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Agenda item 4

Report of the Advisory Committee on its ninth session

Report of the Advisory Committee on its ninth session

Geneva, 6–10 August 2012

Rapporteur: Ms. Chung Chinsung

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I. Action taken by the Advisory Committee at its ninth session

9/1. Research proposals

At its 8th meeting, held on 10 August 2012, the Advisory Committee, pursuant to its meeting on 9 August with the Human Rights Council bureau and regional and political coordinators, and mindful of paragraph 77 of Human Rights Council resolution 5/1, decided to propose for the Council's consideration and approval the following research proposals:

1. Access to justice and the fight against corruption
2. Local government and human rights
3. Globalization, human rights and youth
4. Human rights and humanitarian action
5. A model law on equal opportunities and non-discrimination

Pursuant to rule 17 of the Committee's rules of procedure, the concept papers for the aforementioned research proposals are included in annex IV.

9/2. Human rights and issues related to terrorist hostage-taking

At its 8th meeting, held on 10 August 2012, the Advisory Committee, recalling Human Rights Council resolution 18/10 of 29 September 2011, and the Committee's recommendation at its eighth session (see action 8/5, contained in A/HRC/AC/8/8), took note of the progress report on human rights and issues related to terrorist hostage-taking (A/HRC/AC/9/CRP.1). The Committee agreed to invite all interested stakeholders, including Member States, international organizations, national human rights institutions and non-governmental organizations, to contribute to the study, and requested the drafting group to finalize the study in the light of such contributions and the discussions at the present session, and to submit a draft final report to the Committee at its tenth session, with a view to submitting it to the Human Rights Council at the twenty-fourth session of the Council.

9/3. Human rights and international solidarity

At its 8th meeting, held on 10 August 2012, the Advisory Committee, recalling Human Rights Council resolutions 15/13 of 30 September 2010 and 18/5 of 29 September 2011, in which the Council requested the Advisory Committee to prepare, in close cooperation with the independent expert, inputs to contribute to the elaboration of the draft declaration on the right of peoples and individuals to international solidarity, and to the further development of guidelines, standards, norms and principles with a view to promoting and protecting that right, endorsed the draft final paper on human rights and solidarity (A/HRC/AC/9/4), as revised in light of comments made in the discussions at the present session of the Committee. The Committee agreed to submit the final paper to the Human Rights Council for consideration at its twenty-first session.

9/4. Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind

At its 8th meeting, held on 10 August 2012, the Advisory Committee, recalling Human Rights Council resolution 16/3, took note of the study on promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind (A/HRC/AC/9/2), and requested the drafting group to finalize the study in the light of the discussions held by the Committee at its present session and to circulate it to all members of the Committee by e-mail for final review and approval by the end of November 2012. In view of the challenges facing the drafting group in its efforts to reflect in the study the wealth of input provided by participants in the discussions, the Committee respectfully requested the Council to defer its consideration of the final study until its twenty-second session.

The Advisory Committee recommends that the Human Rights Council consider adopting the following decision:

“The Human Rights Council takes note of the progress of work on the study on promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind (A/HRC/AC/9/2), and requests the Advisory Committee to submit the final report to the Council at its twenty-second session.”

9/5. Promotion of the human rights of the urban poor

At its 8th meeting, held on 10 August 2012, the Advisory Committee, recalling Human Rights Council resolution 19/7 of March 2012, took note of the “Study on the promotion of the human rights of the urban poor: strategies and best practices” (A/HRC/AC/9/3), and requested the drafting group to finalize it in the light of the discussions held by the Committee at its ninth session with a view to submitting it to the Human Rights Council at its twenty-second session.

9/6. Rural women and the right to food

At its 8th meeting, held on 10 August 2012, the Advisory Committee, recalling Human Rights Council resolution 19/7 of March 2012, took note of the preliminary study on rural women and the right to food (A/HRC/AC/9/5) and requested the drafting group to finalize it in light of the discussions held by the Committee at its ninth session, with a view to submitting it to the Human Rights Council at its twenty-second session.

9/7. Enhancement of international cooperation in the field of human rights

At its 8th meeting, held on 10 August 2012, the Advisory Committee, recalling Human Rights Council resolution 19/33 of 23 March 2012, designated Mr. Seetulsingh to participate in the seminar on the enhancement of international cooperation in the field of human rights, to be organized by the Office of the United Nations High Commissioner for Human Rights.

II. Officers, adoption of the agenda and organization of work

A. Opening and duration of the session

1. The Human Rights Council Advisory Committee, established pursuant to Human Rights Council resolution 5/1, held its ninth session at the United Nations Office at Geneva from 6 to 10 August 2012. The session was opened by the Chairperson for its ninth session, Mr. Latif Hüseyinov.
2. The President of the Human Rights Council, Ms. Laura Dupuy Lasserre, addressed the Advisory Committee at its 1st meeting, on 6 August 2012.
3. At the same meeting, Mr. Bacre Ndiaye, Director of the Human Rights Council and Special Procedures Division, made a statement on behalf of the United Nations High Commissioner for Human Rights.
4. Also at the same meeting, participants observed a minute of silence for the victims of human rights violations around the world.

B. Composition of the Advisory Committee

5. The names of the members are as follows:¹ Miguel d'Escoto Brockmann (Nicaragua, 2012); José Antonio Bengoa Cabello (Chile, 2013); Laurence Boisson de Chazournes (France, 2014); Chen Shiqiu (China, 2012); Chung Chinsung (Republic of Korea, 2013); Wolfgang Stefan Heinz (Germany, 2013); Latif Hüseyinov (Azerbaijan, 2014); Alfred Ntunduguru Karokora (Uganda, 2013); Vladimir Kartashkin (Russian Federation, 2013); Obiora Chinedu Okafor (Nigeria, 2014); Anantonia Reyes Prado (Guatemala, 2014); Cecilia Rachel V. Quisumbing (Philippines, 2014); Shigeki Sakamoto (Japan, 2013); Dheerujlall Seetulsingh (Mauritius, 2014); Ahmer Bilal Soofi (Pakistan, 2014); Halima Embarek Warzazi (Morocco, 2012); Jean Ziegler (Switzerland, 2012); and Mona Zulficar (Egypt, 2013).

C. Attendance

6. The session was attended by members of the Advisory Committee, observers for States Members of the United Nations, observers for non-Member States and observers for intergovernmental organizations, United Nations bodies, specialized agencies, other organizations, national human rights institutions and non-governmental organizations. Mr. d'Escoto Brockmann was unable to attend the session for medical reasons.

