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HUMAN RIGHTS COUNCIL
Tenth session
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

**Austria*, Belgium*, Bosnia and Herzegovina, Bulgaria*, Brazil, Canada,
Costa Rica*, Croatia*, Cyprus*, Czech Republic*, Chile, Denmark*, Finland*,
France, Guatemala*, Iceland*, Japan, Liechtenstein*, Mexico, Netherlands,
Norway*, Panama*, Peru, Poland*, Portugal*, Slovenia, Spain*, Sweden*,
Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland:
draft resolution**

**10/... Protection of human rights and fundamental freedoms
while countering terrorism**

The Human Rights Council,

Reaffirming its decision 2/112 and its resolutions 6/28 and 7/7, and Commission on Human Rights resolutions 2003/68, 2004/87 and 2005/80, and recalling General Assembly resolutions 57/219, 58/187, 59/191, 60/158, 61/171, 62/159 and 63/185, and welcoming the efforts of all relevant stakeholders to implement those resolutions,

* Non-member State of the Human Rights Council.

1. *Calls upon* States to ensure that any measure taken to counter terrorism complies with international law, in particular international human rights, refugee and humanitarian law, and in this context expresses serious concern at the violations of human rights and fundamental freedoms while countering terrorism;
2. *Deeply deplores* the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them and stresses the importance of providing them with proper assistance;
3. *Reaffirms* its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renews its commitment to strengthen international cooperation to prevent and combat terrorism, and in that regard calls upon States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy, which, inter alia, reaffirms respect for human rights for all and the rule of law to be the fundamental basis of the fight against terrorism;
4. *Urges* States, while countering terrorism, to protect all human rights, including economic, social and cultural rights;
5. *Calls upon* States, while countering terrorism, to ensure that any person whose human rights or fundamental freedoms have been violated has access to an effective remedy and that victims will receive adequate, effective and prompt reparations where appropriate, including by bringing to justice those responsible for such violations;
6. *Urges* States, while countering terrorism, to respect the right to be equal before the courts and tribunals and to a fair trial, as provided for by international law, including international human rights law, such as article 14 of the International Covenant on Civil and Political Rights and, as applicable, international humanitarian law and refugee law;
7. *Invites* States to study the recent list of principles of the Working Group on Arbitrary Detention on the deprivation of liberty in the context of measures to counter terrorism related to articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights (A/HRC/10/21);

8. *Recognizes* that the universal periodic review mechanism may serve as a tool for the promotion and protection of human rights and fundamental freedoms while countering terrorism and urges all stakeholders to continue to increase their efforts in this regard;

9. *Acknowledges* with appreciation the report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism (A/HRC/10/3);

10. *Requests* all States to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals and providing the information requested, and also requests States to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries;

11. *Requests* the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to his mandate, to prepare, by seeking information and in consultation with States and other relevant stakeholders, a compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism, including on their oversight, and to present the compilation in a report to the Council at its thirteenth session;

12. *Welcomes* the work of the United Nations High Commissioner for Human Rights to implement the mandate given to her by the Commission of Human Rights in its resolution 2005/80 and the General Assembly in its resolution 60/158 on the protection of human rights and fundamental freedoms while countering terrorism, and requests the High Commissioner to continue her efforts in this regard;

13. *Invites* the High Commissioner and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to contribute further to the ongoing discussion regarding efforts of States Members of the United Nations to assure adequate human rights guarantees to ensure fair and clear procedures, in particular with regard to placing and removing individuals and entities from terrorism-related sanctions lists;

14. *Stresses* the importance that relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those that are participating in the Counter-Terrorism Implementation Task Force, that provide technical assistance related to

the prevention and suppression of terrorism to consenting States include, as appropriate and where consistent with their mandates, the respect of international human rights law, and as applicable, international humanitarian law and refugee law, as well as the rule of law, as an important element of technical assistance they offer to States related to counter terrorism, including by drawing on the advice of, and otherwise ensuring the ongoing dialogue with the special procedures of the Council within their mandates and the Office of the High Commissioner and relevant stakeholders;

15. *Requests* the High Commissioner and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to present their reports, bearing in mind the content of the present resolution, to the Council at its thirteenth session under agenda item 3, in conformity with its annual programme of work.
