



# General Assembly

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## Seventieth session

Agenda items 70 and 124

### Elimination of racism, racial discrimination, xenophobia and related intolerance

### Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union

## Note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

The Permanent Mission of the People's Republic of Bangladesh to the United Nations presents its compliments to the Secretary-General and, on behalf of Bangladesh in its capacity as Chair of the Governing Council of the Inter-Parliamentary Union, has the honour to transmit herewith the text of the declaration from the general debate on the imperative for fairer, smarter and more humane migration, endorsed on 21 October 2015 by the 133rd Assembly of the Inter-Parliamentary Union, held in Geneva (see annex).

The Permanent Mission requests that the present note verbale and its annex be circulated as a document of the General Assembly, under agenda items 70 and 124.



**Annex to the note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General**

[Original: English and French]

**Declaration from the general debate on the imperative for fairer, smarter and more humane migration**

**Endorsed on 21 October 2015 by the 133rd Assembly of the Inter-Parliamentary Union, held in Geneva**

We, parliamentarians from over 135 countries gathered in Geneva at the 133rd IPU Assembly, debated the imperative for fairer, smarter and more humane migration.

International migration in today's world presents multifaceted challenges and opportunities. It has become an increasingly complex global phenomenon, which involves mixed migration flows comprising migrant workers, asylum seekers and individuals who move for a combination of reasons, as well as those who are known as "survival migrants".

The root causes of forced migration are often foreseeable. These include armed conflict, violent extremism, extreme poverty, food insecurity, climate change, forced enrolment in State and non-State armies and militias, harmful traditional practices and gender-based violence. These complex and sometimes novel challenges result in additional risks, especially human trafficking and migrant smuggling, with more and more people found in distress at sea and in deserts. Girls are subjected to particular risks, such as torture, sexual slavery, forced labour and other forms of abuse, both in transit and in destination countries.

This situation calls for action. This action must be guided by the principle that migrants are not numbers, but human beings. As rights-bearers, they are to be treated with dignity and with respect for their human rights, regardless of their motive for leaving their homes or their status as regular or irregular migrants.

We recall that the 2030 Agenda for Sustainable Development urges us to ensure that migration is regulated in an "orderly, safe, regular and responsible" manner. For this purpose, governments must adopt well-managed migration policies that enable migrants to fully develop their potential to contribute to human and economic development.

Migration is an opportunity. We recognize that migration yields significant benefits for host countries and countries of origin, as well as for individuals, families and communities. Destination countries benefit from the diversity that migrants bring: new skills, a much-needed workforce, new contributions to their economies and the opportunity to counter the economic challenges posed by ageing populations. But host societies also face challenges in ensuring fair working conditions for all, as well as social cohesion through appropriate schemes of integration. As far as countries of origin are concerned, they benefit from remittances, investments from diaspora networks and from the newly acquired skills and experiences of returning migrants, but they also have to cope with the

challenges of “brain drain” and separated families, which may result in children being left without proper care.

Migration should be safe. Persons fleeing persecution require special legal protection as refugees. In a context of mixed migration, it is important to ensure that asylum seekers have an opportunity to lodge their claims and be duly heard. The return of persons whose asylum claims have been rejected after a full and fair hearing, and of irregular migrants, must be conducted in a safe and humane manner, with due respect for the principles of non-refoulement and prohibition of torture and cruel, inhuman or degrading treatment or punishment, while also upholding the best interests of the child and the right to respect for private and family life.

Similarly, migrant women and children require particular attention and protection from abuse, exploitation and violence. Migrants working in the informal sector require particular social and legal protection, given their vulnerability to exploitation and abuse in such situations.

Migration must be constructive. The social integration of migrants and refugees is best ensured when host countries provide children and young adults with unhindered access to education, and ensure access to employment, health and social services to all, while authorizing family reunification is made possible. Mutual respect for cultural differences is a shared responsibility of host societies and migrants, on the understanding that everyone is bound to respect the laws of the land and is entitled to enjoy his or her human rights. We must recognize the contribution of migrants to our societies, and must enact specific legislation to prohibit discrimination and combat xenophobia.

Migration is a reality. An understanding of the push and pull factors of migration calls for expanding safe and regular channels of migration. In addition, the current situation in the Mediterranean and in other parts of the world and the prevalence of migrant smuggling and human trafficking, as well as xenophobia, call for urgent, coordinated and robust action to save lives, show solidarity and mitigate the effects of sudden and large migration flows.