D. Meetings and documentation

7. In the course of the present session, the Advisory Committee held eight plenary meetings and seven closed meetings. The drafting groups on traditional values, international solidarity and the right to food also held a number of private meetings. For the action taken by the Advisory Committee at the present session, see chapter I above. For a list of documents, see annex III below.

¹ The year in parentheses indicates when the term of office of the member expires (terms of office end on 30 September).

E. Officers

8. In accordance with rule 103 of the rules of procedure of the General Assembly and rule 5 of the rules of procedure of the Advisory Committee, the following officers, elected by acclamation at the 1st meeting of the seventh session of the Advisory Committee, held on 8 August 2011, also served as officers at the ninth session:

Chairperson:	Mr. Latif Hüseyinov
Vice chairpersons:	Ms. Mona Zulficar Ms. Anantonia Reyes Prado Mr. Jean Ziegler
Rapporteur:	Ms. Chung Chinsung

F. Adoption of the agenda

9. At its 1st meeting, on 6 August 2012, the Advisory Committee adopted the provisional agenda as set out in A/HRC/AC/9/1 and Corr.1 (see annex I).

G. Organization of work and conduct of business

10. Also at its 1st meeting, the Advisory Committee adopted the draft programme of work prepared by the secretariat (document without a symbol circulated in the meeting room).

III. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions

A. Requests currently under consideration by the Committee

1. Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind

11. At its 1st and 2nd meetings, on 6 August 2012, the Advisory Committee held a discussion on promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind. The preliminary study on the subject (A/HRC/AC/9/2) was introduced by Ms. Chung, with additional comments by Mr. Kartashkin and Mr. Soofi. Committee members, Government observers, observers for non-governmental organizations and an observer for an intergovernmental organization took part in the ensuing discussion (see annex II).

12. At its 8th meeting, on 10 August 2012, Mr. Soofi introduced the draft text contained in document A/HRC/AC/9/L.3, sponsored by all the Committee members. Mr. Bengoa, Mr. Hüseyinov, Mr. Kartashkin, Mr. Seetulsingh and Ms. Zulficar made statements with regard to the draft text. The draft text was adopted without a vote (for the text as adopted, see chap. I., action 9/4).

2. Human rights and issues related to terrorist hostage-taking

13. At its 3rd meeting, on 7 August 2012, Mr. Heinz introduced the progress report on human rights and issues relating to terrorist hostage-taking (A/HRC/AC/9/CRP.1). At the same meeting, Ms. Quisumbing, new member of the Committee, joined the Drafting Group.

During the ensuing discussion, statements were made by members of the Advisory Committee and a Government observer (see annex II).

14. At its 8th meeting, on 10 August 2012, Mr. Heinz introduced oral revisions to the draft text contained in document A/HRC/AC/9/L.1, sponsored by all the Committee members. The draft text was adopted without a vote (for the text as adopted, see chap. I., action 9/2).

3. Human rights and international solidarity

15. At its 4th meeting, on 7 August 2012, the Advisory Committee held a discussion on human rights and international solidarity. Mr. Chen, Chairperson/Rapporteur of the drafting group, presented the draft final paper on human rights and international solidarity (A/HRC/AC/9/4). For a list of the Committee members who took part in the ensuing discussion, see annex II.

16. At its 8th meeting, on 10 August 2012, Mr. Chen introduced the draft text contained in document A/HRC/AC/9/L.2, sponsored by all the Committee members. The draft text was adopted without a vote (for the text as adopted, see chap. I., action 9/3).

4. Right to food

(a) Promotion of human rights of the urban poor: strategies and best practices

17. At its 5th and 6th meetings, on 8 August 2012, the Advisory Committee discussed the study on the promotion of human rights of the urban poor (A/HRC/AC/9/3). Ms. Chung introduced the study. Committee members and the representative of an intergovernmental organization took part in the ensuing discussion (see annex II).

18. At its 8th meeting, on 10 August 2012, Ms. Chung introduced the draft text contained in document A/HRC/AC/9/L.4, sponsored by all the Committee members. The draft text was adopted without a vote (for the text as adopted, see chap. I., action 9/5).

(b) Rural women and the right to food

19. At its 6th meeting, on 8 August 2012, the Advisory Committee discussed the preliminary study on rural women and the right to food (A/HRC/AC/9/5). Ms. Zulficar, a member of the drafting group on the right to food, introduced the preliminary study. For a list of the Committee members who took part in the ensuing discussion, see annex II.

20. At its 8th meeting, on 10 August 2012, Ms. Zulficar introduced the draft text contained in document A/HRC/AC/9/L.5, sponsored by all the Committee members. The draft text was adopted without a vote (for the text as adopted, see chap. I., action 9/6).

5. Promotion of the right of peoples to peace

21. At its 7th meeting, on 9 August 2012, Mr. Heinz and Ms. Zulficar made statements in relation to the promotion of the right of peoples to peace. At the 8th meeting, on 10 August, an observer for a non-governmental organization made a statement.

6. Enhancement of international cooperation in the field of human rights

22. At its 7th meeting, on 9 August 2012, Mr. Seetulsingh made a statement on the report on enhancement of international cooperation in the field of human rights. At its 8th meeting, on 10 August 2012, Ms. Seetulsingh introduced the draft text contained in document A/HRC/AC/9/L.6, sponsored by all the Committee members. The draft text was adopted without a vote (for the text as adopted, see chap. I., action 9/7).

IV. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007, and of section III of the annex to Council resolution 16/21 of 25 March 2011

A. Agenda and annual programme of work, including new priorities

23. At the 7th meeting of the Advisory Committee, held on 9 August 2012, Committee members made statements regarding possible research proposals to be submitted to the Human Rights Council for consideration and approval (see chap. I., action 9/1 and annex IV).

B. Appointment of members of the Working Group on Communications

24. Pursuant to paragraphs 91 and 93 of annex IV to Human Rights Council resolution 5/1, the Advisory Committee is to appoint five of its members to constitute the Working Group on Communication with a mandate of three years, renewable once only. In view of the fact that the term of membership of two members of the Working Group, namely, Mr. Chen and Ms. Warzazi, expires on 30 September 2012, the Advisory Committee decided, at its 1st meeting, on 6 August 2012, to appoint Ms. Chung and Mr. Seetulsingh as members of the Working Group on Communications, to serve until the end of their respective terms as members of the Advisory Committee (see para. 5 above).

V. Report of the Advisory Committee on its ninth session

25. At its 8th meeting, held on 10 August 2012, the Rapporteur of the Advisory Committee presented the draft report on its ninth session (document without a symbol circulated in the meeting room). Mr. Chen, Mr. Kartashkin, Mr. Sakamoto made statements in relation to the draft report. The Advisory Committee adopted the draft report *ad referendum* and decided to entrust the Rapporteur with its finalization.

