remaining seriously concerned about the broader lack of engagement with human rights monitoring mechanisms, including the ongoing lack of response to requests from special procedures mandate holders for information and country visits;

5. Expresses deep concern at serious ongoing and recurring human rights violations in the Islamic Republic of Iran relating to, inter alia:
(a) The alarming high frequency of and increase in the carrying-out of the death penalty in the absence of internationally recognized safeguards, including public executions, notwithstanding the issuance of a circular by the former head of the judiciary prohibiting public executions, and secret group executions, as well as reports of executions undertaken without the notification of the prisoner's family members or legal counsel;

(b) The continuing imposition and carrying-out of the death penalty against minors and persons who at the time of their offence were under the age of 18, in violation of the obligations of the Islamic Republic of Iran under the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights;

(c) The imposition of the death penalty for crimes that lack a precise and explicit definition and for crimes that do not qualify as the most serious crimes, in violation of international law;

(d) Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations;

(e) Widespread and serious restrictions on the right to peaceful assembly, freedom of association and freedom of opinion and expression, including through continued efforts to block, filter or hinder Internet access and content, including social media outlets, to jam international satellite transmission and to censor or close media outlets;

(f) The systematic targeting and harassment of human rights defenders and the renewed targeting of journalists, bloggers and social media users, who face arrest, arbitrary detention, long-term exile and harsh sentences, including the death sentence;

(g) Pervasive gender inequality and violence against women and ongoing discrimination against women and girls in law and in practice, including by continuing to limit equal access to employment and to certain fields of higher education, as well as restrictions on access to decision-making positions in the Government and to the labour market, despite the granting of 3 of 11 deputy vice-presidential posts to women;

(h) Continued discrimination and other human rights violations, at times amounting to persecution, against persons belonging to ethnic, linguistic or other minorities, including Arabs, Azeris, Balochis and Kurds and their defenders, noting in particular reports of the violent suppression and detention of ethnic Arabs and Azeris, including ongoing violations of their due process rights and alleged torture while imprisoned, and the reported secret execution of members of the Ahwaz Arab community;

(i) Ongoing severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief and restrictions on the building of, as well as attacks against, places of worship and burial;

(j) Continued harassment, at times amounting to persecution, and human rights violations against persons belonging to recognized religious minorities, including Christians, Jews, Sufi Muslims, Sunni Muslims and Zoroastrians and their defenders, noting in particular the arbitrary arrest and detention of Sufi Muslims, Sunni Muslims and evangelical Christians, including the continued detention of Christian pastors;

(k) Continued discrimination, persecution and human rights violations against persons belonging to unrecognized religious minorities, particularly members of the Baha'i faith and their defenders, including targeted attacks and murders, without proper investigation to hold those responsible accountable, arbitrary arrests and detention, the denial of access to higher education on the basis of religion, the continued imprisonment of the entire leadership of the Iranian Baha'i community, the closure of Baha'i-owned businesses, the desecration and destruction of Baha'i cemeteries and the effective criminalization of membership in the Baha'i faith;

(l) Continued and sustained house arrest of leading opposition figures from the 2009 presidential elections, despite serious concerns about their health, as well as ongoing restrictions on their supporters and family members, including through harassment, intimidation and reprisals;

(m) Persistent failure to uphold due process of law, and violations of the rights of detainees, including the widespread and systematic use of arbitrary detention and enforced disappearance, the lack of access of detainees to legal representation of their choice, the refusal to consider granting bail to detainees, the poor conditions of prisons, the denial of access to adequate medical treatment and the consequent risk of death faced by prisoners, detainees being subjected to torture, rape and other forms of sexual violence, harsh interrogation techniques and the use of pressure exerted upon their relatives and dependants, including through arrest, to obtain false confessions that are then used at trials and are broadcast on national television;

(n) Continuing arbitrary or unlawful interference by State authorities with the privacy of individuals, in particular in relation to private homes, and with their correspondence, including telephone and e-mail communications, in violation of international law;

6. Calls upon the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the reports of the Secretary-General and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations, in law and in practice, in particular:

(a) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards, including by stoning and suspension strangulation;

(b) To further revisit the revised Islamic Penal Code to make it consistent with its obligation, under article 37 of the Convention on the Rights of the Child and article 6 of the International Covenant on Civil and Political Rights, to abolish executions of minors and persons who at the time of their offence were under the age of 18;

(c) To eliminate, in law and in practice, all forms of torture and other cruel, inhuman or degrading treatment or punishment;

(d) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls, including to address the increasing incidence of child, early and forced marriage, to promote women's participation in decision-making positions and, while recognizing the high enrolment of women in all levels of education, to lift all restrictions on women's equal access to all aspects of university education and promote women's participation in the labour market and in all aspects of economic, cultural, social and political life;

(e) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against
persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise;

(f) To eliminate discrimination against, and exclusion of, members of certain groups with respect to access to higher education based on their political, ethnic or religious affiliations or community, including through the unqualified readmission of those students previously excluded for these reasons, to eliminate the criminalization of efforts to provide higher education to Baha’i youth denied access to Iranian universities and to release those imprisoned for this reason;

(g) To implement, inter alia, the 1996 report of the Special Rapporteur on religious intolerance, in which he recommended ways in which the Islamic Republic of Iran could emancipate the Baha’i community, to release the seven Baha’i leaders held since 2008 and to accord all Baha’is, including those imprisoned because of their beliefs, the due process of law and the rights that they are constitutionally guaranteed;

(h) To launch a comprehensive accountability process in response to cases of serious human rights violations, including those involving the Iranian judiciary and security agencies, and to end impunity for such violations, including those that took place during the attack that injured dozens of prisoners in Evin prison in April 2014, as promised by the Government;

(i) To fulfill repeated pledges by the President for greater space for freedom of expression and opinion by ending the ongoing harassment, intimidation and persecution of political opponents, human rights defenders, women’s and minority rights activists, labour leaders, students, academics, film-makers, journalists and their families, other media representatives, bloggers, social media users, clergies, artists and lawyers, including by releasing persons who continue to be detained arbitrarily or on the basis of their political views;

(j) To end restrictions on, and the arbitrary arrest of, the press and media representatives, Internet users and Internet providers, including the selective jamming of satellite broadcasts, that violate the rights to freedom of expression and association, and, while the General Assembly welcomes the decision of the Government to increase Internet speed, it further encourages improvements to facilitate open and free Internet access;

(k) To uphold, in law and in practice, procedural guarantees to ensure due process of law;

(7) Also calls upon the Government of the Islamic Republic of Iran to strengthen its national human rights institutions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) by establishing an independent national human rights institution as it committed itself to doing in the framework of its first universal periodic review by the Human Rights Council, with due regard for the recommendation of the Committee on Economic, Social and Cultural Rights;

(8) Notes the recent engagement by the Islamic Republic of Iran with human rights treaty bodies, including the submission of national periodic reports to the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities, and calls upon the Government of the Islamic Republic of Iran to consider acting upon the concluding observations adopted by those Committees;

(9) Calls upon the Government of the Islamic Republic of Iran to effectively implement its obligations under those human rights treaties to which it is already a party, to withdraw any reservations that it may have made upon signature or ratification of other international human rights instruments where such reservations are overly general, imprecise or could be considered incompatible with the object and purpose of the treaty, to consider acting upon the concluding observations concerning the Islamic Republic of Iran adopted by the bodies of the international human rights treaties to which it is a party and to consider ratifying or acceding to the international human rights treaties to which it is not already a party;

10. Notes with concern the poor implementation record of the Government of the Islamic Republic of Iran in respect of the recommendations that it had accepted during its first universal periodic review by the Human Rights Council, and strongly encourages the Government to implement all accepted recommendations, including from its second universal periodic review, with the full and genuine participation of independent civil society and other stakeholders in the implementation process;

11. Expresses deep concern that, despite the standing invitation issued by the Islamic Republic of Iran to all thematic special procedures mandate holders, it has not fulfilled any requests from those special mechanisms to visit the country in nine years and has left unanswered the vast majority of the numerous and repeated communications from those special mechanisms, and strongly urges the Government of the Islamic Republic of Iran to fully cooperate with the special mechanisms, including facilitating their visits to its territory, so that credible and independent investigations of all allegations of human rights violations can be conducted;

12. Expresses serious concern about allegations of reprisals against individuals for their cooperation or contact with United Nations human rights mechanisms or representatives;

13. Strongly encourages the thematic special procedures mandate holders to pay particular attention to, with a view to investigating and reporting on, the human rights situation in the Islamic Republic of Iran, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on the right to education, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Special Rapporteur on minority issues, the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances and the Working Group on the issue of discrimination against women in law and in practice of the Human Rights Council;

14. Welcomes the recent engagement, through country visits, of the heads of United Nations agencies, and urges the Government of the Islamic Republic of Iran to deepen its engagement with United Nations human rights mechanisms;

15. Encourages the Government of the Islamic Republic of Iran to continue to explore cooperation on human rights and justice reform with the United Nations, including...
the Office of the United Nations High Commissioner for Human Rights;

16. Continues to call upon the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and other international human rights mechanisms, including by accepting the repeated requests made by the Special Rapporteur to visit the country to carry out his mandate;

17. Requests the Secretary-General to report to the General Assembly at its seventieth session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its twenty-eighth session;

18. Decides to continue its examination of the situation of human rights in the Islamic Republic of Iran at its seventieth session under the item entitled “Promotion and protection of human rights”.