We parliamentarians have a particular responsibility in this area. We must demonstrate political leadership, listen to and voice the concerns of our constituents, raise awareness, oversee government action and support it, inter alia, by adequately resourcing the responsible bodies. We must also promote the common interest and respect for human dignity and rights above all considerations. This will require redoubling efforts and commitments, and working together across regions, countries, political parties and communities to ensure fair and concerted responses to this global phenomenon.

As parliamentarians, we commit to working towards fairer, smarter and more humane migration, including through the following action:

#### **Building and implementing a protective legal framework**

- Ratify, and ensure the implementation of, conventions protecting the rights of migrants and refugees. These include:
  - The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

- The Convention relating to the Status of Refugees (1951) and its Protocol (1967),
- The United Nations Convention against Transnational Organized Crime, and its Protocols on trafficking in persons and the smuggling of migrants,
- The Convention on the Elimination of All Forms of Discrimination against Women,
- The International Convention for the Protection of All Persons from Enforced Disappearance,
- The Migration for Employment Convention, 1949 (ILO Convention No. 97),
- The Migrant Workers (Supplementary Provisions) Convention, 1975 (ILO Convention No. 143),
- The Private Employment Agencies Convention, 1997 (ILO Convention No. 181),
- The Domestic Workers Convention, 2011 (ILO Convention No. 189),
- as well as other relevant regional and international instruments;
- Encourage legal responses, whether globally or nationally, to address gaps and grey areas in the legal protection of migrants and refugees. These can include, inter alia, the law of the sea on the responsibility for searching and rescuing persons found in distress at sea, and the laws on responsibility for persons fleeing environmental disasters;
- Oversee the implementation of laws and policies and their impact on migrants, asylum seekers and refugees from a human-rights perspective, with a particular focus on refugee protection, gender equality and the rights of the child;

**Ensure fairness, non-discrimination and respect for the human rights of migrants**

- Revise existing legislation so as to remove any obstacles to access to basic services such as education, health care and social benefits for all migrants, asylum seekers and refugees, regardless of their status;
- Promote and monitor coordination among States in the areas of migration and asylum through bilateral, regional and international procedures, including through consultation mechanisms on responsibility-sharing in hosting refugees, ensuring that migration agreements comply with human rights and international labour standards, and the prosecution of human traffickers;
- Design and implement effective regulation of recruitment, particularly of low-skilled migrant workers, and promote fair recruitment practices;
- Promote safe, regular channels for migration, including legal entry and residence schemes for study, work, humanitarian and family reunification purposes in a fair and responsible manner that does not discriminate against unskilled or low-skilled migrants, women and young men, and that aims to benefit all concerned, i.e. migrants themselves, the host country's population and the economy of both the country of origin and the country of destination;

- Ensure the right to decent work for all, and in particular that non-discriminatory labour standards and the rights enshrined in fundamental ILO Conventions, as well as effective labour inspections, apply to sectors of the economy employing mainly migrant workers, and in particular migrant women, such as domestic work and caring services;
- Protect all migrant workers from discrimination and abuse, such as sexual and other forms of gender-based violence and forced organ-harvesting;
- Revise legislation so as to ensure access to justice for any person on our territory, regardless of nationality and migration status;
- Seek alternatives to the administrative detention of undocumented migrants, and especially of unaccompanied or separated children or entire families, and refrain from criminalizing irregular migration;

### **Work for social cohesion, and peaceful and inclusive societies**

- Lead by example, by speaking out against xenophobia and racism, recognizing the contribution of migrants to society and refraining from referring to migrants in an irregular situation as “illegal” or “clandestine”; challenge and combat stereotypes relating to migrants, in particular migrant young men;
- Build empirically based knowledge and foster balanced public debate on the causes, challenges and benefits of migration, so as to inform national policies; promote the inclusion of migrant perspectives in political and public forums, including the participation of migrants, civil society groups and social partners in parliamentary discussions, inter alia in public and committee hearings;
- Take the lead in communicating rationally and factually on migration, while bearing in mind the human dimension of the issue;
- Promote anti-discrimination legislation, including the prohibition of discrimination on the basis of nationality and migration status, as well as criminal legislation against hate speech in line with the UN-led Rabat Plan of Action on the prohibition of advocacy of national, racial and religious hatred that constitutes incitement to discrimination, hostility or violence, aiming to strike a proper balance between freedom of expression and the vital need to protect individuals and communities from discrimination and violence, as enshrined in international law;
- Support and enhance the contributions of the diaspora, inter alia by facilitating their remittances and investments and by ensuring their participation in national decision-making;
- Promote implementation of the 2030 Agenda for Sustainable Development and the existing migration-specific goals (target 8.8 on the protection of the rights of migrant workers, in particular women and those in vulnerable situations, and target 10.7 on planned and well-managed migration policies), and the systematic disaggregation of data by migration status.