26. At the same meeting, Mr. Bengoa, Ms. Boisson de Chazournes, Mr. Sakamoto, Ms. Zulficar and Mr. Kartashkin, as well as a representative of the non-governmental organization Indian Council of South America, made statements. Mr. Bacre Ndiaye, Director of the Human Rights Council and Special Procedures Division, made a closing statement on behalf of the United Nations High Commissioner for Human Rights.

27. After Ms. Warzazi, Mr. Chen and Mr. Ziegler had made valedictory statements, and following the usual exchange of courtesies, the Chairperson made closing remarks and declared the ninth session of the Advisory Committee closed.

Annex I

Agenda

1. Adoption of the agenda and organization of work.
2. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions:
 - (a) Requests currently under consideration by the Committee:
 - (i) Right to food;
 - (ii) Integration of a gender perspective;
 - (iii) Promotion of a democratic and equitable international order;
 - (iv) Integration of the perspective of persons with disabilities;
 - (v) Human rights and international solidarity;
 - (vi) Promotion of the right of peoples to peace;
 - (vii) Enhancement of international cooperation in the field of human rights;
 - (viii) Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind;
 - (ix) Human rights and issues related to terrorist hostage-taking;
 - (b) Follow-up to reports of the Committee submitted to the Human Rights Council:
 - (i) Human rights education and training;
 - (ii) Elimination of discrimination against persons affected by leprosy and their family members;
 - (iii) Missing persons.
3. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007, and of section III of the annex to Council resolution 16/21 of 25 March 2011:
 - (a) Review of methods of work;
 - (b) Agenda and annual programme of work, including new priorities;
 - (c) Follow-up to Advisory Committee recommendation 1/11;
 - (d) Appointment of members of the Working Group on Communications.
4. Report of the Advisory Committee on its ninth session.

Annex II

[English only]

List of speakers

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Speakers</i>
1. Adoption of the agenda and organization of work	1st meeting 6 August 2012	Members: Mr. Kartashkin, Ms. Quisumbing, Mr. Sakamoto, Ms. Warzazi, Ms. Zulficar
2. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions		
(a) Requests currently under consideration by the Committee		
(i) Right to food	5th and 6th meetings 8 August 2012	Members: Mr. Bengoa, Ms. Boisson de Chazournes, Mr. Chen, Ms. Chung, Mr. Kartashkin, Mr. Okafor, Ms. Quisumbing, Ms. Reyes Prado, Mr. Seetulsingh, Ms. Warzazi, Ms. Zulficar Observers for intergovernmental organizations: World Health Organization
(v) Human rights and international solidarity	4th meeting 7 August 2012	Members: Mr. Bengoa, Mr. Chen, Mr. Kartashkin, Ms. Reyes Prado, Mr. Sakamoto, Mr. Seetulsingh, Mr. Soofi, Ms. Warzazi, Ms. Zulficar
(vi) Promotion of the right of peoples to peace	7th meeting 9 August 2012	Members: Mr. Heinz, Ms. Zulficar Observers for non-governmental organizations: Japanese workers committee for Human Rights
(vii) Enhancement of international cooperation in the field of human rights	7th meeting 9 August 2012	Members: Mr. Seetulsingh

<i>Agenda item</i>		<i>Meeting and date</i>	<i>Speakers</i>
	(viii) Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind	1st and 2nd meetings 6 August 2012	<p>Members: Mr. Bengoa, Ms. Boisson de Chazournes, Mr. Chen, Ms. Chung, Mr. Heinz, Mr. Huseynov, Mr. Karakora, Mr. Kartashkin, Mr. Okafor, Ms. Quisumbing, Mr. Sakamoto, Mr. Seetulsingh, Mr. Soofi, Ms. Warzazi, Ms. Zulficar</p> <p>Government observers: Chile, Russian Federation, Switzerland, United States of America</p> <p>Observer for intergovernmental organizations: European Union</p> <p>Observers for non-governmental organizations: Action Canada for Population and Development, Human Rights First, International Lesbian, Gay, Bisexual, Trans and Intersex Association, International Service for Human Rights and International Commission of Jurists (joint statement), Canadian HIV/AIDS Legal Network</p>
	(ix) Human rights and issues related to terrorist hostage-taking	3rd meeting 7 August 2012	<p>Members: Ms. Boisson de Chazournes, Mr. Chen, Mr. Heinz, Mr. Karokora, Mr. Kartashkin, Mr. Okafor, Ms. Quisumbing, Mr. Seetulsingh, Mr. Soofi, Ms. Warzazi, Mr. Ziegler, Ms. Zulficar</p> <p>Government observer: Algeria</p>
3. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007, and of section III of the annex to Council resolution 16/21 of 25 March 2011	(b) Agenda and annual programme of work, including new priorities	7th meeting 9 August 2012	<p>Members: Mr. Bengoa, Ms. Boisson de Chazournes, Mr. Chen, Ms. Chung, Mr. Huseynov, Mr. Kartashkin, Mr. Okafor, Ms. Quisumbing, Ms. Reyes Prado, Mr. Sakamoto, Mr. Seetulsingh, Mr. Soofi, Ms. Zulficar</p>

Annex III

[English only]

List of documents issued for the ninth session of the Advisory Committee

Documents issued in the general series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/AC/9/1	1	Provisional agenda
A/HRC/AC/9/1/Corr.1,	1	Provisional agenda, corrigendum
A/HRC/AC/9/1/Add.1	1	Annotations to the provisional agenda
A/HRC/AC/9/1/Add.1/Corr.1	1	Annotations to the provisional agenda, corrigendum
A/HRC/AC/9/2	2	Preliminary study on promoting human rights and fundamental freedoms through a better understanding of traditional values of mankind
A/HRC/AC/9/3	2	Study on the promotion of human rights of the urban poor: strategies and best practices
A/HRC/AC/9/4	2	Draft final paper on human rights and international solidarity
A/HRC/AC/9/5	2	Preliminary study on rural women and the right to food
A/HRC/AC/9/6	4	Report of the Advisory Committee on its ninth session
A/HRC/AC/9/CRP.1	2	Human rights and issues related to terrorist hostage-taking

Documents issued in the limited series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/AC/9/L.1	2	Human rights and issues related to terrorist hostage-taking
A/HRC/AC/9/L.2	2	Human rights and international solidarity
A/HRC/AC/9/L.3	2	Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind
A/HRC/AC/9/L.4	2	Promotion of the human rights of the urban poor
A/HRC/AC/9/L.5	2	Rural women and the right to food
A/HRC/AC/9/L.6	2	Enhancement of international cooperation in the field of human rights
A/HRC/AC/9/L.7	3	Research proposals