RECORDED VOTE ON RESOLUTION 69/190:

In favour: Albania, Andorra, Argentina, Austria, Bahamas, Barbados, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Cabo Verde, Canada, Central African Republic, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mexico, Micronesia, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Samoa, San Marino, Sao Tome and Principe, Serbia, Seychelles, Slovakia, Slovenia, Solomon Islands, South Sudan, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tuvalu, Ukraine, United Kingdom, United States, Vanuatu.

Against: Afghanistan, Armenia, Bangladesh, Belarus, Bolivia, Brunei Darussalam, Burundi, Cambodia, China, Comoros, Cuba, Democratic People’s Republic of Korea, Ecuador, Egypt, Eritrea, India, Indonesia, Iran, Iraq, Kazakhstan, Lebanon, Myanmar, Nicaragua, Oman, Pakistan, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Turkmenistan, Uzbekistan, Venezuela, Viet Nam, Zimbabwe.

Abstaining: Albania, Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Cabo Verde, Canada, Central African Republic, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mexico, Micronesia, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Samoa, San Marino, Sao Tome and Principe, Serbia, Seychelles, Slovakia, Slovenia, Solomon Islands, South Sudan, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tuvalu, Ukraine, United Kingdom, United States, Vanuatu.

Human Rights Council action.

On 1 September [A/69/53/Add.1 (res. S-22/1)], the Council condemned the systematic violations and abuses of human rights and violations of international humanitarian law resulting from the terrorist acts committed by ISIL and associated groups taking place since 10 June in several provinces of Iraq, which might amount to war crimes and crimes against humanity, and condemned in particular all violence against persons based on their religious or ethnic affiliation, and against women and children; urged all parties to comply with international humanitarian law and human rights law, protect civilians, respect their human rights and meet their basic needs, which required safe access for humanitarian and medical services to all affected populations; called on the Iraqi Government to ensure that all perpetrators of violations and abuses were brought to justice; expressed its support for the Iraqi authorities in establishing a new and inclusive Government within the constitutionally mandated time frame; called on the new Iraqi Government to promote and protect human rights; called on the international community to assist the Iraqi authorities to ensure the protection of and assistance to those fleeing the areas affected by terrorism; and requested the High Commissioner to provide technical and capacity-building assistance to the Government.

The Council requested OHCHR to dispatch a mission to Iraq to investigate alleged violations and abuses of international human rights law committed by ISIL and associated terrorist groups to report on its findings at an interactive dialogue during the Council’s twenty-eighth (2015) session and to provide an oral update during the twenty-seventh (2014) session of the Council on the implementation of the resolution.

On 25 September, at the Council’s twenty-seventh (2014) session [A/HRC/27/2], the Deputy High Commissioner for Human Rights presented the oral country update of the High Commissioner pursuant to Council resolution S-22/1 (see above).

**Iraq**

**Human Rights Council special session.** In a 26 August letter [A/HRC/S-22/1], Iraq requested that the Human Rights Council convene a special session on 1 September, entitled “The human rights situation in Iraq in the light of the abuses committed by the Islamic State in Iraq and the Levant (ISIL) and associated groups”, and transmitted a list of Council members and observer States that were also in support of that request. On the same day [A/HRC/S-22/2] and on 27 August [A/HRC/S-22/3], respectively, the coordinators of the Group of Arab States, the Movement of Non-Aligned Countries, the Organization of Islamic Cooperation and the Head of the Permanent Delegation of the European Union; and Costa Rica supported that request. The Council held its twenty-second special session on 1 September [A/HRC/S-22/4].

**Human Rights Council action.** On 28 March [A/69/55 (res. 25/26)], the Council welcomed the positive developments in Myanmar and the Government’s commitment to continue on its path of political and economic reform, democratization and national rec-
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It expressed concern about remaining human rights violations and abuses; the situation of the Rohingya and other minorities in Rakhine State; and further delays to open an OHCHR country office. The Council extended the mandate of the Special Rapporteur on the situation of human rights in Myanmar for one year; invited him to provide in his next report further recommendations on the needs of the country, including with regard to technical assistance and capacity-building; and requested him to submit a progress report to the General Assembly’s sixty-ninth (2014) session and to the Council in accordance with its annual programme of work.

Report of Special Rapporteur. In an April report [A/HRC/25/64], the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana (Argentina), described his ninth visit to the country (14–19 February) and reflected on the progress made during the course of his six years as the mandate holder. He noted important improvements such as the release of over 1,100 prisoners of conscience, the opening up of space for freedom of expression, the development of political freedoms and the holding of free and fair by-elections, and progress in securing an end to fighting in the ethnic border areas. The democratic transition, however, was still in its early stages and remained fragile. He noted that the military retained a prevailing role in the life and institutions of the country; State institutions remained unaccountable; the judiciary was not yet functioning as an independent branch of the State; and rule of law was not yet in existence.

The Special Rapporteur recommended that the Government continue to convene the prisoner review committee and upgrade the status of the committee to enable it to investigate cases of prisoners of conscience, including in Rakhine State; ensure that the police and military officers alleged to have committed acts of torture and ill-treatment were held accountable through the criminal justice system; expedite a new prisons law to meet international standards; and abolish the death penalty. On the situation in ethnic border areas, the Government, and ethnic armed groups, should abide by humanitarian and human rights law in areas where armed conflict persisted; establish a system for monitoring the implementation of ceasefire and political agreements; ensure that political negotiations abide by the principles of participation, transparency, accountability, equality and non-discrimination; ensure access to non-government controlled areas in Kachin State for humanitarian organizations; and ensure that any return of refugees, asylum seekers and internally displaced persons be carried out voluntarily; and accelerate the identification and release of all children in the national armed forces and border guard forces. The Special Rapporteur also made recommendations on addressing the Rakhine State, the transition to democracy and establishment of the rule of law, the right to freedom of expression, the problem of hate speech, the rights to peaceful assembly and association, human rights in the context of development, and joint plans of action on child soldiers.

In an addendum to the report [A/HRC/35/64/Add.1] Myanmar presented its comments on the report of the Special Rapporteur.

Report of Secretary-General. In an August report [A/69/362] submitted pursuant to General Assembly 68/242 [YUN 2013, p. 753] and covering the period from 11 August 2013 and 6 August 2014, the Secretary-General stated that Myanmar continued the reform agenda while the country prepared for the 2015 elections, Parliament enacted fresh laws reflecting popular needs and ensuring popular accountability, and efforts continued for a nationwide ceasefire and for building the framework for a political dialogue. The tension in Rakhine did not lessen, however, causing widespread concern and alarm both domestically and internationally. In that regard, the Secretary-General welcomed the establishment by presidential decree of a centre for diversity and national harmony in Yangon, with the objective of bridging the gap between communities, promoting peaceful coexistence and establishing early warning systems and building capacity among government bodies and civil society with the goal of detecting areas of potential tension and friction among communities. He observed that while human rights concerns and the communal violence of the past few years had, at times, overshadowed the progress made by the country, the political transition in Myanmar and the Government’s commitment towards a strong developmental agenda had held ground. He urged the international community to continue to support the country along the path of democratization, reform, respect for human rights and stable economic growth and towards a more harmonious and inclusive society.

Report of Special Rapporteur. In a September report [A/69/398], the newly appointed Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee (South Korea), presented her preliminary key areas of focus and recommendations aimed at contributing to the country’s efforts towards respecting, protecting and promoting human rights and achieving democratization, national reconciliation and development. She took up her functions in June 2014 and conducted her first mission to Myanmar (17– to 26 July). She concluded that Myanmar was undergoing an important transition and that far-reaching reforms in the country had dramatically transformed the political, economic, social and human rights landscape. Possible signs of backtracking, however, if not addressed, could undermine the progress achieved. She recommended that the Government implement an electoral framework and process in line with international standards to ensure that elec-
tions were transparent, inclusive, participatory, free and fair; amend relevant laws and regulations affecting the rights to vote, campaign and stand for elections, ensuring no discrimination between different citizenship categories and using objective and reasonable criteria for candidates running for public office; ensure an enabling environment for civil society and the freedoms of expression, assembly and association; end discrimination against, and ensure the protection of, the rights of minorities; utilize the Rabat Plan of Action to develop a holistic set of measures to address the root causes of discrimination against racial and religious minorities, as well as intercommunal tensions and violence; ensure a rights-based and people-centred form of sustainable development and the protection of economic, social and cultural rights; strengthen the rule of law; and amend the Constitution to ensure that human rights were accorded to all persons in the country, provided for the prohibition of torture and the presumption of innocence until proven guilty, and ensured that the military was subject to civilian rule and to the rule of law.

