



Inter-Parliamentary Union
For democracy. For everyone.

132nd IPU Assembly

Hanoi (Viet Nam), 28 March - 1 April 2015



Standing Committee on
Democracy and Human Rights

C-III/132/DR-cr.rev-2
19 November 2014

International law as it relates to national sovereignty, non-intervention in the internal affairs of States and human rights

Revised draft resolution at the end of the 131st Assembly

This text contains all the amendments made to the draft resolution during the 131st Assembly.

To maintain the coherence of the text, the IPU Secretariat has changed the order of some of the paragraphs. It has also combined certain paragraphs to avoid repetition. These changes are underlined in the text. No changes have been introduced regarding the substance of the draft.

The 131st Assembly of the Inter-Parliamentary Union,

- (1) *Recalling* the relevant provisions of previous resolutions of the Inter-Parliamentary Union and the United Nations General Assembly with regard to international law, human rights, national sovereignty and non-intervention in the internal affairs of States, as well as the UN Charter, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and the relevant international human rights instruments, all of which are of paramount importance to the promotion of the rule of law among nations,
- (2) *Reaffirming* that the sovereign equality of States is the basis for international cooperation and an essential factor of stability,
- (3) *Considering* that international law defines the legal responsibilities of States in the conduct of their international relations and establishes the obligations of each State towards all individuals within its territory and subject to its jurisdiction,
- (4) *Mindful* of the fundamental importance of the rule of law for political dialogue and cooperation among all States, and *underlining* that the rule of law applies to all States equally,
- (5) *Aware* that the rule of law, peace and security, human rights and sustainable development are strongly interrelated and mutually reinforcing,
- (6) *Reaffirming* the universal, indivisible, interdependent, indissociable and complementary nature of human rights and fundamental freedoms, and the commitment made by all States to respect, promote and protect the human rights and fundamental freedoms of all individuals on their territory and falling within their competence *in a fair and equal manner*, including refugees and internally displaced persons, and *underscoring* that this is fully compatible with the principles of State sovereignty and non-intervention in the internal affairs of States enshrined in the UN Charter,

- (7) *Emphasizing* the responsibilities of all States, in conformity with the UN Charter, to respect human rights and fundamental freedoms for all, without distinction of any kind on the basis of race, ethnicity, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status,
- (8) *Stressing* the importance of the existing international legal framework for women's rights and gender equality, in particular the Convention on the Elimination of All Forms of Discrimination against Women, and existing UN Security Council resolutions on women, peace and security (resolution 1325 and others),
- (9) *Reaffirming* that, while national and regional particularities and historical, cultural and religious contexts must be borne in mind, all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,
- (10) *Recognizing* that the respect, promotion and safeguarding of human rights is a matter of concern for all members of the international community,
- (11) *Underscoring* the central role played by the UN Human Rights Council as a means of monitoring State policy for the promotion and protection of fundamental rights,
- (12) *Noting* that, by ratifying international human rights law instruments, States accept the monitoring mechanisms foreseen in the instruments,
- (13) *Recalling* the resolution adopted by the 128th IPU Assembly (Quito, 2013) on *Enforcing the responsibility to protect: The role of parliament in safeguarding civilians' lives*, in particular operative paragraph 6 encouraging parliaments *"to monitor the executive's submission of country reports as required by the relevant treaty bodies, particularly those relating to human rights, [and] to become more involved with regional and international human rights mechanisms"*,
- (14) *Stressing* that an independent judiciary, representative, accountable and inclusive institutions, an accountable administration, active civil society and independent and responsible media are important components of the rule of law at the national and international levels and necessary to guarantee democracy as well as respect for and the promotion and protection of all human rights,
- (15) *Recalling* the permanent responsibility of each individual State to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity,
- (16) *Mindful* that justice, particularly transitional justice in conflict and post-conflict societies, is a prerequisite for achieving sustainable peace, and *reiterating* that States bear primary responsibility for investigating and prosecuting international crimes,
- (17) *Stressing* that women are the main victims of situations of crisis and conflict, and that armed conflicts, terrorist acts and drug trafficking heighten women's vulnerability and place them at greater risk of gender-based violence and abuse in the form of rape, kidnapping, forced and early marriage, exploitation and sexual slavery,
- (18) *Emphasizing* that, in such situations, specific groups of women, such as young girls, refugees and internally displaced women, are even more at risk and in greater need of protection,
- (19) *Recalling* the responsibility of occupying States to respect, promote and safeguard the human rights of persons living in the occupied territories,
- (20) *Considering* that the application of a "double standard" in statements on or reactions to violations of international human rights law, or their politicization, will ultimately undermine the very validity of that law,