Documents issued in the non-governmental organizations series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/AC/9/NGO/1	2	Written statement submitted by New Humanity, a non-governmental organization in general consultative status
A/HRC/AC/9/NGO/2	2	Written statement submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status
A/HRC/AC/9/NGO/3	2	Joint written statement submitted by the World Council of Churches (CCIA/WCC), International Council of Women (ICW-CIF), non-governmental organizations in general consultative status, Associazione Comunita Papa Giovanni XXIII, Women's Union of Russia (WUR), Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO), International Association of Peace Messenger Cities (IAPMC), Universal Esperanto Association (UEA), the BADIL Resource Center for Palestinian Residency and Refugee Rights, the International Federation of Women Lawyers (FIDA), International Federation of Women in Legal Careers (FIFCJ), North-South XXI, Union of Arab Jurists (UAJ), International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), General Arab Women Federation (GWAFF), Arab Lawyers Union (ALU), Peace Boat, International Women's Year Liaison Group, Japanese Worker's Committee for Human Rights, Nonviolent Peaceforce, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale (OCAPROCE), Lama Gangchen World Peace Foundation (LGWPF), International Association of Democratic Lawyers (IADL), American Association of Jurist (AAJ), Initiatives of Change, Worldwide Organization for Women (WOW) and Pan Pacific South East Asia Women's Association International(PSEAWA), non-governmental organizations in special consultative status, Institute for Planetary Synthesis (IPS), the 3HO Foundation, Inc. (Healthy, Happy, Holy Organization), International Society for Human Rights (ISHR), Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), International Peace Bureau (IPB), non-governmental organizations on the roster
A/HRC/AC/9/NGO/4	2	Joint written statement submitted by the International Commission of Jurists and International Service for Human Rights, non-governmental organization in special consultative status

Annex IV

Research proposals: concept papers

I. Access to justice and the fight against corruption

A. Introduction

Several United Nations agencies conduct regulatory and operational activities in the area of corruption, though none at the time being from a human rights point of view. A study by the Sub-Commission on the Promotion and Protection of Human Rights dealt with the links between corruption and human rights, stressing that corruption is a cause of human rights violations. However, the issue of access to justice for individuals affected by corruption was not singled out and dealt with from a human rights perspective.

It is proposed to assess from a human rights perspective the means and remedies accessible to individuals affected by corruption. The situation of entities affected by corruption will also be taken into consideration. The United Nations Convention against Corruption and other international instruments envisage the need for persons or entities to access remedies when affected by corruption. A human rights perspective will contribute to identifying and assessing the human rights dimensions of access to justice in this area.

Access to justice is a fundamental human right as well as an essential component of the rule of law. When acts of corruption take place, the availability of effective judicial, administrative and other types of remedies is vital. However, access to justice can be problematic in the context of corruption. The proposed study will assess the characteristics of access to justice in this area, as well as its implementation.

In accordance with Human Rights Council resolution 5/1, the proposed topic falls within the mandate of the Advisory Committee. The proposed study is “implementation-oriented” and deals with a “thematic issue pertaining to the mandate of the Council, namely promotion and protection of all human rights”.

The paragraphs below describe the current activities conducted by United Nations agencies in the area of corruption. As can be seen, the proposed topic is not yet covered.

B. Commission on Crime Prevention and Criminal Justice

The Commission guides the activities of the United Nations in the field of crime prevention and criminal justice. It also reviews United Nations standards and norms in this area, including their use and application by Member States.

Recently, on 24 April 2012, the Commission launched a new initiative to involve the private sector in tackling corruption. The Integrity Initial Public Offering (IPO) initiative offers businesses the chance to help developing countries tackle corruption and strengthen their ability to fight it. Under the IPO, companies and investors can contribute financially to supporting developing countries in their efforts to develop anti-corruption legislation and institutions and to promote integrity.

C. United Nations Office on Drugs and Crime

The United Nations Office on Drugs and Crime (UNODC) is the United Nations office responsible for crime prevention, criminal justice and criminal law reform. It works with Member States to strengthen the rule of law, promote stable and viable criminal justice systems and combat the growing threat of transnational organized crime and corruption through its Global Programme against Corruption, the United Nations Crime and Justice Information Network, and several other programmes.

UNODC, through its thematic programme on action against corruption and economic crime, acts as a catalyst and a resource to help States effectively implement the provisions of the United Nations Convention against Corruption. Its efforts are concentrated on supporting Member States in the development of anti-corruption policies and institutions, including preventive anti-corruption frameworks.

D. United Nations Convention against Corruption

The United Nations Convention against Corruption is the only legally binding, universal anti-corruption instrument. The Convention's far-reaching approach and the mandatory nature of many of its provisions make it an important tool for developing a comprehensive response to a global problem. The Convention covers five main areas: prevention; criminalization and law enforcement measures; international cooperation; asset recovery; and technical assistance and information exchange. It covers many different forms of corruption, such as trading in influence, abuse of power and various acts of corruption in the private sector. The inclusion of a specific chapter of the Convention dealing with the recovery of assets is a particularly significant development.

At its third session, held in Doha from 9 to 13 November 2009, the Conference of the States Parties to the United Nations Convention against Corruption adopted resolution 3/1, entitled "Review mechanism". In this resolution, the Conference recalled article 63, paragraph 7, of the United Nations Convention against Corruption, according to which the Conference should establish, if it deems it necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention.

The Convention supports the approach that States may be obliged through domestic litigation to take action against corruption. Article 35 requires States to ensure that entities or persons who have suffered damage as a result of an act of corruption have the right to initiate legal proceedings against those responsible for that damage in order to obtain compensation. Furthermore, according to article 43, paragraph 1, States parties are to consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption.

E. United Nations Global Compact

The United Nations Global Compact is a strategic policy initiative for businesses that are committed to aligning their operations and strategies with 10 universally accepted principles in the areas of human rights, labour, environment and anti-corruption. By doing so, business, as a primary driver of globalization, can help ensure that markets, commerce, technology and finance advance in ways that benefit economies and societies everywhere.

Principle 10 of the Global Compact specifies that businesses should work against corruption in all its forms, including extortion and bribery.

By partnering with UNODC, Transparency International, the International Chamber of Commerce, the World Economic Forum Partnership against Corruption Initiative (PACI) and the World Bank Institute, the Global Compact contributes to the fight against corruption by providing a platform for learning and dialogue and by offering guidance to companies on how to implement principle 10.