The Special Rapporteur also made recommendations to the Government regarding Rakhine State, including immediately addressing the critical health situation in camps; providing adequate basic services; investigating and prosecuting those responsible for human rights violations perpetrated against the Rohingya community; respecting the right to self-identification for Rohingyas and other minorities; and developing reconciliation measures as a necessary step to rebuilding integrated communities for inclusion in the Rakhine State Action Plan.

**GENERAL ASSEMBLY ACTION**

On 29 December [meeting 77], the General Assembly, on the recommendation of the Third Committee [A/69/488/Add.3], adopted resolution 69/248 without vote [agenda item 68 (c)].

**Situation of human rights in Myanmar**

*The General Assembly,*

*Guided by the Charter of the United Nations and the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, and recalling its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 68/242 of 27 December 2013, those of the Commission on Human Rights, and those of the Human Rights Council, the most recent of which is resolution 25/26 of 28 March 2014,*

Welcoming the report of the Secretary-General on the situation of human rights in Myanmar and the facilitation by the Government of Myanmar of the visits of his Special Adviser to the country from 25 August to 2 September, from 5 to 11 October, from 31 October to 6 November and from 29 November to 2 December 2013 and from 18 to 28 January, from 28 March to 10 April, from 26 to 28 June and from 26 July to 1 August 2014,

Welcoming also the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in Myanmar and the access granted to her during her visit to Myanmar from 17 to 26 July 2014,

1. **Welcomes** the continued positive developments in Myanmar towards political and economic reform, democratization and national reconciliation and the promotion and protection of human rights, recognizes the scale of the reform effort undertaken to date, and encourages the Government of Myanmar to take further steps to consolidate the progress made and address outstanding concerns;

2. **Also welcomes** the continued engagement of the Government of Myanmar with political actors within the parliament and opposition parties, as well as with civil society, and urges the authorities to continue the process of constitutional review and reform in order to ensure, inter alia, that the elections to be held in 2015 are credible, inclusive and transparent, allowing all candidates to fairly contest the elections, and to ensure that Myanmar continues its democratic transition by bringing all national institutions, including the military, under a democratically elected, fully representative civilian government;

3. **Further welcomes** the ongoing efforts aimed at reviewing and reforming legislation, recalls the importance of ensuring its compatibility with international standards and democratic principles, welcomes some steps taken to strengthen good governance and the rule of law, and calls upon the Government of Myanmar to continue legal reform, including by repealing laws restricting fundamental freedoms, to consider ratifying additional international instruments, including international human rights conventions, and to take further steps to strengthen good governance and the rule of law, including through legislative, judicial and institutional reform;

4. **Welcomes** the release of prisoners of conscience, stressing the important role of the political prisoners review committee and encouraging its continuation, urges the Government of Myanmar to continue the unconditional release of all prisoners of conscience, including all political activists and human rights defenders recently detained or convicted, and to provide for the full rehabilitation of former prisoners of conscience, welcomes the announcement of a mandate for the Interim Press Council to mediate disputes between journalists and the authorities, and encourages the Government to fulfil its commitment to protect the right to freedom of expression, association and peaceful assembly, to allow for free and independent media and to take appropriate steps to ensure the safety and security of journalists, civil society activists and human rights defenders and their freedom to pursue their activities;

5. **Urges** the Government of Myanmar to step up its efforts to end remaining human rights violations and abuses, including arbitrary arrest and detention, forced displacement, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment, arbitrary deprivation of property, including land, and violations of international humanitarian law in some parts of the country, and repeats its call upon the Government to take necessary measures to ensure accountability and end impunity;

6. **Welcomes** the important steps taken towards a nationwide ceasefire with ethnic armed groups and towards an all-inclusive political dialogue with the objective of achieving lasting peace, and urges full implementation of existing ceasefire agreements, including for all parties to
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13. Requests the Secretary-General:
(a) To continue to provide his good offices and to pursue his discussions on human rights, democracy and reconciliation in Myanmar, involving all relevant stakeholders, and to offer technical assistance to the Government of Myanmar in this regard;
(b) To give all assistance necessary to enable the Special Adviser to the Secretary-General on Myanmar and the Special Rapporteur of the Human Rights Council on the situation of human rights in Myanmar to discharge their mandates fully, effectively and in a coordinated manner;
(c) To report to the General Assembly at its seventyeth session, as well as to the Human Rights Council, on the progress made in the implementation of the present resolution;

Sri Lanka

Report of High Commissioner. In a February report [A/HRC/25/23] on promoting reconciliation and accountability in Sri Lanka, submitted pursuant to Human Rights Council resolution 22/1 [YUN 2013, p. 755], the High Commissioner acknowledged the progress made in reconstruction and in the implementation of some of the recommendations made by the Lessons Learnt and Reconciliation Commission, but highlighted that the Government had not ensured independent and credible investigations into past violations of international human rights and humanitarian law. The report contained updates on the ongoing attacks on religious minorities, the harassment and intimidation of human rights defenders, lawyers and journalists, and continued militarization. The Government had also not responded to the multiple offers of technical assistance made by the High Commissioner and special procedures, and new evidence continued to emerge on the events that took place in the final stages of the armed conflict, with human remains still being discovered. In addition to the establishment of an independent, international inquiry mechanism, which would contribute to establishing the truth the High Commissioner recommended that the Government finalize laws dealing with incitement to hatred, witness and victim protection, the right to information and the criminalization of enforced disappearances; arrest, prosecute and punish perpetrators of attacks on minority communities, media and human rights defenders; undertake independent and credible criminal and forensic investigations, with international assistance, into all alleged violations of human rights and humanitarian law, including recently discovered mass graves; broaden the scope and tenure of the Commission of Inquiry on Disappearances to encompass cases from all parts of the island and all periods of the history of disappearances; take further steps in demilitarization and ensure military disengagement.
from activities that were meant to be civilian; resolve land disputes and promote community participation in reconstruction and development; and engage civil society and minority community representatives in a consultative process to support the implementation of the recommendations made by the Lessons Learnt and Reconciliation Commission.

Communications. In letters dated 24 [A/HRC/25/G/9] and 27 February [A/HRC/25/G/10], Sri Lanka, respectively, provided its comments on the report of the High Commissioner on promoting reconciliation and accountability in Sri Lanka (see above); and stated it had requested that its comments be published as an addendum to the report of the High Commissioner, not as a separate communication. It requested that the issue of the lack of clarity and transparency with regard to the rules governing addenda and submissions of comments by States on the reports of the High Commissioner and the Secretary-General and requested that in consultation with the Bureau with a view to seeking an equitable solution.

Human Rights Council action. On 27 March [A/69/53 (res. 25/1)], by a recorded vote of 23 to 12, with 12 abstentions, the Council called on the Government to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law, and hold accountable those responsible; implement the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission; release publicly the results of its investigations into alleged violations by security forces; investigate all alleged attacks on journalists, human rights defenders, members of religious minority groups and other members of civil society, as well as on temples, mosques and churches; and cooperate with special procedures mandate holders and respond formally to their outstanding requests. The Council requested OHCHR to monitor the human rights situation in Sri Lanka and continue to assess progress on relevant national processes; undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in the country during the period covered by the Lessons Learnt and Reconciliation Commission; establish the facts and circumstances of alleged violations and of the crimes perpetrated with a view to avoiding impunity and ensuring accountability; and present an oral update to the Council’s twenty-seventh (2014) session, and a comprehensive report at its twenty-eighth (2015) session.

Report of High Commissioner. Pursuant to Council resolution 25/1 (see above), the High Commissioner in September presented an oral update [A/HRC/27/CRP.2] on promoting reconciliation, accountability and human rights in Sri Lanka. He urged the Government to seize the opportunity presented by the recommendations of the Lessons Learnt and Reconciliation Commission to address many root causes and structural issues that contributed to the conflict, and lay the basis for longer-term reconciliation; and to end the climate of intimidation, threat and harassment against civil society actors advocating for justice and human rights, as well as the incitement of hatred and violence against the country’s Muslim and Christian minorities, which would only undermine the prospects for peace and reconciliation. The High Commissioner briefed the Council on the progress of the OHCHR-conducted comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties to the conflict in Sri Lanka and appealed to the Sri Lankan authorities to cooperate fully with the investigation, as well as with the relevant special procedures mandate holders.

Yemen

Report of High Commissioner. In an August report on the situation of human rights in Yemen [A/HRC/27/44] covering the period from 1 July 2013 to 30 June 2014, the High Commissioner focused on accountability and transitional justice in providing redress for victims of serious human rights violations; incidents of extrajudicial killing; the use of the death penalty; the situation of refugees, migrants, asylum seekers and internally displaced persons (IDPs); enforced disappearances, fair trial and prison conditions; marginalized groups; developments regarding the judiciary; children’s rights, women’s rights and the right to freedom of expression, peaceful assembly and association; and human rights activities conducted in cooperation with OHCHR. The High Commissioner welcomed the conclusion on 25 January 2014 of the National Dialogue Conference [YUN 2012, p. 351] and noted the Conference outcomes pertaining to human rights, especially with regard to women, children and marginalized communities. She, nonetheless, regretted that the overall security situation in the country had escalated into intermittent conflict since October 2013; urged all parties involved to respect their obligations under international humanitarian and human rights law; and deplored that no independent and effective investigation had been conducted in relation to allegations of the excessive use of force and grave human rights violations committed in Al-Dhale’a, Amran and other regions, in particular in cases that resulted in deaths and attacks against civilian targets, such as schools and hospitals. The High Commissioner recommended that the Government expedite the establishment of the national commission of inquiry; cooperate with OHCHR to revise the draft law on Transitional Justice and National Reconciliation to be in conformity with international standards; release all individuals imprisoned for their peaceful participation in the 2011 events; establish a moratorium on the death penalty; ensure independent
investigations into allegations of the excessive use of force and grave human rights violations; ensure safe and unimpeded access for humanitarian organizations to all areas affected by armed conflict; and ensure the safety and security of journalists, the consideration of women’s rights in the Constitution drafting process; and implementation of the Action Plan to end and prevent the recruitment and use of children by the Yemeni Armed Forces.

