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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania*, Argentina*, Australia*, Austria, Belgium, Bolivia (Plurinational State of)*, Bosnia and Herzegovina*, Bulgaria*, Canada*, Chile, Costa Rica, Côte d'Ivoire*, Croatia*, Czech Republic, Democratic Republic of the Congo*, Denmark*, Djibouti, Ecuador, Finland*, France*, Georgia*, Germany*, Greece*, Guatemala, Honduras*, Hungary, Iceland*, Ireland*, Italy, Latvia*, Liechtenstein*, Lithuania*, Maldives, Mauritania, Mexico, Morocco*, Nigeria, Norway, Palestine*, Paraguay*, Peru, Poland, Portugal*, Republic of Moldova, Senegal, Serbia*, Slovenia*, Spain, Sweden*, Switzerland, Thailand, Tunisia*, Ukraine*, United Kingdom of Great Britain and Northern Ireland*, Uruguay, Venezuela (Bolivarian Republic of)* : draft resolution

18/... Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, other relevant international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

Recalling the set of principles for the protection and promotion of human rights through action to combat impunity,¹ and the updated version of those principles,²

Recalling also General Assembly resolution 60/147 of 16 December 2005 on the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

Recalling further Commission on Human Rights resolutions 2005/70 of 20 April 2005, on human rights and transitional justice, 2005/81 of 21 April 2005, on impunity, and

* Non-Member State of the Human Rights Council.

¹ E/CN.4/Sub.2/1997/20/Rev.1, annex II.

² E/CN.4/2005/102/Add.1.

2005/66 of 20 April 2005, on the right to the truth, as well as Human Rights Council resolutions 12/11 of 1 October 2009, on human rights and transitional justice, 9/11 of 18 September 2008 and 12/12 of 1 October 2009, on the right to the truth, and 10/26 of 27 March 2009 and 15/5 of 29 September 2010, on forensic genetics and human rights, as well as Council decisions 2/105 of 27 November 2006, on the right to the truth and 4/102 of 23 March 2007, on transitional justice,

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

Recalling also the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies,³ including the relevant recommendations contained therein, and the report of the Secretary-General entitled “Uniting our strengths: enhancing United Nations support for the rule of law”,⁴

Noting with appreciation the active engagement of the United Nations, including the Office of the United Nations High Commissioner for Human Rights, in assisting States to address gross human rights violations and serious violations of international humanitarian law, in cooperation with and at the request of States,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also General Assembly resolution 60/251 of 15 March 2006,

Recognizing that the special procedure on the promotion of truth, justice, reparations and guarantees of non-recurrence will deal with situations in which there have been gross violations of human rights and serious violations of international humanitarian law,

Underlining the fact that, when designing and implementing strategies, policies and measures to address gross human rights violations and serious violations of international humanitarian law, the specific context of each situation must be taken into account with a view to preventing the recurrence of crises and future violations of human rights, to ensure social cohesion, nation-building, ownership and inclusiveness at the national and local levels and to promote reconciliation,

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

1. *Decides* to appoint, for a period of three years, a special rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, whose tasks will include:

³ S/2004/616.

⁴ A/61/636-S/2006/980.

(a) To contribute, upon request, to the provision of technical assistance or advisory services on the issues pertaining to the mandate;

(b) To gather relevant information on national situations, including on the normative framework, on national practices and experiences, such as truth and reconciliation commissions and other mechanisms, relating to the promotion of truth, justice, reparation and guarantees of non-recurrence in addressing gross violations of human rights and serious violations of international humanitarian law, and to study trends, developments and challenges and to make recommendations thereon;

(c) To identify, exchange and promote good practices and lessons learned as well as to identify potential additional elements with a view to recommend ways and means to improve and strengthen the promotion of truth, justice, reparation and guarantees of non-recurrence;

(d) To develop a regular dialogue and cooperate with, inter alia, Governments, international and regional organizations, national human rights institutions and non-governmental organizations, as well as relevant United Nations bodies and mechanisms;

(e) To make recommendations concerning, inter alia, judicial and non-judicial measures when designing and implementing strategies, policies and measures for addressing gross violations of human rights and serious violations of international humanitarian law;

(f) To undertake a study, in cooperation with and reflecting the views of, inter alia, States and relevant United Nations bodies and mechanisms, international and regional organizations, national human rights institutions and non-governmental organizations, on the ways and means to implement the issues pertaining to the mandate;

(g) To conduct country visits and to respond promptly to invitations from States;

(h) To participate and contribute to relevant international conferences and events with the aim of promoting a systematic and coherent approach on issues pertaining to the mandate;

(i) To raise awareness concerning the value of a systematic and coherent approach when dealing with gross violations of human rights and serious violations of international humanitarian law and making recommendations in this regard;

(j) To integrate a gender perspective throughout the work of the mandate;

(k) To integrate a victim-centred approach throughout the work of the mandate;

(l) To work in close coordination, while avoiding unnecessary duplication, with the Office of the United Nations High Commissioner for Human Rights, intergovernmental and non-governmental organizations, other special procedures of the Human Rights Council, and with other relevant actors;

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

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

4. *Requests* the Special Rapporteur to report annually to the Human Rights Council and the General Assembly.