F. World Bank/UNODC Stolen Asset Recovery Initiative

The Stolen Asset Recovery Initiative (STAR) is a partnership between the World Bank Group and the United Nations Office on Drugs and Crime that supports international efforts to end safe havens for corrupt funds. STAR works with developing countries and financial centres to prevent the laundering of the proceeds of corruption and to facilitate more systematic and timely return of stolen assets.

STAR activities are built on four pillars:

- *Empowerment*: STAR helps countries establish the legal tools and institutions required to recover the proceeds of corruption.
- *Partnerships*: STAR works with and helps bring together Governments, regulatory authorities, donor agencies, financial institutions and civil society organizations from both financial centres and developing countries, fostering collective responsibility and action for the deterrence, detection and recovery of stolen assets.
- *Innovation*: STAR generates knowledge on the legal and technical tools used to recover the proceeds of corruption, promoting the sharing of global best practices.
- *International standards*: STAR advocates for the strengthening and effective implementation of chapter 5 of the United Nations Convention against Corruption and other international standards to detect, deter and recover the proceeds of corruption.

G. Special Rapporteur responsible for carrying out a comprehensive study on the question of corruption and its impact on the full enjoyment of all human rights

The mandate of the Special Rapporteur on corruption was established by the Sub-Commission on the Promotion and Protection of Human Rights in its resolution 2003/2 of 13 August 2003, and was subsequently endorsed by the Commission on Human Rights in its decision 2004/106. The Sub-Commission appointed Ms. Christy Mbonu as the Special Rapporteur with the task of preparing a comprehensive study on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights, based on her working paper E/CN.4/Sub.2/2003/18 and the opinions expressed during the debate on the issue during the discussions that took place at the fifty-fifth session of the Sub-Commission. Also in resolution 2003/2, the Sub-Commission requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-sixth session, a progress report at its fifty-seventh session and a final report at its fifty-eighth session.

The Special Rapporteur endeavoured to establish in the working paper (E/CN.4/Sub.2/2003/18), the preliminary report (E/CN.4/Sub.2/2004/23) and the first progress report (E/CN.4/Sub.2/2005/18) that the enjoyment of all regimes of rights, be they economic, social and cultural or civil and political, was seriously undermined by the phenomenon of corruption. The conclusions and recommendations of the first progress report were endorsed by the Sub-Commission in its resolution 2005/16.

H. Draft timetable

<i>Session of the Advisory Committee</i>	<i>Action</i>
Ninth session, August 2012	Advisory Committee approval, proposal forwarded to Human Rights Council for consideration
Tenth session, February 2013	If Human Rights Council approves and requests study, drafting group established
Eleventh session, August 2013	First draft presented to Advisory Committee
Twelfth session, February 2014	Second draft presented to Advisory Committee
Thirteenth session, August 2014	Draft final report to Advisory Committee

II. Local government and human rights

Today about 60 per cent of humanity lives in urban settings and the percentage is expected to increase to 70 per cent by the year 2050. As the newly coined words of “glocalization” (global + local) and “glurbanization” (global + urbanization) indicate, the local government and city have been playing an important role in the process of globalization while being affected by it both positively and negatively. The role of local government is also emphasized in the context of decentralization coupled with democratization, as executive power is increasingly delegated from central to local authorities.

As illustrated at the United Nations Conference on Sustainable Development held in June 2012 (“Rio+20”), sustainable cities are high on the agenda and local governments or authorities have proved to be important stakeholders in realizing a sustainable development agenda at the local and municipal level. Some human rights defenders, academics and policymakers have recently begun to pay more attention to the role of city or local governments in achieving the full realization of internationally recognized human rights in response to the challenges of “glocalization” and “glurbanization”, as well as decentralization. Furthermore, some local governments and local parliaments have voluntarily introduced human rights as guiding principles and criteria for policy development as well as indicators for monitoring and evaluating policy implementation in order to improve the impact of policies on the lives of citizens and inhabitants.

In this process, the right to participation of both citizens and non-citizens is considered crucial in making local governance participatory and inclusive. For instance, United Cities and Local Government, a global network representing thousands of cities and local governments, adopted the Global Charter-Agenda for Human Rights in the City on 11 December 2011. The Charter-Agenda sets out some essential rights that need to be respected, protected and promoted in the local context and provides useful guidelines for concrete policy options and actions.

Prior to that, in 2000, the European Charter for the Safeguarding of Human Rights in the City was adopted as the first inter-local or inter-city human rights instrument at the regional level. Several cities, such as Montreal in Canada, Victoria in Australia and Gwangju in the Republic of Korea, have adopted their own municipal human rights charters, while many other cities have adopted municipal human rights ordinances to institutionalize human rights norms in a municipal policy framework.

While States have primary responsibility for international standard-setting, States and local governments have a shared responsibility and a mutually complementary role in the domestic implementation of international human rights norms and standards. In some countries, cities and local governments are in better position to deal with issues closely linked to people's livelihoods, such as food, housing, transportation, health, decent work and access to public facilities.

In this regard, the concept of the "human rights city" is being explored as both a local community and socio-political process in a local context where human rights play a key role as the fundamental values and guiding principles. The concept is based on an understanding of the "human rights city" as human rights governance in the local context, where local government, local parliaments, civil society, private sector organizations and other stakeholders work together to improve the quality of life for all inhabitants in a spirit of partnership and solidarity. In this sense, the "human rights city" is an innovative strategy to "globalize human rights from below" in cooperation with central Governments and all stakeholders.

This newly emerging concept of the "human rights city" is indeed a challenge and an opportunity for United Nations human rights bodies to make the ideals of the Universal Declaration of Human Rights a reality for all on the ground, especially in the local and urban context. As the Universal Declaration of Human Rights itself emphasizes, the implementation of the Declaration is a responsibility of "every individual and every organ of society". Today, States and local governments have shared and complementary duties and responsibilities to respect, protect and fulfil human rights.

Local government has a special responsibility to bridge the gap between international human rights standards and the reality on the ground, by monitoring and implementing all recommendations of the human rights treaty bodies, special procedures mandate holders and the Universal Periodic Review in cooperation with the national or central Government, the relevant institutions and civil society. As we embark on the second cycle of the Universal Periodic Review (2012–2016), with its greater focus on implementation, and the second phase of the World Programme for Human Rights Education (2010–2014), their participation and contribution is both timely and necessary.

However, there are some emerging challenges and issues to be addressed to make "human rights city" initiatives more effective and relevant to the local reality. The Human Rights Council Advisory Committee, through its study, intends to provide a conceptual framework and guiding principles for the "human rights city" based on an analysis of case studies and good practices, as well as of international human rights norms and standards related to the concept of the human rights city. It is believed that the study will contribute not only to a better understanding of the role of local governments and cities, but also better human rights practices and governance at the local and municipal level.