**Human Rights Council action.** On 25 September [A/69/53/Add.1 (res. 27/19)], the Council noted with concern the armed violence in Dhale’a, Amran, Al Jawf, Mərib and Sana’a, and in particular the recent escalation of violence; welcomed the Peace and National Partnership Agreement of 21 September (see p. 000) and called on all parties to cooperate and implement that Agreement; urged the competent State organs of Yemen to ensure the early adoption of the draft law establishing an independent national human rights institution; noted that the appointment of the members of the committee to investigate allegations of violations of human rights in 2011 had not yet been finalized by the President; and demanded that armed groups end the recruitment and use of children and release those who had already been recruited. It called on the Government to release persons arbitrarily detained; end any practice of unlawful detention of persons; investigate cases of violence against journalists and review cases of detention of journalists; uphold the rights of all non-nationals; and ensure fair trial guarantees and continue to ensure that the death penalty was not applied to minors. The Council also welcomed the recommendations on women’s rights in the outcome document of the National Dialogue Conference; called on the international community to provide financial support to the 2014 Yemen humanitarian response plan; requested the High Commissioner to provide technical assistance and work with the Government to identify additional areas of assistance; and requested OHCHR to report to the Council’s thirtieth (2015) session on the human rights situation in Yemen.

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**Europe and the Mediterranean**

**Belarus**

**Report of Special Rapporteur.** In an April report on the situation of human rights in Belarus [A/HRC/26/44], the Special Rapporteur, Miklós Haraszti (Hungary), in accordance with Human Rights Council resolution 23/15 [YUN 2013, p. 757], outlined major concerns in detail, and the general situation, which was characterized by a systemic denial of human rights to citizens in the country by way of a purposeful combination of restrictive laws and abusive practices. Those concerns included the independence of the judiciary and of lawyers; torture and other cruel, inhuman treatment or degrading treatment or punishment; prison conditions; arbitrary arrest and detention; the imprisonment of political opponents, human rights defenders and activists; enforced disappearances; the death penalty; freedoms of opinion and expression, of peaceful assembly and of association; access to information; trade unions; just and favourable work conditions; forced labour; discrimination; persons with disabilities; gender; minorities; and elections. The Special Rapporteur concluded that there had been very little progress since his last report in 2013 [YUN 2013, p. 756] and noted that the majority of the recommendations made by UN human rights mechanisms, including matters such as shortcomings of rule of law institutions, lack of accountability for human rights violations and impunity, had neither been implemented nor followed up on.

The Special Rapporteur recommended that the Government release all political opponents, human rights defenders and activists convicted solely for the exercise of their political rights; take measures leading to meaningful political accountability; decriminalize public activities without permission; activate the work of the parliamentary working group on the death penalty; establish a moratorium on the use of the death penalty; recognize that the provisions were clearly defined and consistent with international human rights law; carry out a comprehensive reform of the justice sector and bar and release all political prisoners. It extended the mandate of the Special Rapporteur for one year, and requested him to report to the Council’s twenty-ninth (2015) session and to the General Assembly’s seventieth (2015) session.

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**Report of Special Rapporteur.** In an August report on the situation of human rights in Belarus [A/69/307], submitted in accordance with Council resolution 23/15 [YUN 2013, p. 757], the Special Rapporteur focused on the state of freedom of association and the impact of the legal framework and legal practices on non-governmental organizations (NGOs) and human rights defenders in the country. He identified the
main obstacles hampering the activities of civil society organizations and human rights defenders. Findings indicated that such organizations and individuals continued to endure extreme political pressure and a restrictive regulatory setting, and that civil activities outside the official framework were criminalized. He concluded that the overall legislative framework and practices of the Belarusian authorities violated, on a regular basis, the relevant provisions of international law and paralyzed the exercise of citizens’ right to full and inclusive participation in public life. The Special Rapporteur recommended that the Government release the remaining human rights defenders and activists convicted for exercising their civil and political rights; guarantee the independence and protection of human rights defenders, civil society organizations and NGOs from harassment, intimidation and violations; conduct a comprehensive review of the Belarusian legislation pertaining to freedom of association to bring it in line with international human rights law; review the law on public association and all regulations and practices pertaining to the activities of civil society organizations; remove legal and administrative impediments on funding for NGOs and human rights defenders, including funding from abroad; cease the vilification campaigns against NGOs critical of the government; end the obstruction, harassment and punishment of NGOs exercising their right to peaceful assembly; engage in constructive dialogue with independent NGOs and human rights defenders on civil society issues; and establish a national human rights institution in compliance with the Paris Principles in cooperation with all national NGOs willing to defend human rights.

On 18 December (decision 69/536), the General Assembly took note of the report of the Special Rapporteur.

**Communications.** By a 21 March note verbale [A/HRC/25/G/21], Turkey transmitted to the High Commissioner the Turkish Cypriot view on the OHCHR report on the question of human rights in Cyprus [YUN 2013, p. 757]. On 25 April [A/HRC/25/G/26], Cyprus provided its comments in relation to the Turkey’s letter.

**Report of High Commissioner.** In a report on the question of human rights in Cyprus [A/HRC/28/20], the High Commissioner highlighted the concerns voiced by international and regional human rights mechanisms at factors and difficulties impeding the implementation of international human rights standards on the whole island owing to the protracted conflict. The report, which covered the period from 1 December 2013 to 30 November 2014, provided an overview of the specific human rights concerns in the country, including with regard to the right to life and the question of missing persons, the principle of non-discrimination, freedom of movement, property rights, freedom of religion and cultural rights, freedom of opinion and expression and the right to education. It also provided an update on activities conducted to promote the implementation of Security Council resolution 1325 (2000) [YUN 2000, p. 1113] and adopt a gender perspective when negotiating and implementing peace agreements. OHCHR noted some positive developments, including in the identification and return of the remains of missing persons, an improved climate of interreligious cooperation and progress in conservation works at cultural heritage sites. The persistent division on the island, however, continued to hinder the full enjoyment by the whole population of Cyprus, of all human rights and fundamental freedoms. The Office reiterated the importance of addressing all human rights protection gaps and the underlying human rights issues in situations of protracted conflict.

**Ukraine**

In Ukraine, from 21 November 2013 to 22 February 2014, large-scale street protests erupted, triggered by the decision of former President Viktor Yanukovych not to sign an association agreement with the European Union. The protests were exacerbated by violence and the excessive use of force by the police, particularly on Independence Square (Maidan) in Kyiv, where over 100 people were killed in January and February 2014, including by snipers. The violence and human rights violations led to the downfall of the Government, the departure of President Yanukovych to the Russian Federation and the formation of a pro-European interim Government on 27 February. In March, the crisis broadened; paramilitary and so-called self-defence groups, as well as soldiers without insignia took control of the Autonomous Republic of Crimea and organized a referendum to join the Russian Federation. In the east and south of the country, regular rallies were organized with participation of the local population, but also allegedly with individuals and groups from neighbouring regions of the Russian Federation, with the demand for a referendum on the federalization of Ukraine or union with the Russian Federation, as well as recognition of Russian as a second State language. Supporters and opponents regularly clashed, resulting in the first three deaths of the crisis in the eastern regions on 13 and 14 March.

**UN monitoring mission.** On 14 March, OHCHR deployed the Human Rights Monitoring Mission to Ukraine to monitor and report on the human rights situation throughout the country and to propose recommendations to the Government and other actors to address emerging human rights issues as well as the root causes of the situation. The mission was deployed for a three month period. On 27 March, by resolu-
tition 68/262 (see p. 000), the General Assembly, reiterating the sovereignty and territorial integrity of the country, concluded that the referendum to join the Russian Federation had no validity.

Human Rights Council action. On 27 June [A/HRC/25/65 (res. 26/30)], by a recorded vote of 23 to 4, with 19 abstentions, the Council welcomed the holding of presidential elections in Ukraine on 25 May; the cooperation of the Government with the UN Human Rights Monitoring Mission in Ukraine and the renewal of the Mission’s mandate until 15 September 2014 (see p. 000). It called on all parties to cooperate with human rights monitors and implement the recommendations contained in the reports of OHCHR (see below); and called on the Government to continue its reform efforts and investigate all alleged human rights violations and abuses in a prompt, impartial, transparent, and comprehensive manner. The Council expressed concern that individuals were not able to take part in voting in the Autonomous Republic of Crimea and the city of Sevastopol, and in parts of the Luhansk and Donetsk regions owing to disruption by illegal armed groups; called for an end to all acts of discrimination and harassment, in particular towards persons belonging to minorities, indigenous peoples and other residents of Crimea and Sevastopol; condemned the violence and abuses committed by illegal armed groups; urged all members of such groups to disarm and stop their unlawful acts, including to release all those unlawfully detained and vacate occupied public and administrative buildings; and urged the Government to conduct security and law enforcement operations in accordance with international law. The Council invited the High Commissioner to report on the implementation of the resolution at its twenty-seventh (2014) session.