(21) *Aware of* the seriousness of the threats posed to international human rights law by the terrorist movements attempting to supersede the State by taking military action to seize territory and systematically murdering civilians,

(22) *Desirous of* seeing positive developments in the system of international cooperation and the settlement of international disputes through dialogue and other peaceful means, within the framework of the international collective security system,

(23) *Considering* that the achievement of the Millennium Development Goals and the future Sustainable Development Goals could greatly contribute to such developments,

1. *Reaffirms* international law as the standard of conduct for relations between States;
2. *Reaffirms* its commitment to a democratic and equitable international order based on the rule of law and *underlines* the essential role of parliaments in upholding the rule of law at the national level through their legislative and oversight functions;
3. *Reiterates* the principles of the sovereign equality of States, State sovereignty, respect for their territorial integrity and political independence;
4. *Reiterates* the principle of non-intervention in the internal affairs of other States, as a means of guaranteeing respect for human rights and democracy, and *encourages* States to respect and promote that principle;
5. *Stresses* that States have the right to choose, without external interference, their political, economic and social systems, and to organize internally in the way they deem appropriate, with due regard for international law;
6. *Urges* States to consider ratifying the core international human rights treaties, in accordance with their constitutional process, and to fulfil their treaty obligations to respect, promote and safeguard human rights without discrimination;
7. *Underscores* the importance of ensuring that women, on the basis of the equality of men and women, and minorities fully enjoy the benefits of the rule of law, and *restates* its determination to uphold their equal rights and ensure their full and equal participation, including in institutions of governance and the judicial system;
8. *Underscores* also the right of persons with disabilities to fully enjoy their human rights, inter alia, the right to participate in all aspects of life, including politics and public affairs;
9. *Urges* States to adopt all appropriate legislative, administrative and other measures for the implementation and the interpretation, in good faith, of their obligations under international human rights law, and *calls on* parliaments to play an active role in overseeing the implementation of those obligations;
10. *Rejects* any unilateral interpretation and application of international human rights law that is not in conformity with international law, including in national legislation, and *reiterates* that human rights may not be interpreted as implying for any State, group or person the right to engage in any activity or perform any act aimed at striking down any of the rights or freedoms recognized by international human rights law or at limiting them to a greater extent than is provided for in the relevant provisions of that law;
11. *Expresses* support for the UN Human Rights Council and the existing independent treaty-based mechanisms that monitor States' compliance with international human rights law, *calls for* such mechanisms to be further strengthened, and *calls on* parliaments to participate actively in these monitoring mechanisms;

12. *Encourages* parliaments to strengthen national systems for the respect, promotion and safeguarding of human rights, including by supporting the development of independent and effective national human rights institutions, in accordance with the 1993 Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles), and ensuring equal and effective protection for all, without discrimination based on religious belief, gender, age, sexual orientation, language, ethnic origin or other status;
13. *Appeals* to States to refrain from the threat or use of force against the territorial integrity or political independence of any State, and to resolve disputes by peaceful means, in such a manner that international peace and security, justice, human rights and fundamental freedoms are respected and in conformity with the purposes and principles of the UN Charter;
14. *Strongly urges* States, in the conduct of their foreign relations, to ensure that economic, financial and trade measures initiated by them are in compliance with international law and the purposes of the UN Charter;
15. *Strongly supports* the provision of humanitarian and economic aid by the international community in cases of disaster, crisis or armed conflict;
16. *Reiterates* that the UN Security Council bears primary responsibility for maintaining international peace and security under the UN Charter;
17. *Calls on* States to strengthen the system of collective and individual security and to bring about greater democratization of the international community, including through reform of the UN Security Council to ensure greater legitimacy of its decisions, and reform of the United Nations in general, particularly the machinery for dealing with major humanitarian disasters;
18. *Invites* States that have not yet done so to consider becoming parties to the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court, and *calls on* States to strengthen their national legal systems and to cooperate fully with the Court, so as to ensure that international crimes are properly investigated and prosecuted;
19. *Expresses* its full support for a new post-2015 development agenda that ensures a rights-based approach encompassing all human rights, addresses issues of justice, equality and equity, good governance, democracy and the rule of law, and promotes peaceful societies and freedom from violence;
20. *Appeals* for greater cooperation between parliaments, the IPU and the United Nations in the respect, promotion and safeguarding of human rights and the development of the rule of law at the national and international level; *strongly supports* UN General Assembly Resolution 68/272 on *Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union*, which recommends that a new IPU-UN cooperation agreement be drawn up, so as to reflect progress and developments over past years and place the institutional relationship between the two organizations on a strong footing;
21. *Proposes* that a committee be set up within the IPU to prepare a declaration based on this resolution as a way of further contributing to the enhancement of peace and international security.