Draft timetable

<i>Session of the Advisory Committee</i>	<i>Action</i>
Tenth session, February 2013	Formation of drafting committee
Eleventh session, August 2013	Preliminary report
Twelfth session, February 2014	Progress report
Thirteenth session, August 2014	Adoption of the draft final report

III. Globalization, human rights and youth

A. Introduction

According to the report “Quantitative indicators for the World Programme of Action for Youth: Report of the expert group” by the United Nations Department of Economic and Social Affairs (United Nations, 2012), young people (those between the ages of 15 and 24¹) represent approximately one fifth of the total global population. Nine out of ten young people live in developing countries, where living conditions are more precarious than in developed countries, although the financial and economic world crisis of recent years has also affected young people from the so-called “first world”. For a time, it was thought that capitalist globalization would primarily affect the poorest population groups, but reality has demonstrated that the middle class is also affected by capitalist policies. Unemployment and the lack of access to education are two examples that stand out from the recent experiences of countries such as Spain and Chile, to which we should add the political crisis and the Egyptian revolution of 2011. These are just the first examples of the negative impacts of globalization on young people and their human rights.

Among the various initiatives being taken to follow-up on the youth situation,² we could cite the World Programme of Action for Youth,³ which has stressed 15 main areas for action, grouped in three clusters: youth in the global economy; youth in civil society; and youth and their well-being. These areas coincide with the 11 main topics analysed by the International Youth Parliament, which point out the impacts of globalization on youth, including: access and privatization of education; HIV/AIDS; current employment conditions; trafficking in women; young indigenous people; vulnerability of rural youth; violence and security; globalization and human rights; access to technology; access to water; global culture; and juvenile identity.

Within the different themes affecting youth, it is particularly important to focus on three: education and gender; employment; and inclusion in democratic systems.

B. Education and gender

Although “knowledge is one of the pillars of human development, and constitutes the basis to stimulate the necessary creativity for scientific, cultural and economic development of society”,⁴ the current global reality is that the economic crisis that has directly impacted the right of youth to education, starting with the lack of access to universal primary education, which by 2000 affected 130 million children. Other statistics point out that more than 153 million young people in the world are illiterate; of these, 96 million are female.⁵

¹ The Ibero-American Convention on Young People’s Rights considers as a “young person” or “youth” anyone between the ages of 15 and 24 years.

² Conventions, conferences, congresses, etc.

³ The General Assembly of the United Nations adopted the World Programme of Action for Youth to the Year 2000 and Beyond in its resolution 50/81 of 14 December 1995, and the supplement thereto in its resolution 62/126 of 18 December 2007.

⁴ United Nations Development Programme, *Guatemala: ¿un país de oportunidades para la juventud?*

National Human Development Report (Guatemala, 2012) (hereafter, “UNDP, 2012”).

⁵ Report of the International Youth Parliament.

Economic globalization has become less of an opportunity than an obstacle to access to education, thanks to the privatization policies and the poor capacity of Governments to guarantee the right to education at the different levels of literacy and training.

In addition, the global situation as regards violence prevents young people from developing their abilities in a safe environment, limiting the possibilities of accessing and staying in education. Other rights that have been affected by violence are those related to health and recreation. According to a report by the International Youth Parliament, more than 130,000 minors around the world are affected by armed conflicts. As a result of other violence related to armed conflicts and other conflicts, such as the violence connected with drug trafficking and organized crime, young men are constantly exposed to the risk of becoming involved with juvenile gangs that are often linked to criminal networks. In Central America, more than half of all murders are of young people between the ages of 15 and 29 years.⁶

In the case of Latin America and the Caribbean, the homicide rate for young people surpasses 65 per 100,000 inhabitants, as compared with 16.1 in Africa, 12.2 in North America, 2.4 in Asia, 1.6 in Oceania and 1.2 in Europe. According to the 2012 National Human Development Report on Guatemala by the United Nations Development Programme (UNDP), the difference between juvenile murder rates in the Latin American region and developed countries is very high, which means that a young person in Latin America has a thirty-times-higher chance of dying as a murder victim than a young person in Europe, and a 70 per cent higher chance than a young person in countries such as Austria, England, Greece, Hungary, Ireland or Japan.

Young women are even more vulnerable, as they are victims of sexual exploitation, trafficking and work-related migration. For young women, globalization does not only mean opportunity: in many cases, it means increased violence. Globalization also helps perpetuate a dominant patriarchal system. Even though homicide rates are higher for young men, the murders of young women have certain appalling characteristics that do not appear in the statistics, such as sexual violence, physical violence and abuse before death.

It is important to mention that in the Latin American countries that have high rates of violence, more than 70 per cent of murders are by firearm; the subject of access and use of firearms by young people is a problem that needs to be faced in several countries around the world, including those that have less alarming statistics, such as the United States⁷ – which paradoxically is one of the major firearm-manufacturing countries.

It is worth recalling that the violence currently affecting young people is not limited to murder and that it has indirect as well as direct effects. It is necessary to consider the harm done to the quality of life of young men and women and their families, as well as the negative repercussions of violence on the development of society.

C. Employment

Educational exclusion is one of the problems that affect the technical and professional development of youth. It also harms the development of other basic skills

⁶ In the case of Guatemala, the murder rate of young people between the ages of 15 and 24 years is the fourth highest in a group of 83 countries (UNDP, 2012).

⁷ Several homicides involving the use of a firearm by a young person have taken place in the United States of America, the most recent being a massacre in Denver (a situation that will surely oblige the United States to address the topic of access to firearms).

needed to access employment. Educational exclusion has a negative impact on family life as a whole, since it generates more poverty and extreme poverty.

Illiteracy, shortcomings in the introduction of modern technology (“technification”) and the lack of access to technology all compel young people to accept jobs in the informal economy, where they do not benefit from social security and are obliged to accept low salaries and work in hazardous conditions. This is especially true of young migrant workers. The situation of women is more complex because they are at the lowest end of the labour market, which is the poorest paid and least productive and operates on the micro scale.⁸

Unemployment is one of the negative impacts of privatization and of policies that come from the (capitalist) global production system. Unemployment figures not only affect developing countries, but also developed countries, including European countries, which are facing serious economic crises. In Spain, for instance, unemployment has reached 24.63 per cent of the economically active population, comprising 53 per cent of young men and women.⁹ In 2011, 14.7 million young people between the ages of 15 and 24 years were unemployed; young people had a three-times-higher chance of being unemployed than adults.¹⁰

Employment forecasts do not expect any improvements in the employment situation of millions of young people. On the contrary, unemployment is rising and is even challenging ideas about the importance of education. A few decades ago, the phrase “If you don’t study, you won’t get a job”¹¹ was used to encourage children and young people to study; nowadays it is rarely heard, since even if they do pursue their studies they will not necessarily be able to find a job.