Report of High Commissioner. Pursuant to Human Rights Council resolution 26/30 (see above), the High Commissioner submitted a September report [A/HRC/27/75] covering the period from 21 November 2013 to 5 September 2014. He provided an overview of key human rights developments and concerns in Ukraine on the basis of the work of the UN Human Rights Monitoring Mission in Ukraine. The Mission’s mandate was extended twice, most recently until 15 December 2014. Since April 2014, OHCHR had issued five public monthly reports on the human rights situation in Ukraine, based on the findings of monitoring teams in Kyiv, Donetsk, Kharkiv, Lviv and Odessa. OHCHR recommended the Government to prioritize addressing systemic and structural issues affecting human rights through institutional reform; establish governance and justice systems that promoted and protected human rights for all and were non-discriminatory; and integrate a comprehensive human rights plan, reflecting recommendations from international and regional mechanisms, into the reform agenda of the country. OHCHR noted the good cooperation extended by the Government to Human Rights Monitoring Mission and stated that the Mission would continue to monitor and report on the evolving situation, with a view to contributing to an unbiased and accurate assessment of the human rights situation and a stronger and effective national human rights protection system.

Middle East

Syrian Arab Republic

Report of international commission of inquiry. A February report [A/HRC/25/65] of the independent international commission of inquiry on the Syrian Arab Republic, established by Human Rights Council resolution S-17/1 [YUN 2011, p. 780] to investigate alleged violations of international human rights law since March 2011, covered investigations conducted from 15 July the period from 15 July 2013 to 20 January 2014, including 563 interviews and the collection of other evidence. The commission found that more than 250,000 persons were besieged in the country and subjected to relentless shelling and bombardment. Denied humanitarian aid, food and medical care, they had to choose between surrender and starvation. Government forces and pro-government militia perpetrated massacres and conducted widespread attacks on civilians, systematically committing crimes against humanity such as murder, torture, rape and enforced disappearance. Government forces committed gross violations of human rights and the war crimes of murder, hostage-taking, torture, rape and sexual violence, the recruitment and use of children in hostilities and the targeting of civilians in sniper attacks. Government forces also disregarded the special protection accorded to hospitals, medical and humanitarian personnel and cultural property; used incendiary weapons, causing superfluous injury and unnecessary suffering, in violation of international humanitarian law; and conducted indiscriminate and disproportionate aerial bombardment and shelling causing large-scale arbitrary displacement.

Non-State armed groups, named in the report, committed war crimes, including murder, execution without due process, torture, hostage-taking, enforced disappearance, rape and sexual violence, the recruitment and use of children in hostilities, attacks on protected objects and the forcible displacement of civilians. Medical and religious personnel and journalists were targeted, and armed groups besieged and indiscriminately shelled civilian neighbourhoods, in some instances spreading terror through the use of car bombings in civilian areas. Armed groups also perpetrated massacres. In Al-Raqqah, the widespread detention of civilians and their systematic torture amounted to a crime against humanity. Chemical
weapons, specifically sarin, were used in multiple incidents during the conflict. The report concluded that States that exerted influence on the parties in Syria must act to ensure that those parties complied with the rules of international humanitarian law. The Security Council bore responsibility for allowing the warring parties to violate those rules with impunity.

**Human Rights Council actions.** On 28 March [A/69/53 (res. 25/23)], by a recorded vote of 32 to 4, with 11 abstentions, the Human Rights Council decided to extend the mandate of the commission of inquiry until the twenty-eighth (2015) session of the Council, and requested the commission to present a written report on the situation of human rights in Syria during an interactive dialogue at its twenty-seventh (2014) and twenty-eighth (2015) sessions and to provide an oral update at its twenty-sixth (2014) session. It demanded that the Syrian authorities cooperate with the commission of inquiry, including by granting it immediate, full and unfettered access throughout the country; that all parties demilitarize medical facilities, schools and other civilian facilities, avoid establishing military positions in populated areas and desist from attacks against civilian objects; and that the Syrian authorities meet their responsibility to protect the Syrian population. It condemned the continued gross, systematic and widespread violations of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including those involving aerial bombardment of civilian areas; violations and abuses against children; violence against persons belonging to religious or ethnic groups; the use of chemical weapons and all indiscriminate methods of warfare—prohibited under international law—that had a devastating impact on civilians; the intentional denial of humanitarian assistance to civilians, from whatever quarter, noting especially the responsibilities of the Government in that regard; and all acts of violence against humanitarian actors. It called on the Syrian authorities to accelerate the complete and irreversible destruction of their chemical weapons programme in accordance with their international obligations. The Council expressed grave concern at the spread of extremism and extremist groups, and at the credible reports that thousands of detainees, both Syrian and non-Syrian nationals, had died in government prisons as a result of starvation and torture. It stressed the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights were held to account; reaffirmed that the Syrian people should determine the process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law; encouraged the full participation of women in political talks; and urged the international community to provide financial support for the growing humanitarian needs of refugees.

On 27 June [res. 26/23], by a recorded vote of 32 to 5, with 9 abstentions, the Human Rights Council condemned the continued gross, systematic and widespread violations of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias and demanded the Syrian authorities cooperate fully with the commission of inquiry and meet their responsibility to protect the Syrian population. The Council called upon all parties to the conflict to put an end to all forms of violence and to prevent violations of international humanitarian law and human rights violations and abuses. It condemned incidences of enforced disappearance by the Syrian regime; the use by the Syrian authorities of starvation as a method of combat; and violations and abuse committed against journalists and media activists, and against the civilian population, in particular women and children. It demanded the release of all persons arbitrarily detained, including children, and called upon the Syrian authorities to publish a list of all detention facilities and allow access to those facilities by independent monitors. The Council condemned the use of chemical weapons and indiscriminate methods of warfare in Syria; expressed concern at the allegations of the use of toxic chemicals and supported the fact-finding mission of the Organization for theProhibition of Chemical Weapons to investigate those allegations; condemned the attack against inspectors of the Organization; and demanded that safe and unfettered access for the mission be ensured throughout the country. It reaffirmed its commitment to international efforts to find a political solution to the crisis; urged those countries with influence over the parties to the Syrian conflict to take measures to encourage them to negotiate constructively; and called upon the international community to respond to the Syrian humanitarian appeal and to fulfil previous pledges. The Council also expressed concern at the growing number of refugees and internally displaced persons fleeing the violence and urged the international community to provide financial support to enable host countries to respond to the growing humanitarian needs of Syrian refugees.

**Reports of international commission of inquiry.** In a July report [A/HRC/27/60] covering the period from 20 January to 15 July, the independent international commission of inquiry on Syria, based on 480 interviews and other collected evidence, found that the conduct of the warring parties in the country had caused civilians immeasurable suffering. Government forces continued to perpetrate massacres and conduct widespread attacks on civilians, systematically committing murder, torture, rape and enforced disappearance amounting to crimes against humanity. Government forces also committed gross violations of human rights and the war crimes of murder, hostage-taking, torture, rape and sexual violence,
the recruitment and use of children in hostilities and the targeting of civilians. Government forces disregarded the special protection accorded to hospitals and medical and humanitarian personnel; carried out indiscriminate and disproportionate aerial bombardment and shellling to spread terror; and used chlorine gas, an illegal weapon. Non-State armed groups, named in the report, committed massacres and war crimes, including murder, execution without due process, torture, hostage-taking, enforced disappearance, rape and sexual violence, the recruitment and use of children in hostilities and attacks on protected objects. Armed groups besieged and shelled civilian neighbourhoods, and members of the Islamic State in Iraq and Al-Sham (ISIS) committed torture, murder, enforced disappearance and forcible displacement as part of an attack on the civilian population in Aleppo and Ar Raqqah governorates. The commission concluded with a series of recommendations aimed at urgently finding a political settlement to the war.