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## Seventieth session

Agenda items 31, 123 and 124

### Report of the Peacebuilding Commission

#### United Nations reform: measures and proposals

#### Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union

### **Note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General**

The Permanent Mission of the People's Republic of Bangladesh to the United Nations presents its compliments to the Secretary-General and, on behalf of Bangladesh in its capacity as Chair of the Governing Council of the Inter-Parliamentary Union, has the honour to transmit herewith the report of the Standing Committee on United Nations Affairs, noted on 21 October 2015 by the 133rd Assembly of the Inter-Parliamentary Union, held in Geneva (see annex).

The Permanent Mission requests that the present note verbale and its annex be circulated as a document of the General Assembly, under agenda items 31, 123 and 124.



**Annex to the note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General**

[Original: English and French]

**Report of the Standing Committee on United Nations Affairs**

**Noted on 21 October 2015 by the 133rd Assembly of the Inter-Parliamentary Union, held in Geneva**

The Vice President of the Committee, Mr. El Hassan Al Amin (Sudan) opened the session, welcoming participants and inviting them to adopt the decision of the Bureau, taken at its Hanoi session (132nd Assembly), to elect Mr. A. Avsan (Sweden) as President of the Committee. The Vice-President then invited Mr. Avsan to take over the chairmanship of the meeting.

Mr. Avsan continued with the announcement that three new members had been nominated by their geopolitical groups to the Bureau of the Committee: Mr. I. Dodon (Republic of Moldova), Ms. A. Bimendina (Kazakhstan), and Ms. A. Trettergstuen (Norway). With no objection from the floor, the President declared those appointments adopted.

After announcing a number of UN meetings that would be high on the agenda in 2016, the President drew attention to a Handbook on the United Nations published by the Government of New Zealand. Ms. A. King from the Parliament of New Zealand formally introduced the Handbook as a practical manual to United Nations bodies and processes. She noted that the first edition of the handbook was dated 1961.

The President announced the two sessions on the programme, which he moderated in interview style.

**Session 1: Review of the UN Peacebuilding Commission on its 10th anniversary**

*Dr. O. Jutersonke, Head of Research, Centre on Conflict, Development and Peacebuilding (CCDP), Graduate Institute, Geneva*

*Mr. A. Correia, Deputy Speaker of the National Assembly of Guinea-Bissau*

*Mr. S. Weber, Director General, Interpeace*

*Ambassador Y. Stevens, Permanent Representative of Sierra Leone to the United Nations, Geneva*

The Peacebuilding Commission (PBC) had been instituted 10 years earlier to help consolidate the peace in post-conflict countries. A UN General Assembly resolution had subsequently invited the PBC to work closely with the national parliaments of the countries involved. Taking the cue from a review of an independent expert commission of the United Nations, issued in June, the session considered how effective the PBC has been in stabilizing post-conflict countries. The discussion that ensued confirmed some of the experts' conclusion that peacebuilding needed to be better integrated throughout the UN system.

A key point that emerged centred on the need to redefine the role of the United Nations in peacebuilding. That was not a new mission for the United Nations and drew its origin in the UN Charter. The novelty of the PBC was that it had been created specifically to manage the sensitive period between the immediate end of conflict and the moment when a post-conflict country was able to get back on its feet to manage its own development.

Expectations of the PBC and of the peacebuilding mandate of the United Nations were often too high. In part, the United Nations itself was responsible for raising expectations when it tried to lead the peacebuilding process instead of limiting itself to enabling actors on the ground to find their own solutions. In the final analysis, parliamentarians and other decision makers in each country were responsible for creating the conditions for peace.

There was consensus among discussants that the United Nations and all peace-seeking actors should invest more in conflict prevention. On the other hand, it was acknowledged that it was not always possible to determine when a country was at risk of conflict and whether a conflict was imminent. It was a lot easier to talk about prevention in theoretical terms than to practise it in concrete scenarios. In a sense, the PBC could be considered as a conflict prevention tool whenever it managed to prevent a post-conflict country from falling back into conflict.

Addressing the root causes of conflict should be the main objective of peacebuilding. When that failed then conflict was likely to return, as the case of Burundi had illustrated. Most conflicts were rooted in some form or other of social, economic, or political exclusion. Those conditions in turn undermined the trust of vulnerable groups in the institutions of government.

