



General Assembly

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Human Rights Council

Seventeenth session

Agenda item 3

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

Resolution adopted by the Human Rights Council*

17/22 Migrants and asylum-seekers fleeing recent events in North Africa

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, sex, language, religion, political or other opinion, colour or national or social origin, property, birth or other status, including the right to life and security of the person,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations, the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Recalling also the Convention relating to the Status of Refugees of 1951 and the Protocol thereto of 1967,

Underlining the important role of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including those of migrants and asylum-seekers,

* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its seventeenth session (A/HRC/17/2), chap. I.

Reaffirming that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his or her own, and to return to his or her country,

Recalling the obligations of States under international human rights law, humanitarian law and refugee law, in particular with regard to the principle of non-refoulement,

Recalling also the responsibility of States to take the requisite steps in accordance with their international obligations to provide persons in distress at sea, including persons fleeing the recent events in North Africa, with assistance,

Affirming that crimes and human rights violations against migrants continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

1. *Expresses its alarm* at the continuing vulnerable situation of migrants and asylum-seekers who have suffered untold hardship and, in some cases, even death as they attempt to flee recent events in North Africa;

2. *Also expresses its alarm* at the fact that, after having been compelled to make dangerous journeys, including in crowded and unsafe boats, the above-mentioned migrants are subjected to life-threatening exclusion, detention, rejection and xenophobia;

3. *Further expresses its alarm* at the fact that, since the beginning of the recent events in North Africa, there have been several reports of boats sinking and, in this regard, notes with sadness the death at sea of several hundreds of people, mostly African citizens, after their boats sank and that, according to accounts of survivors and family members, more than one thousand two hundred people are still unaccounted for;

4. *Recognizes* the efforts made by countries of destination on the northern shores of the Mediterranean sea to host migrants and asylum-seekers fleeing recent events in North Africa, as well as the greater efforts made by neighbouring north African countries, which impose on them a disproportionate burden, and commends, for their solidarity, the Governments and people of those countries, humanitarian actors, including the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the International Committee of the Red Cross, international and local non-governmental organizations and those Governments and individuals who have supported their activities;

5. *Reaffirms the need* to respect the fundamental principle of non-refoulement, including in the context of people fleeing events in North Africa;

6. *Emphasizes* that countries of destination should deal with the arrival of thousands of migrants and asylum-seekers fleeing recent events in North Africa, including its humanitarian dimension, in accordance with international obligations under international human rights law;

7. *Calls for* a comprehensive inquiry by countries of destination into the very troubling allegations that sinking vessels carrying migrants and asylum-seekers fleeing the recent events in North Africa were abandoned to their fate despite the ability of European ships in the vicinity to rescue them, and welcomes the call made by the Council of Europe in this regard on 9 May 2011;

8. *Requests* the United Nations High Commissioner for Human Rights to pay particular attention to the situation of migrants and asylum-seekers fleeing recent events in North Africa described in the present resolution, to report to the Human Rights Council at its eighteenth session and to provide updates thereon;

9. *Requests* the Special Rapporteur on the human rights of migrants and all other relevant special procedures mandate holders to pay particular attention to the situation of persons fleeing by sea, including from recent events in North Africa, and who are denied assistance or rescue when approaching the countries of destination, and to report regularly thereon to the Human Rights Council.

*35th meeting
17 June 2011*

[Adopted by a recorded vote of 32 to 14, with no abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

Against:

Belgium, France, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America]