Human Rights Council action. On 25 September [A/69/53/Add.1 (res. 27/16)], by a recorded vote of 32 to 5, with 10 abstentions, the Human Rights Council demanded that the Syrian authorities cooperate fully with the commission and meet their responsibilities to protect the Syrian population. The Council condemned all violations and abuses of international human rights and humanitarian law committed against the civilian population; the reports of the widespread use of sexual violence in government detention centres, including those run by intelligence agencies; practices including abduction, hostage-taking, incommunicado detention, torture and killings carried out by non-State armed groups, most notably Islamic State; the intervention in Syria of all foreign terrorist fighters and those foreign combatants fighting on behalf of the regime; the arbitrary arrest, detention, ill-treatment and torture of children by government forces for their, or their relatives’, alleged support of opposition groups; the use of chemical weapons and all indiscriminate methods of warfare; and the intentional denial of humanitarian assistance to civilians and in particular the Syrian authorities’ denial of medical assistance and the withdrawal of water and sanitation services to civilian areas, stressing that the starvation of civilians as a method of combat was prohibited under international law. It expressed concern at reports from the commission of inquiry on the suffering and torture in detention centres throughout Syria, including on prisoners in government facilities being held in dire conditions, denied medical assistance and food and subjected to torture; at the allegations of torture in detention facilities controlled by non-State armed groups; and at the abduction, incommunicado detention and torture of human rights defenders by Syrian authorities and armed opposition groups. The Council called for international monitoring bodies to be granted access to detainees in government prisons and detention centres; demanded that all armed groups halt the arbitrary detention of civilians; and demanded that the Syrian authorities end incommunicado detention. The Council also emphasized the need to ensure that all those responsible for violations were held to account, and decided to transmit all reports and oral updates of the commission of inquiry to all relevant bodies of the United Nations, including the General Assembly and the Secretary-General for appropriate action.


GENERAL ASSEMBLY ACTION

On 18 December [meeting 73], the General Assembly, on the recommendation of the Third Committee [A/69/488/Add.3], adopted resolution 69/189 by recorded vote (127-13-48) [agenda item 68 (e)].

Situation of human rights in the Syrian Arab Republic

Recalling that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic and social rights, civilian protests erupted in Dar’a in March 2011, and noting that the excessive and violent oppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilian population areas, fuelled the escalation of armed violence and extremist groups,

Expressing outrage at the continuing escalation of violence in the Syrian Arab Republic, which has caused more than 191,000 fatalities, and in particular at the continued widespread and systematic gross violations, as well as abuses, of human rights and violations of international humanitarian law, including those involving the continued use of heavy weapons and aerial bombardments, such as the indiscriminate use of ballistic missiles, cluster munitions, barrel and vacuum bombs, and chlorine gas, and starvation of civilians as a method of combat by the Syrian authorities against the Syrian population,

Expressing grave concern at the disproportionate use of force by the Syrian authorities against civilians, which has caused immense human suffering and fomented the spread of extremism and extremist groups and which demonstrates the failure of the Syrian authorities to protect the Syrian population and to implement the relevant resolutions and decisions of United Nations bodies,

Expressing grave concern also at the spread of extremism and extremist groups, terrorism and terrorist groups, and strongly condemning all violations and abuses of human rights and violations of international humanitarian law committed in the Syrian Arab Republic by any party to the conflict, in particular the so-called Islamic State in Iraq and the Levant, militias fighting on behalf of the regime, Al-Qaida-affiliated terrorist groups and other extremist groups,

Expressing support for the work carried out by the Independent International Commission of Inquiry on the Syrian Arab Republic, and strongly condemning the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Recalling the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic, noting the repeated encouragement by the High Commissioner for the Security Council to refer the situation to the International Criminal Court, and regretting that a draft resolution was not adopted despite broad support from Member States,

Expressing its deepest concern about the findings of the Commission of Inquiry and also the allegations contained in the evidence presented by “Caesar” in January 2014 regarding the torture and execution of persons incarcerated in the evidence presented by “Caesar” in January 2014 regarding the torture and execution of persons incarcerated and made available for future accountability efforts,

Welcoming Security Council resolutions 2139(2014) and 2165(2014) and expressing grave concern that implementation remains largely unfulfilled, and noting the urgent need to strengthen efforts to address the humanitarian situation in the Syrian Arab Republic, including through protection of civilians and rapid, safe and unhindered humanitarian access,

Recalling its commitment to Security Council resolutions 2170(2014) and 2178(2014),

Expressing deep concern at the more than 3 million refugees who have been forced to flee the Syrian Arab Republic, of whom more than 750,000 are women and more than 1.5 million are children, and at the 10.8 million people in the Syrian Arab Republic requiring urgent humanitarian assistance, of whom 6.45 million are internally displaced, as well as at the impact of the influx of Syrian refugees into neighbouring countries and other countries in the region, and at the risk the situation presents to regional stability,

Expressing its profound indignation at the death of well over 10,000 children and the many more injured since March 2011,

Expressing its deep appreciation for the significant efforts that have been made by neighbouring countries and other countries in the region to accommodate Syrian refugees, while acknowledging the increasing political, socioeconomic and financial impact of the presence of large-scale refugee populations in those countries, notably in Lebanon, Jordan, Turkey, Iraq, Egypt and Libya,

Welcoming the hosting by the Government of Kuwait of the First and Second International Humanitarian Pledging Conferences for Syria on 30 January 2013 and 15 January 2014, and expressing its deep appreciation for the significant pledges of humanitarian assistance that have been made,

Welcoming also the efforts of the United Nations and the League of Arab States and all diplomatic efforts to achieve a political solution to the Syrian crisis based on the final communiqué of the Action Group for Syria (Geneva communiqué) of 30 June 2012, and welcoming further the appointment of Mr. Staffan de Mistura as Special Envoy of the Secretary-General for Syria and expressing its full support for his mission,

Expressing its regret that the parties to the conflict in the Syrian Arab Republic, in particular the Syrian authorities, have failed to take advantage of the opportunities to achieve a political solution and form a transitional government with full executive powers based on the Geneva communiqué,

1. Strongly condemns all violations and abuses of international human rights law and all violations of international humanitarian law committed against the civilian population, in particular all indiscriminate attacks, including those involving the use of barrel bombs against civilian populated areas and civilian infrastructure, and demands that all parties immediately demilitarize medical facilities and schools and comply with their obligations under international law;

2. Deplores and condemns in the strongest terms the continued armed violence by the Syrian authorities against the Syrian people since the beginning of the peaceful protests in 2011, and demands that the Syrian authorities immediately put an end to all indiscriminate attacks on civilian areas and public spaces, including those involving the use of terror tactics, airstrikes, barrel and vacuum bombs, chemical weapons and heavy artillery;

3. Also deplores and condemns in the strongest terms the continued widespread and systematic gross violations of human rights and fundamental freedoms and all violations of international humanitarian law by the Syrian authorities and the Government-affiliated shabbiha militias, including
Chapter III: Human rights country situations

9.

10. Demands that the Syrian authorities cooperate fully with the Commission of Inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

11. Also demands that the Syrian authorities meet their responsibilities to protect the Syrian population;

12. Strongly condemns the intervention in the Syrian Arab Republic of all foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian regime, particularly militia groups such as Hizbullah, Asa’ib Ahl al-Haq and Liwa’ Abu al-Fadl al-Abbas, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

13. Demands that all foreign terrorist fighters, including those who are fighting in support of the Syrian authorities, immediately withdraw from the Syrian Arab Republic;

14. Also demands that all parties immediately put an end to all violations and abuses of international human rights law and international humanitarian law, recalls, in particular, the obligation under international humanitarian law to distinguish between civilian populations and combatants and the prohibition against indiscriminate and disproportionate attacks and all attacks against civilians and civilian objects, further demands that all parties to the conflict take all appropriate steps to protect civilians, including by desisting from attacks directed against civilian objects, such as medical centres, schools and water stations, immediately demilitarize such facilities, avoid establishing military positions in populated areas and enable the evacuation of the wounded and all civilians who wish to do so from besieged areas, and recalls in this regard that the Syrian authorities bear primary responsibility for protecting the population;

15. Strongly condemns practices including abduction, hostage-taking, incommunicado detention, torture, brutal murder of innocent civilians and summary executions carried out by non-State armed groups and terrorist groups, most notably the Islamic State in Iraq and the Levant and al-Nusra Front, and underlines that such acts may amount to crimes against humanity;

16. Deplores the suffering and torture in detention centres throughout the Syrian Arab Republic as depicted in the reports of the Commission of Inquiry and the Office of the United Nations High Commissioner for Human Rights, demands that the Syrian authorities immediately release all persons arbitrarily detained, including the members of the Syrian Centre for Media and Freedom of Expression, and ensure that detention conditions are consistent with international law, and calls upon the Syrian authorities to publish a list of all detention facilities;

17. Demands that the Syrian authorities, the Islamic State in Iraq and the Levant, al-Nusra Front, and all other groups halt the arbitrary detention of civilians and release all civilians detained;

18. Calls for the appropriate international monitoring bodies to be granted access to detainees in government prisons and detention centres, including the military facilities referred to in the reports of the Commission of Inquiry;

19. Strongly condemns the use of chemical weapons and all indiscriminate methods of warfare in the Syrian Arab
Republic, which is prohibited under international law, and notes with grave concern the Commission of Inquiry’s findings that the Syrian authorities have repeatedly used chlorine gas as an illegal weapon, which constitutes a violation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and is prohibited under international law;

20. **Demands** that the Syrian Arab Republic respect fully its obligations under the Chemical Weapons Convention, the decision of 27 September 2013 of the Executive Council of the Organization for the Prohibition of Chemical Weapons and Security Council resolution 2118(2013) requiring it to declare its programme in full and eliminate it in its entirety, and strongly urges the Syrian Arab Republic to provide full cooperation to the fact-finding mission of the Organization for the Prohibition of Chemical Weapons looking at the allegations of the use of chlorine as a weapon of war and to the declaration assessment team working to verify the chemical weapon declarations of the Syrian Arab Republic and seeking to clarify the gaps and discrepancies discovered therein;