D. Inclusion in democratic systems

According to the World Action Programme of Action for Youth, young people are an important human resource for development, given that they are fundamental actors in social change. However, to achieve development, the enjoyment of economic, social and cultural rights is a necessary precondition, since it makes possible the political participation that will allow young people to effectively participate in development and social change.¹²

The lack of education affects not only labour, but also has a significant impact on the exercise of citizenship by the young population. In some democratic countries, there is no law on the inclusion of youth,¹³ and no quota systems to promote the political participation of young people in organizational and decision-making positions in political parties. The conditions for the development of active citizenship do not exist, even though these are the means that guarantee – from a public policy perspective – that the young population can participate in the decision-making process in diverse socio-economic, political and cultural fields in their countries.

⁸ United Nations, Millennium Goals Report 2012.

⁹ <http://www.losandes.com.ar/notas/2012/8/1/sigue-record-desempleo-europa-657961.asp>.

¹⁰ UNDP, 2012.

¹¹ Gabetta, Carlos, “The social democrat opportunity. In front of the structural crisis of capitalism”, *New Society Journal*, No. 239, May/June 2012.

¹² UNDP, 2012.

¹³ In the case of Guatemala, the Youth Bill has been under discussion for more than 10 years in Congress, and has still not been passed into law.

The exclusion of young people from political participation is a problem that Governments have to face up to urgently, given that its repercussions will continue to reproduce inequality and exclusion and will continue to hamper the integral development of a society. The young population has the right to enjoy appropriate conditions in their country, because they will be the ones leading the world in the next decades.

E. The United Nations, youth and human rights

The problems described above are the major challenges facing young people in the exercise of their human rights in the twenty-first century. We need to hold a discussion if we are to ensure that globalization is not seen as a purely economic phenomenon, but is also approached from a human rights perspective.¹⁴ As highlighted by the International Youth Parliament, we need to build a form of globalization that is more equal, inclusive and sustainable, in which all benefit from human rights, as stated in the Universal Declaration of Human Rights; that is, a form of globalization that is centred around rights and not the economy as it exists in the context of capitalist globalization.

Within the United Nations system, various bodies do follow issues related to youth: they include UNESCO, UNICEF, UNFPA and UNAIDS. It is interesting to note the existence of a youth focal point within the Social Policy and Development Division of DESA, which seeks to promote the rights and aspirations of youth within the framework of peace and development, as well as that of the national mechanisms needed to address these issues. However, this mechanism is a very small part of the United Nations, and there is not, for example, a special rapporteur on youth.

Youth issues are therefore being addressed from various distinct perspectives, not as an area that requires specific attention because of the negative impact of globalization and because today's youth will in the coming decades be called upon to solve crises they have inherited and to develop new paradigms in the search for alternative solutions to those crises. This challenge will be even more difficult if the young people of today do not acquire the capacity to contribute to humanity's social development.

A critical reflection on human rights in the framework of globalization¹⁵ will imply discussing the recognition that the events of the last decades show that human rights have dramatically receded. Many discussions focus on the effects of the economic crisis on young people and not on the system which has led to this crisis, a system which directly impacts human rights, and in particular those of young people.

One of the starkest examples is from the world of labour, where more and more young people face unemployment or work in the informal sector. However, this problem is not limited to the negative impacts of globalization. It increasingly threatens the right to life, as we have seen in various countries, in particular in developing countries, with high rates of violence linked to the use of firearms, illicit trafficking, migration for work, the actions of youth gangs, drug addiction, human trafficking, etc.

F. Structure for a possible study

In accordance with paragraph 2 of rule 17 of the Advisory Committee's rules of procedure, which states that "a research proposal shall take the form of a working paper, and indicate, inter alia, the relevance of the study, including its being within the scope of

¹⁴ UNDP, 2012.

¹⁵ Interview with Abner Paredes, Guatemala, July 2012.

the work set out by the Council, timeliness, object and the general outlines envisaged, as well as a draft timetable”, and based on the considerations outlined in the present paper, it is proposed that the Advisory Committee submit a proposal to the Human Rights Council for the preparation of a study to examine in a comprehensive manner globalization and its negative impacts on the human rights of young people. It is proposed that the study, within a gender and human rights focus, would initially include the following:

- (a) Introduction and objectives of the study
- (b) General background on the situation of human rights of young people in the framework of globalization
- (c) Youth and work
- (d) Democratic systems and the inclusion of youth
- (e) Conclusions and recommendations

The preparation of the study would generate ideas which could be used as the basis for developing proposals for creating support and follow-up mechanisms within the United Nations to realize the human rights of the world’s young people.

G. Draft timetable

<i>Session of the Advisory Committee</i>	<i>Action</i>
Ninth session, August 2012	The Committee approves the concept note and requests the Council to examine the proposal at its next session
Tenth session, February 2013	If the Council requests a study, a drafting group is set up to prepare a draft
Eleventh session, August 2013	The drafting group presents its first draft to the Committee for observations and suggestions
Thirteenth session, August 2014	The Drafting Group presents its final report to the Committee for approval and transmission to the Council

IV. Human rights and humanitarian action

A. Introduction

The proposed study on human rights and humanitarian action would be undertaken and discussed by the Human Rights Council Advisory Committee under its mandate to “function as a think-tank for the Council” and to provide expertise “focusing mainly on studies and research-based advice”, with the scope of its advice “limited to thematic issues pertaining to the mandate of the Council; namely promotion and protection of all human rights” (Human Rights Council resolution 5/1, annex, paras. 65, 75 and 76).

The human rights of tens of millions of people around the world are impacted in a number of ways by humanitarian crises, including armed conflict, natural disasters and man-made disasters, and also during humanitarian action. These crises have a wide range of impacts, extending to threats to dignity, discrimination, deprivation of political and civil rights; dangers to personal safety and health; lack of access to and provision of basic services such as housing, food, medical care; and even cultural matters.

Recognizing the nexus between humanitarian situations and human rights, the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights (OHCHR) have discussed and looked into specific situations such as those in Somalia, the Syrian Arab Republic, Gaza and the West Bank. The Council has appointed a Special Rapporteur on the human rights of internally displaced persons and OHCHR issued a report in 2011 on its work in this area.