The PBC and indeed the broader peacebuilding architecture of the United Nations (which consisted of the Commission, a Fund, and an Office in charge of operations) were often conflated with the peacekeeping work of the United Nations. It was important to distinguish between the two. Similarly, the PBC could not be seen as an enforcer of the relatively new principle of “Responsibility to Protect” (R2P). That principle only came into play when governments committed atrocities against some of their own citizens or refused to protect people from violent persecution. The PBC could only operate with the consent of the concerned governments.

As illustrated in Guinea-Bissau, a country where the PBC was active, parliaments could take the lead in the peacebuilding effort by constituting a reconciliation commission. Such a commission had been in place in Guinea-Bissau for some time and had helped different groups articulate their grievances. The IPU, for its part, should invest more in strengthening the capacities of parliaments in post-conflict countries to take on a stronger peacebuilding role.

## **Session 2: The role of the International Court of Justice (ICJ) in the resolution of international disputes**

*Prof. M. Kohen, Professor of international law, Graduate Institute of International and Development Studies, Geneva*

*Ambassador J. Lindenmann, Deputy Director of the Directorate of International Law, Department of Foreign Affairs, Switzerland*



The ICJ was one of the six principal organs of the United Nations. The Court was designed to facilitate the peaceful resolutions of disputes through recourse to international law. Despite a strong record (about 144 cases adjudicated in the last 70 years), many countries who were parties to the ICJ did not recognize the jurisdiction of the Court as compulsory. The session looked closely at the consequences of that practice in terms of the Court's overall effectiveness as a conflict-prevention tool. In the process, a number of misconceptions and misunderstandings about the Court were clarified.

Contrary to what some might believe, the Court was not subject to political influence by the Security Council or other bodies of the United Nations. The custom that five of the 15 Justices must come from the permanent members of the Security Council had not resulted in undue political influence on the Court. Court decisions could not be vetoed by the Security Council.

Overall, the Court was a force for good. It helped countries resolve a dispute where political negotiation had been deadlocked. The Court was paid for entirely through UN assessed contributions. All States were equally sovereign before the Court regardless of their wealth or power. While it was true that, technically speaking, Court judgments could not be enforced, virtually every case in which parties had agreed to the jurisdiction of the Court had complied with the Court's decision.

Bringing a case before the Court was an act of peace. It signalled to the international community that the parties were respectful of international law. In fact, it was noted that the UN Charter made it clear that States had an obligation to seek a peaceful settlement to their disputes.

The Court's formal decisions should not be confused with its advisory opinions. Those were issued in instances when legal questions were put to the ICJ by UN bodies and specialized agencies duly authorized to do so. By definition, advisory opinions were not binding and did not entail an obligation to act. They always mattered, however, because they helped extend the field of international law.

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## Seventieth session

Agenda items 17 and 124

### Information and communications technologies for development

#### Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union

### **Note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General**

The Permanent Mission of the People's Republic of Bangladesh to the United Nations presents its compliments to the Secretary-General and, on behalf of Bangladesh in its capacity as Chair of the Governing Council of the Inter-Parliamentary Union, has the honour to transmit herewith the text of the resolution entitled "Democracy in the digital era and the threat to privacy and individual freedoms", adopted unanimously on 21 October 2015 by the 133rd Assembly of the Inter-Parliamentary Union, held in Geneva (see annex).

The Permanent Mission requests that the present note verbale and its annex be circulated as a document of the General Assembly, under agenda items 17 and 124.



**Annex to the note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General**

[Original: English and French]

**Democracy in the digital era and the threat to privacy and individual freedoms**

**Resolution adopted unanimously on 21 October 2015 by the 133rd Assembly of the Inter-Parliamentary Union, held in Geneva,**

*The 133rd Assembly of the Inter-Parliamentary Union,*

*Recalling* the guiding principles of the Charter of the United Nations,

*Also recalling* the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

*Further recalling* the resolution The role of parliaments in striking a balance between national security, human security and individual freedoms, and in averting the threat to democracy adopted by the 118th IPU Assembly (Cape Town, April 2008),

*Noting* United Nations General Assembly Resolution 69/166 The right to privacy in the digital age of 18 December 2014,

*Also noting* the report of the United Nations High Commissioner for Human Rights on the right to privacy in the digital age,

*Recalling* the United Nations Guiding Principles on Business and Human Rights, and bearing in mind that civil society and business entities can play an important role in either enhancing or diminishing the enjoyment of human rights, including the right to privacy and freedom of expression in the digital era,

*Considering* that fundamental rights also apply in cyberspace,

*Acknowledging* the interdependence between democracy and the right to privacy, freedom of expression and information and an open and free Internet, and in view of the universal recognition of the right to privacy, its protection in international law and the expectations of citizens around the world that the right to privacy is safeguarded both in law and in practice,