21. **Also demands** that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

22. **Emphasizes** the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights law are held to account through appropriate fair and independent, national or international, criminal justice mechanisms in accordance with the principle of complementarity, and stresses the need to pursue practical steps towards this goal, and for this reason encourages the Security Council to take appropriate action to ensure accountability, noting the important role that the International Criminal Court can play in this regard;

23. **Strongly condemns** the intentional denial of humanitarian assistance to civilians, from whatever quarter, in particular the denial of medical assistance and the withdrawal of water and sanitation services to civilian areas, which has recently worsened, stressing that the starvation of civilians as a method of combat is prohibited under international law and noting especially the primary responsibility of the Government of the Syrian Arab Republic in this regard, and deplors the deteriorating humanitarian situation;

24. **Reaffirms its commitment** to international efforts to find a political solution to the Syrian crisis that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, with the full and effective participation of women, and where there is no room for sectarianism or discrimination on ethnic, religious, linguistic, gender or any other grounds, and urges those countries with influence over the Syrian parties, in particular over the Government of the Syrian Arab Republic, to take all measures to encourage the parties to the conflict to negotiate constructively and on the basis of the call made in the Geneva communiqué for the formation of a transitional governing body with full executive powers;

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

26. **Calls upon** all members of the international community, including all donors, to fulfil their previous pledges and continue to provide much-needed support to the United Nations, the specialized agencies and other humanitarian actors to provide humanitarian assistance to the millions of Syrians displaced both internally and in host countries.

RECORDED VOTE ON RESOLUTION 69/189:

In favour: Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Barbados, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cameroon, Canada, Central African Republic, Chile, Colombia, Comoros, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, Estonia, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kiribati, Kuwait, Latvia, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Mongolia, Montenegro, Morocco, Namibia, Netherlands, New Zealand, Norway, Oman, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Samoa, San Marino, São Tome and Príncipe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Somalia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Vanuatu, Yemen.

Against: Belarus, Bolivia, China, Cuba, Democratic People’s Republic of Korea, Ecuador, Iran, Nicaragua, Russian Federation, Syrian Arab Republic, Uzbekistan, Venezuela, Zimbabwe.


**Territories occupied by Israel**

In 2014, the Human Rights Council addressed cases of human rights violations in the territories occupied by Israel following the 1967 hostilities in the Middle East. Political and other issues in the region were considered by the Security Council, the General
Assembly, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (Committee on Israeli Practices) and other bodies (see part one, Chapter VI).

Report of High Commissioner. In a January report [A/HRC/25/39] submitted pursuant to Council resolution 22/29 [YUN 2013, p. 763], the High Commissioner provided information on the status of implementation of the recommendations contained in the report of the independent international fact-finding mission on the implications of Israeli settlements and the wall in the context of the unlawful blockade of Gaza, cease military incursions, allow Gazans to benefit from their natural resources situated within their borders or off the coast of Gaza and take account of the deepening emergency in Gaza. He recommended that the Human Rights Council pay increased attention to the failure by Israel to cooperate with the normal functioning of the United Nations by way of the Special Rapporteur and to the protection of Special Rapporteurs from defamatory attacks diverting attention from issues integral to the mandate.

Human Rights Council actions. On 28 March [A/69/53 (res. 25/27)], by a recorded vote of 46 to 1, with no abstentions, the Human Rights Council reaffirmed its support for the solution of two States, Palestine and Israel, living side by side in peace and security; and the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity, and to establish their sovereign, independent, democratic and viable contiguous State. It stressed 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 the Government of Israel and other unlawful Israeli activities, and any other measures aimed at altering the character and legal status of the prolonged occupation of Palestine; and comply with its legal obligations under international law.

On the same date [res. 25/29], by a recorded vote of 46 to 1, with no abstentions, the Council stressed the need for Israel to withdraw from the Palestinian Territory to enable the Palestinian people to exercise the universally recognized right to self-determination, and reiterated the need for respect for the territorial unity, contiguity and integrity of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within that territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world. It demanded that Israel comply with the provisions of the Fourth Geneva Convention and cease all measures and actions taken in violation of that Convention; cease all practices and actions that violated the human rights of the Palestinian people; cease its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip; cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory; and comply with its legal obligations under international law.
The Council expressed concern at the confiscation and damage by Israel of fishing nets in the Gaza Strip; the conditions of the Palestinian prisoners and detainees in Israeli jails and detention centres; the restrictions imposed by Israel that impeded the access of Christian and Muslim worshippers to holy sites; and the Citizenship and Entry into Israel Law adopted by the Knesset, which suspended the possibility, with certain rare exceptions, of family reunification between an Israeli citizen and a person residing in the Occupied Palestinian Territory. It condemned the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, and in the context of peaceful protests in the West Bank, which resulted in extensive loss of life and vast numbers of injuries; the firing of rockets against Israeli civilian areas; and all acts of violence, including all acts of terror, provocation, incitement and destruction by Israeli settlers. It urged States to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socio-economic and humanitarian situation; and requested the Secretary-General report on the implementation of the resolution at its twenty-eighth (2015) session.

**Human Rights Council special session.** On 18 July [A/HRC/S-21/1], the Group of Arab States, the Group of African States, the Organization of Islamic Cooperation, the Movement of Non-Aligned Countries and the State of Palestine requested the holding, on 23 July, of a special session of the Human Rights Council to address the human rights situation in the Occupied Palestinian Territory, including East Jerusalem. The request was supported by 17 States Members of the Council and five observer States. The Council held its twenty-first special session on 23 July [A/HRC/S-21/2].

**Human Rights Council action.** On 23 July [A/69/53 (res. S-21/1)], by a recorded vote of 29 to 1, with 17 abstentions, the Council condemned the widespread, systematic and gross violations of international human rights and fundamental freedoms arising from the Israeli military operation carried out in the Occupied Palestinian Territory since 13 June, particularly the most recent Israeli military assault on the occupied Gaza Strip, by air, land and sea, which involved disproportionate and indiscriminate attacks, including aerial bombardment of civilian areas, the targeting of civilians and civilian properties in collective punishment contrary to international law. It condemned violence against civilians wherever it occurred, including the killing of two Israeli civilians as a result of rocket fire, and urged all parties concerned to respect their obligations under international humanitarian and human rights law; called for an immediate cessation of Israeli military assaults throughout the Occupied Palestinian Territory; and demanded Israel to end its illegal closure of the occupied Gaza Strip.

The Council expressed concern at the rising number of incidents of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers illegally transferred to the Occupied Palestinian Territory against Palestinian civilians and their properties; and at the condition of Palestinian prisoners and detainees in Israeli jails and detention centres, in particular following the arrest by Israel of more than 1,000 Palestinians since 13 June. It recommended that the Government of Switzerland, in its capacity as depositary of the Fourth Geneva Convention, reconvene the conference of High Contracting Parties to the Convention on measures to enforce the Convention in the Occupied Palestinian Territory; requested that all relevant special procedures mandate holders seek and gather information on all human rights violations in the Occupied Palestinian Territory, including East Jerusalem; and decided to dispatch an independent, international commission of inquiry, to be appointed by the President of the Council, to investigate all violations of international humanitarian and human rights law in the Occupied Palestinian Territory, particularly in the Gaza Strip, in the context of the military operations conducted since 13 June. The Council requested that other relevant UN bodies cooperate with the commission of inquiry to carry out its mission, and also requested the assistance of the Secretary-General and the High Commissioner, including in the provision of administrative, technical and logistical assistance to enable the commission of inquiry and special procedures mandate holders to fulfil their mandates promptly. It further requested the High Commissioner to report on the implementation of the resolution to the Council at its twenty-seventh (2014) session.

**Communication.** In a letter dated 28 July [A/HRC/21/G/1], Israel highlighted its concerns regarding the level of transparency and timeliness observed in the process of organizing the special session of the Human Rights Council.

**Reports of Special Rapporteur.** In August, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Makarim Wibisono (Indonesia), submitted his first report [A/69/301 & Corr.1], based on consultations held with the relevant States and other stakeholders in Geneva, and outlined his next steps towards the fulfilment of the mandate.

On 18 December (decision 69/536), the General Assembly took note of the report.

**Reports of High Commissioner.** An October report [A/HRC/27/76] of the High Commissioner, submitted pursuant to Human Rights Council resolution S-21/1 (see above), reviewed the status of implementation of that resolution. The report provided an update on the steps taken by the Government of Switzerland to resume consultations on the question of reconvening a conference of the High Contracting Parties to the Fourth Geneva Convention [YUN 1999, p. 415]; outlined the steps taken by OHCHR to support the establishment of the commission of inquiry to
investigate violations of international humanitarian and human rights law in the Occupied Palestinian Territory; contained information on the activities of special procedures mandate holders in relation to their efforts to gather information on all human rights violations in the Occupied Palestinian Territory; and presented preliminary information, covering the period from 12 June to 26 August, gathered by OHCHR on the situation of human rights in the West Bank, including East Jerusalem, and in the Gaza Strip.