The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that, in a survey of results of the Universal Periodic Review, “a total of 1,200 (plus) UPR recommendations refer explicitly to issues related to forced displacement, asylum or statelessness. They cover concerns in 153 countries.”¹⁶

The continuation and even proliferation of armed conflict around the world, as well as the increasing frequency of natural and man-made disasters, means that the demand for humanitarian action/responses is increasing, rather than decreasing. According to UNHCR, the conservative estimate is that 43.7 million persons worldwide have been displaced by conflict and persecution. The year 2011 recorded “the lowest number of returns in the past two decades”.¹⁷

Despite this, however, at the moment, the Human Rights Council has not yet considered this thematic issue in great detail and there are no guidelines from the Council on a human rights approach to humanitarian action.

The High Commissioner for Refugees welcomed calls for a more human rights-based approach to humanitarian responses during the 2011 High Commissioner’s Dialogue on Protection Challenges. There is work being done at the civil society level, including Project Esfera and ACT Alliance.

B. Recent issues of concern

The Special Rapporteur on the human rights of internally displaced persons expressed deep concern on 9 August 2012 about the situation in the Syrian Arab Republic, affecting about 1.5 million persons who are internally displaced.

In two camps in South Sudan, health conditions among refugees are alarming, with high rates of disease, death and malnutrition. “Médecins Sans Frontières reported an average of five children dying every day, mostly from diarrhea and infections,” according to UNHCR. The two camps “have been struggling amid a massive influx in recent months and a rainy season that has made aid delivery more difficult”.

Another camp that has difficulties because of the number of residents is Kakuma Refugee Camp in Kenya. UNHCR reports that this strains resources for shelter, water, sanitation, education and health care. This raises the possibility of tension between the camp residents and the local community.

C. Sources

Information and data would be culled from OHCHR and UNHCR field and thematic reports and studies, reports of special procedures mandate holders either on specific country situations or thematic issues such as internally displaced persons or trafficking of persons,

¹⁶ Statement to the Human Rights Council by UNHCR Assistant High Commissioner for Protection Erika Feller, March 2012.

¹⁷ Ibid.

Universal Periodic Review reports and reports of other humanitarian agencies and organizations, as well as legal research resources (international, regional, national).

D. General outline

1. Introduction and objectives

Mandate for study

Who is affected, including internally displaced persons, refugees, victims who are not displaced, stateless persons, local communities.

2. Current situation

Survey of existing legal and institutional framework (international, regional, national) – Convention relating to the Status of Stateless Persons (1960)

Summary of observations and recommendations by special procedures mandate holders, from Universal Periodic Review process, and other work by the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights

Summary of reality on the ground, including in evacuation camps, on voluntary return, on integration, transit, relocation

3. Human rights aspects of humanitarian action – good practices and challenges

(a) Dignity

(b) Discrimination, racism

(c) Civil and political rights

Right to life, security of person, health, participation in decisions, access to justice, freedom of movement, freedom of expression, freedom of association and assembly

(d) Economic, social and cultural rights

Adequate housing, adequate food, right to health – medical facilities, sanitation, water, right to culture, freedom of religion

(e) Vulnerable groups

Women and girls, including gender-based violence, children

Indigenous peoples, persons with disabilities, the elderly and others

Non-citizens, stateless persons

(f) Effective remedies

(g) Other issues in humanitarian law and action vis-à-vis human rights

Asylum, refugee status, *refoulement*, immigration, transit

4. Recommendations

5. Conclusion

E. Draft timetable

<i>Session of the Advisory Committee</i>	<i>Action</i>
Ninth session, August 2012	Advisory Committee approval, proposal forwarded to Council for consideration;
Tenth session, February 2013	If Human Rights Council approves and requests study, establish drafting group
Eleventh session, August 2013,	First draft presented to Advisory Committee
Twelfth session, February 2014	Draft final report to Advisory Committee

V. A model law on equal opportunities and non-discrimination

Equal opportunity and non-discrimination is not only a fundamental human right in itself, but also an enabling right with a positive rollover effect on all other basic human rights. The right to equal opportunity is closely linked with the right to equality, justice and non-discrimination, based on colour, race, language, religion, gender, social status, political affiliation, disability or other ground. Moreover, assertion of this right normally reflects positively on the right to education, employment, health, housing, food and clean water and other basic human rights. Finally, implementation of the right to equal opportunity and non-discrimination constitutes an effective tool for fighting corruption.

A focus on the implementation of human rights declarations, conventions, covenants and other international documents at the national level is a priority for the Human Rights Council and for the Advisory Committee. The obligation of States to respect, protect and fulfil human rights includes the adoption of laws that would satisfy such an obligation and enhance implementation at the grassroots level.

It is therefore suggested that drafting and adopting a model law on equal opportunity and non-discrimination would be instrumental in the promotion, protection and fulfilment of human rights at the national level. Experience shows that States are encouraged to adopt laws based on United Nations model laws that are usually issued with a consensus of Member States and relevant non-State actors. Such model laws facilitate compliance and are perceived to create a benchmark for such compliance. The UNCITRAL Model Law on International Commercial Arbitration is one example. In addition, the process of drafting the model law, consultation with all stakeholders and building consensus on such a draft law would in itself enhance awareness and constitute an effective tool for promoting the right to equal opportunity and non-discrimination.

The draft law would build on existing experience in both developed and developing countries where equal opportunity laws have been issued and implemented. The lessons learnt from such experiences would be helpful in drafting more effective mechanisms and provisions that would facilitate implementation. This type of law is required to be an instrument of change and not just a law that states obligations and provides for punishment.

The objectives of the law are to determine precise obligations for governmental, public and private entities in respect of the right to equal opportunity and non-discrimination, generally with a particular emphasis on certain specific areas such as employment and education, and to provide for appropriate penalties in case of violations. The second objective would be to establish an institutional monitoring and accountability mechanism with appropriate competences, including the right to agree a plan for reform with violating institutions based on time and resources and the right to review complaints from victims, and adopt efficient procedures to stop violations, hold the perpetrators

accountable before the courts and obtain just remedies for the victims. A third objective is to provide for special procedures that would provide for injunctive relief to suspend violations and guarantee justice and remedies for the victims. Finally, the fourth objective is to promote a culture of equality, non-discrimination and the rule of law through application of the law, educational institutions and the media.

The draft law is expected to cover the following:

- Definitions
- Objectives
- Obligations of governmental, public and private entities
- Specific obligations in certain critical areas such as employment and education
- Establishment of a monitoring mechanism, such as an equal opportunity commission
- Competences and special procedures of the relevant commission
- Penalties and remedies

This proposal satisfies the requirements of Human Rights Council resolution 5/1 and would follow a timetable whereby a first draft would be available for the June 2013 session, following consideration and approval by the Human Rights Council in September 2012. Upon consultation with all stakeholders a second draft would be available for the March 2014 session.