*Also acknowledging* that, in the area of digital surveillance, it is not enough simply to adopt and enforce legislation and that procedural safeguards are sometimes weak and oversight ineffective,

*Expressing concern* that mass surveillance programmes regarding digital communications and other forms of digital expression constitute violations of the right to privacy, including when conducted extraterritorially, and endanger the rights to freedom of expression and information, as well as other fundamental human rights, including the rights to freedom of peaceful assembly and of association, thus undermining participative democracy,

*Acknowledging* the need for capacity-building, for the empowerment of parliamentarians and parliamentary specialized bodies in the identification of legislative gaps, for the enactment of legislation dealing with the protection of human rights, including the right to privacy, and for the prevention of the violation of such rights,

*Affirming* the responsibility of parliaments to establish, in line with international principles and undertakings, a comprehensive legal framework to exercise effective oversight of the actions of government agencies and/or surveillance agencies acting on their behalf, and to ensure accountability for all violations of human rights and individual freedoms,

*Expressing* the need to engage and consult with all relevant stakeholders, including civil society groups, academia, the technical community and the private sector on policy-making related to the digital era,

*Acknowledging* the importance and expertise of national human rights institutions, non-governmental organizations and human rights advocates, and their role in monitoring, policy-making, consultation and awareness-raising, and welcoming greater cooperation between these organizations and advocates, parliaments and parliamentarians worldwide,

*Taking note* of the work and contribution of these entities, such as the International Principles on the Application of Human Rights to Communications Surveillance (the Necessary and Proportionate Principles), endorsed by more than 400 non-governmental organizations and the Global Network Initiative,

*Affirming* the need for secure and uncompromised systems of communication for the public good and the protection of basic rights,

*Considering* the findings of the report of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, on the use of encryption and anonymity,

*Recognizing* the contribution of parliaments to, and their impact on, decisions facilitating the national and international consensus needed for concerted and effective action on these issues,

1. *Calls on* parliaments to take part in the development and implementation of an overall strategy to enable in the long run the whole population to enjoy the considerable benefits that the Internet can bring to economic, social, cultural and environmental life in order to achieve the Sustainable Development Goals adopted by the United Nations;

2. *Underlines* that this overall strategy should aim both legally and ethically to build a digital ecosystem that is capable of guaranteeing the same rights to all citizens and ensuring that their freedom is effectively protected, particularly in terms of educating all people in digital know-how, and ensuring an equity between actors that will avoid any abuse of a dominant position;

3. *Underscores* that all legislation in the field of surveillance, privacy and personal data must be based on the principles of legitimacy, legality, transparency, proportionality, necessity and the rule of law;

4. *Calls on* parliaments to review their national frameworks and State practices with a view to promoting and increasing public participation and

involvement in the digital era, free exchange of information, knowledge and ideas and equal access to the Internet and, with a view to enhancing democracy in the 21st century, encourages parliaments to remove all legal limitations on freedom of expression and the flow of information and to uphold the principle of Net neutrality;

5. *Urges* parliaments to carefully review national laws and the practices of government agencies and/or surveillance organizations acting on their behalf so as to make sure that they comply with international law and human rights, especially as they relate to the right to privacy, and calls on parliaments to guarantee, as part of that review, that private and public companies will not be forced to cooperate with the authorities on practices that impair their customers' human rights, with the exceptions provided for in international human rights law;

6. *Calls on* parliaments to ensure that national legal frameworks comply fully with international human rights law when applied to interception, analysis, collection, storage and commercial use of data and to share reviews and information from individual States and the IPU on related cases;

7. *Urges* parliaments to review their legislation in order to prohibit the interception, collection, analysis and storage of personal data, including when those actions are of an extraterritorial or bulk nature, without the informed consent of the individuals concerned or a valid order granted by an independent court on grounds of reasonable suspicion of the targets' involvement in criminal activity;

8. *Underscores* that privacy protections must be consistent across domestic and international borders and calls on parliaments to make sure that privacy protections in national law cannot be bypassed by reliance on secretive and informal data-sharing agreements with foreign States or multinationals;

9. *Calls on* parliaments to enact comprehensive legislation on data protection, for both the public and private sectors, providing, at the minimum, for strict conditions regarding permission to intercept, collect, analyse and store data, for clear and precise limitations on the use of intercepted and collected data, and for security measures that ensure the safest possible preservation, anonymity and proper and permanent destruction of data; and recommends the establishment of independent and effective national data-protection bodies with the necessary power to review practices and address complaints, while further urging parliaments to ensure that their national legal frameworks on data protection are in full compliance with international law and human rights standards, making sure that the same rights apply to both offline and online activities;