The deterioration in the situation in the West Bank, including East Jerusalem, remained a cause for concern. With regard to violations of international humanitarian and human rights law, the actions of the Israeli forces included excessive use of force, including use of live ammunition against unarmed demonstrators; the arrest and detention of hundreds of Palestinians, in violation of fair trial rights; and restrictions on the freedom of movement of Palestinians. Between 1,100 and 1,500 Palestinians were detained, including 27 members of the Palestinian Legislative Council, following the kidnapping of three Israeli youths on 12 June. The bodies of the three youths were discovered on 30 June, followed by the resumption of punitive house demolitions by the Israeli authorities and, on 31 August, the declaration by the Israeli Civil Administration of 988 acres of Palestinian land, south of Bethlehem, as State land, reportedly in response to the kidnapping and murders. Clashes between Palestinians and Israeli Security Forces took place throughout the reporting period and resulted in a high number of killings and injuries, and some actions by the Israeli authorities, especially in the Hebron area, potentially amounted to collective punishment. In Gaza, increased hostilities between Israel and Palestinian armed groups were noted since early June. Preliminary data indicated that as of 9 September, 2,142 Palestinians were killed or died from injuries in the period between 7 July and 26 August. Those casualties included 1,474 civilians, including 501 children and 257 women. According to Israeli media reports, four Israeli civilians, including one child; one foreign civilian; 66 soldiers; and one person of unknown status, were killed during the reporting period. As at 26 August, 18,080 housing units were destroyed, leaving approximately 108,500 people homeless. More than a quarter of the entire population of Gaza—479,000 Palestinians—had been displaced.

In response to Human Rights Council resolutions S-9/1 [YUN 2009, p. 780] and S-12/1 [ibid., pp. 785 & 787], the High Commissioner issued the seventh periodic report [A/HRC/28/80] on the human rights situation in the Occupied Palestinian Territory, covering the period from 9 November 2013 to 31 October 2014, which highlighted issues of concern with regard to each of the main duty bearers in the Territory, namely the Government of Israel, the Palestinian Authority and the authorities in Gaza. With regard to the West Bank, including East Jerusalem, the High Commis-
ing the escalation in hostilities between the State of Israel and Palestinian armed groups in Gaza, the consequences of which would continue to be felt by Palestinians across the Gaza Strip for some time. The High Commissioner concluded that effective accountability was a key means to break the cycle of violence, human rights violations and impunity. Violations in the West Bank, including East Jerusalem, continued to drive the conflict with wider implications for peace and security in the region. The protracted conflict was at a critical juncture, with the heightened tensions emphasising the imperative for an end to the recurrent human rights violations by all parties and to the prolonged occupation, as well as the full realization of the right to self-determination.

Report of Secretary-General. Pursuant to Human Rights Council resolution 25/29 (see above), the Secretary-General submitted a report [A/HRC/28/47] on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, covering the period from 26 May 2013 to 31 October 2014. He presented an analysis of how violations of international human rights law and international humanitarian law and abuses of human rights by all duty bearers drove the conflict and violence, and explained how an end to those violations and abuses was a key component of any enduring peace. The Secretary-General concluded that the human rights situation in the Occupied Palestinian Territory remained of grave concern. The murders of the Israeli teenagers and the Palestinian boy in June and July 2014, and the subsequent security operations in the West Bank, followed by rocket fire and the escalation in Gaza, heightened the already entrenched tensions and divisions that characterized the situation. The settlements in the West Bank, including East Jerusalem, violated international law and ran counter to the two-State solution. They were at the centre of many other human rights violations in the occupied West Bank, and were a source of demonstrations, incidents involving the excessive use of force by Israeli security forces, settler violence and widespread discriminatory policies affecting Palestinians’ enjoyment of their human rights. On the Palestinian side, attacks on Israelis provided material for a justification of hard-line measures that reinforced the cycle of violence. The ongoing blockade in Gaza—a collective penalty against the affected population—weakened links between Gaza and the West Bank and should end. Impunity for violations and abuses by all sides reinforced those problems, and for the tension to be diffuse in a meaningful way, all sides must address the human rights dimensions of the conflict.

The Secretary-General recommended that all duty bearers comply fully with international law, including by adequately remedying, and ensuring accountability for, violations and abuses. Obstacles to peace and to Palestinians’ enjoyment of their human rights, including their right to self-determination, must be removed, including by ending and reversing settlement activity in the West Bank, including East Jerusalem, lifting the blockade on Gaza and ending the occupation of Palestinian land. At the same time, due consideration should be given to ensuring the legitimate security needs of Israel with due respect for international humanitarian and human rights law. All parties should refrain from unilateral actions that exacerbate tensions and resentment, and promote an environment conducive to peace, mutual understanding and respect for human rights.

Occupied Syrian Golan

Human Rights Council actions. On 28 March [A/69/53 (res. 25/31)], by a recorded vote of 33 to 1, with 13 abstentions, the Council called on Israel to comply with UN resolutions on the occupied Syrian Golan, and to desist from the continuous building of settlements and from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan. The Council emphasized that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and recover their property. It further called on Israel to desist from imposing Israeli citizenship and identity cards on the Syrian citizens in the occupied Syrian Golan and from its repressive measures against them. Israel should release the Syrian detainees in Israeli prisons, some of whom had been detained for more than 27 years, and to treat them in conformity with international humanitarian law; and allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives. The Council requested that the Secretary-General bring the resolution to the attention of all Governments, UN organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations to disseminate it as widely as possible and to report on the matter at its twenty-eighth (2015) session.

On 28 March [res. 25/28], by a recorded vote of 46 to 1, with no abstentions, the Council condemned the continued settlement and related activities by Israel, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property and the construction of bypass roads, which changed the physical character and demographic composition of the occupied territories, including the occupied Syrian Golan, and constituted a violation of the Fourth Geneva Convention; called on Israel to reverse the settlement policy in the occupied territories and to end all human rights violations linked to the presence of settlements, especially the right to self-determination; demanded
that Israel comply fully with its legal obligations; and requested the Secretary-General to report to the Council on the implementation of the resolution at its twenty-eighth (2015) session. The Council also requested that all parties implement the recommendations in the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory [YUN 2012, p. 765], and requested the High Commissioner to report to the Council at its twenty-eighth (2015) session on the status of implementation of those recommendations (see below).

**Reports of Secretary-General.** Pursuant to Council resolution 25/31 (see above), the Secretary-General submitted a report [A/HRC/28/46] on the implementation of that resolution. The Secretary-General indicated that OHCHR, on 3 September, had addressed notes verbale to the Government of Israel and to the Governments of Member States that requested information on steps taken or envisaged to be taken concerning the implementation of resolution 25/31. No reply was received from Israel. Replies from Cuba (15 September), Denmark (17 September) and the Syrian Arab Republic (16 October) were summarized in the report.

Pursuant to Council resolution 25/28 (see above), the Secretary-General submitted a report [A/HRC/28/44] on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which covered the period from 1 November to 31 October. The report analysed the impact of Israeli settlements and settler violence on the human rights of Palestinians, and addressed the issues related to Israeli settlements in the occupied Syrian Golan, including the exploitation of natural resources. The Secretary-General concluded that Israel continued to fail to comply with its international obligation to protect the Palestinian population from violent acts committed by Israeli settlers, and to effectively prevent, and ensure accountability for, such violence. Israeli policies and practices regarding access to Palestinian land had a negative impact on the rights of Palestinians, in particular their rights to an adequate standard of living and to work.

He recommended that Israel cease all settlement activity in the West Bank and East Jerusalem, as well as in the occupied Syrian Golan; implement the relevant UN resolutions; withdraw from the territories occupied since 1967; and cease the exploitation of natural resources from those territories.

**Follow-up to the 2012 fact-finding mission on the implications of Israeli settlements on Palestinian rights**

- **Report of High Commissioner.** Pursuant to Human Rights Council resolution 25/28 (see above), the High Commissioner submitted a report [A/HRC/28/43 & Corr.1] on the status of implementation of the recommendations contained in the report of the independent international fact-finding mission on the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem [YUN 2012, p. 765]. The High Commissioner addressed the continued Israeli settlement activity; settler violence and accountability; Palestinian detainees, including children in Israeli custody; and business and human rights in relations to the settlements. The report also reflected submissions received from Member States on the status of implementation of the recommendations contained in the report of the fact-finding mission.

**Follow-up to the 2009 Fact-Finding Mission on the Gaza Conflict**

- **Human Rights Council action.** On 28 March [A/69/53 (res. 25/30)], by a recorded vote of 46 to 1, with no abstentions, the Council renewed its recommendation that the General Assembly remain apprised of the Independent International Fact-Finding Mission on the Gaza Conflict until it was satisfied that appropriate action with regard to implementing the recommendations contained in report [YUN 2009, p. 783] of the Fact-Finding Mission was taken at the domestic or international level in order to ensure justice for victims and accountability for perpetrators, and to remain ready to consider whether additional action within its powers was required in the interests of justice.