10. *Also calls on* parliaments to ensure through legal means that all collaboration on various surveillance programmes between governments and companies, entities and all other organizations is subject to parliamentary oversight, insofar as it does not hamper the conduct of criminal investigations;

11. *Further calls on* national parliaments and governments to encourage the private technology sector to honour its obligations to respect human rights, bearing in mind the Guiding Principles on Human Rights and Business, as customers of these companies must be fully informed of how their data is being gathered, stored, used and shared with others, and further calls on parliaments to promote both global norms on user agreements and more development of user-friendly data-protection techniques which counter all threats to Internet security;

12. *Urges* parliaments to reject the interception of telecommunications and espionage activities by any State or non-state actor involved in any action, which negatively affects international peace and security, as well as civil and political rights, especially those enshrined in Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights, which states that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence” and that “everyone has the right to the protection of the law against such interference or attacks”;

13. *Recognizes* the need for parliaments to specify, in relative detail, the circumstances under which any interference with the right to privacy may be permitted, to establish strict judicial procedures for the authorization of communications surveillance and to monitor the implementation of those procedures, limits on the duration of surveillance, security and storage of the data collected, and safeguards against abuse;

14. *Emphasizes* that while national security arguments will invariably be advanced that diverse digital technology tools may threaten the security and well-being of a State, parliaments need to review their capacity to oversee all executive action and ensure that a balance is struck between national security and individual freedoms so as to ensure that measures taken in the name of national security and counter-terrorism comply strictly with human rights, and avert any threats to democracy and human rights;

15. *Strongly urges* parliaments to review and establish effective, independent and impartial oversight mechanisms where needed and include them in the legal framework; stresses that parliaments must investigate any shortcomings in their oversight function and the reasons behind them, making sure that their oversight bodies, such as parliamentary committees and parliamentary ombudsmen, have sufficient resources, proper authorizations and the requisite authority to review and publicly report on the actions of government agencies and/or surveillance agencies acting on their behalf, including actions in cooperation with foreign bodies through the exchange of information or joint operations;

16. *Calls on* parliaments to acknowledge that civil society and public participation can play a vital role in monitoring the executive branch and encourages parliaments and parliamentarians to promote and engage in consultation and to welcome assistance from all stakeholders, including national human rights institutions, the private sector, civil society, the technical community, the academic community and users, in their monitoring, policy-making and policy implementation efforts;

17. *Strongly urges* parliaments to ensure that attempts to restrict democratic voices online, including journalists, other media actors and human rights defenders, through imprisonment, harassment, censorship, hacking, illicit filtering, blocking, monitoring and other repressive means are strictly forbidden in national legislation in accordance with international human rights law, treaties and conventions;

18. *Strongly recommends* that parliaments, as part of their oversight function, enact coherent and comprehensive legislation on the protection of whistle-blowers in line with international standards and best practices;

19. *Calls on* parliaments to uphold both governmental and corporate accountability for violations of human rights, such as the right to physical and

psychological integrity, the right to privacy, freedom of expression and other individual freedoms, so that such accountability includes adequate sanctions to ensure justice and to act as a deterrent, including criminal prosecution, administrative fines, suspension or withdrawal of business licences, and the payment of reparation to individuals for harm caused;

20. *Also calls on* parliaments to ensure that the necessary legal and administrative measures are taken to combat trafficking in persons perpetrated through the Internet, and to combat gender-based harassment and cyber-violence that targets, in particular, women and children;

21. *Underscores* the right to effective remedy for victims of violations of the right to privacy and other individual freedoms and calls on parliaments to provide for procedural safeguards in law, thereby facilitating access to duly implemented remedies;

22. *Strongly urges* parliaments to enable the protection of information in cyberspace and associated infrastructure, so as to safeguard the privacy and individual freedom of citizens by developing formal as well as informal cooperation and relationships among nations to exchange information and share experiences; further calls on parliaments to carry out technical and procedural cooperation as well as to collaborate in order to mitigate the risk of cyber-crimes and cyber-attacks and, in this context, to modernize mutual legal agreements so as to address the multidimensional challenges of the digital era, including speed of response;

23. *Welcomes* the appointment of the United Nations Special Rapporteur on the right to privacy and calls on the IPU to initiate a dialogue with him as well as the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the United Nations Special Rapporteur on the situation of human rights defenders and the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and to work with them to produce a compilation of best legislative practices in this field;

24. *Calls on* Parliaments to ensure that their respective governments cooperate fully with the United Nations Special Rapporteurs on the right to privacy, on the promotion and protection of the right to freedom of opinion and expression, on the situation of human rights defenders and on the promotion and protection of human rights and fundamental freedoms while countering terrorism, including in relation to challenges arising in the digital age; invites parliaments to keep themselves informed of the Rapporteurs' recommendations, and to provide the necessary legislative framework for their implementation, as appropriate;

25. *Invites* the IPU to develop — in cooperation with relevant stakeholders, including international and regional organizations, civil society and human rights experts — capacity-building programmes for parliamentary bodies tasked to oversee observance of the right to privacy and individual freedoms in the digital environment.



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## Seventieth session

Agenda items 70 and 124

### **Elimination of racism, racial discrimination, xenophobia and related intolerance**

### **Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union**

## **Note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General**

The Permanent Mission of the People's Republic of Bangladesh to the United Nations presents its compliments to the Secretary-General and, on behalf of Bangladesh in its capacity as Chair of the Governing Council of the Inter-Parliamentary Union, has the honour to transmit herewith the text of the resolution entitled "The role of the Inter-Parliamentary Union, parliaments, parliamentarians and international and regional organizations in providing necessary protection and urgent support to those who have become refugees through war, internal conflict and social circumstances, according to the principles of international humanitarian law and international conventions", adopted unanimously on 20 October 2015 by the 133rd Assembly of the Inter-Parliamentary Union, held in Geneva (see annex).

The Permanent Mission requests that the present note verbale and its annex be circulated as a document of the General Assembly, under agenda items 70 and 124.





**Annex to the note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General**

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**The role of the Inter-Parliamentary Union, parliaments, parliamentarians, and international and regional organizations in providing necessary protection and urgent support to those who have become refugees through war, internal conflict and social circumstances, according to the principles of international humanitarian law and international conventions**

**Resolution adopted unanimously on 20 October 2015 by the 133rd Assembly of the Inter-Parliamentary Union, held in Geneva**

*The 133rd Assembly of the Inter-Parliamentary Union,*

*Expressing its utmost concern* about the humanitarian tragedies caused by the recent worsening of the refugee crisis, which has itself led to a rise in the number of refugees to over 30 million, a significant increase which makes this refugee crisis, in the wake of the deterioration of the political and military situations in some Middle Eastern and African countries, the worst since the Second World War,

*Deeply troubled* by the deaths and the suffering recently endured by thousands of refugees from some Middle Eastern and African countries from exposure to severe weather or lack of food or shelter,

*Noting with concern* that the United Nations estimates that many thousands of refugees and forced migrants from some Middle Eastern and African countries have been registered daily over the last three months of this year and that a significant portion of the population of those countries are at risk of becoming refugees, particularly those from the Syrian Arab Republic, Yemen, Somalia and Libya, a situation which exacerbates the humanitarian disaster for refugees even further,

*Cognizant* of the fact that a lasting solution to the problem of refugees is to be found through negotiation, and particularly through the peaceful settlement of internal conflicts,

*Emphasizing* the vital role of regional organizations in helping countries and warring factions to reach peaceful settlements to internal conflicts,

*Underlining* the seriousness of the conditions reported by the International Labour Organization with respect to the social and economic pressures arising from the deterioration of the refugee crisis over the last three months in host countries and in view of rising levels of unemployment in those countries, of refugee child labour, of the lower chances of benefiting from public services, and of their worsening quality, as well as of lower social cohesion between refugees and local communities,

*Stressing* the responsibility of regional organizations and the international community, in particular donor and neighbouring countries, to render support in order to help increase the capacity of host countries to deal with refugees, provide a humanitarian environment and solve the problems associated with refugees,

*Taking into consideration* the United Nations Charter and Universal Declaration of Human Rights, which acknowledge that all people, without discrimination, should be able to enjoy their basic rights and freedoms, and which advocate the enhancement of international cooperation for the resolution of humanitarian problems,

*Recalling* the Convention relating to the Status of Refugees (1951) and its Protocol (1967), which provide that refugees shall enjoy their fundamental rights and freedoms, and which emphasize the social and humanitarian nature of issues relating to refugees, without any discrimination based on ethnicity, religion, gender, age or country of origin,

*Also recalling* the four Geneva Conventions of 1949 and their additional protocols of 1977, particularly as regards the preferential treatment of refugees,

*Emphasizing* the need to protect refugees from persecution and fear, as well as to provide the necessary protection to women and child refugees and to other vulnerable groups,

*Referring* to the Statute of the Office of the United Nations High Commissioner for Refugees (1950) and United Nations General Assembly resolution 51/73 (1996) concerning the exploitation of women and child refugees and their use as soldiers or human shields in armed conflicts, as well as of other actions which endanger their safety or threaten their personal security,

*Stressing* that children, adolescents and young people constitute particularly vulnerable groups and are overrepresented among migrants and refugees, and face specific challenges that include isolation, exclusion, discrimination and insecurity,

*Recognizing* that women refugees are especially vulnerable to trafficking, abuse, exploitation, discrimination, unpaid work and gender-based violence, including sexual violence,

*Renewing its commitment* to the principles of international humanitarian law, international law on refugees and international human rights law to ensure international protection for refugees, whether through provisional or permanent measures, so as to safeguard their legal and social rights,

1. *Calls on* parliaments to cooperate with governmental and non-governmental national organizations, as well as with regional and international organizations, to identify the reasons for refugee flows;

2. *Also calls on* parliaments to cooperate with the relevant national organizations and regional and international parliamentary organizations, and with the regional and international governmental organizations, in the preparation of work programmes and projects for spreading the culture of tolerance and moderation and the principles of common international values, and for combating backwardness, illiteracy and fanaticism of any kind whatsoever;

3. *Regrets* that efforts made by a number of developing countries are hampered by the policy of imposing sanctions through unilateral measures, and considers that such a policy directly affects the welfare of ordinary people and contributes to the escalation of the flow of refugees;

4. *Re-emphasizes* the compliance of United Nations Member States with the principle of non-interference in the domestic affairs of other nations, respect for

national sovereignty, peaceful settlement of disputes and the non-use of force or threats of force, so that the peoples of the world may escape the ordeals of combat and war and the movement of populations from their home countries;

5. *Acknowledges* the principle of the “common international responsibility” of the United Nations and other regional and international organizations to protect refugees from harm through providing urgent humanitarian aid and support by host countries, ensuring that refugees enjoy their internationally recognized human rights, thereby expediting the implementation of international and regional programmes on international cooperation for sustainable economic development;

6. *Calls on* the Office of the United Nations High Commissioner for Refugees and national and international non-governmental organizations to bear their responsibility and provide humane conditions for refugees;

7. *Invites* Member Parliaments, regional and international parliamentary organizations and the international community to cooperate with the Office of the United Nations High Commissioner for Refugees and all other international and regional organizations concerned with refugee affairs, in order to facilitate the task of monitoring the application of international rules for protecting refugees and providing them with accommodation and in order to ensure that the rights granted to them under international conventions are guaranteed;

8. *Reminds* all countries hosting refugees of the need to comply with the principles of international humanitarian law and international law on refugees with respect to providing them with the necessary care and prohibiting hostilities against their lives or any abuse offensive to their dignity, or the handing down of judgments without trial, while taking all precautionary measures to save the lives of refugees, and being mindful that every refugee must comply with the legal obligations and measures to preserve public order to which they are subject in the host country;

9. *Calls on* parliaments and governments to develop and implement special measures and gender-sensitive policies for women refugees, especially mothers who must take care not just of themselves but whole families, as well as young women and girls;

10. *Also calls on* parliaments and governments to address the special needs of young refugees, especially those separated from their families and without parental guidance, to take special action to tackle xenophobia, stereotypes and discrimination, and to give children and young people access to age-appropriate information on safe migration and the dangers of trafficking;

11. *Calls for* full respect for the principle of “international relief” contained in international conventions concerning the protection of refugees and emergency and long-term support for health care, food and other supplies, as well as education for children and young people;

12. *Calls on* countries which are occupying territories to undertake not to deport or displace civilian populations to other territories, and to ensure the safety and security of civilians according to the principles of international humanitarian law and international conventions;

13. *Also calls on* host countries not to deport refugees or expel them to the border of another country in which their life would be threatened for ethnic, religious or nationality reasons, membership of a certain social category or political

opinions; and notes that States are required to enable refugees to obtain the right of temporary residence in the event that they are not able to obtain permanent residence pending resettlement in another country;

14. *Invites* Member Parliaments, regional and international parliamentary organizations and the international community to cooperate in sharing the burden of refugees and associated costs with host countries;

15. *Calls on* the United Nations and all countries that are active at the international and regional levels both to settle military conflicts in the Middle East in compliance with resolutions adopted by the international community in order to establish political and military stability in the region and also to avoid threats to international peace and security, drawing attention to the fact that the failure of the international community to deal with the problems of refugees results in other problems of migration and human trafficking;

16. *Also calls on* the Office of the United Nations High Commissioner for Refugees, the IPU, the international community and national and international non-governmental organizations, to declare a year of refugees.

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